

## **SUNWEST HOMEOWNERS ASSOCIATION RULES AND REGULATIONS**

WHEREAS the Sunwest Homeowners Association pursuant to the Articles of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision must enforce the Rules and Regulations contained therein.

NOW THEREFORE, IT IS RESOLVED, that the Association does hereby present the following Rules and Regulations to help the Owners and residents of Sunwest Subdivision to understand that subset of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision that most directly affects their activities within the Association.

In the event any of the following rules and regulations are inconsistent with the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision shall be controlling.

Following the Rules and Regulations will help to establish and maintain Sunwest as a quality, family friendly, community while maintaining aesthetic appeal, and strong property values.

### **GENERAL**

- 1) The homes within our community must be kept in a neat and clean condition. No trash, litter, junk, boxes, etc. may be permitted to remain exposed so that it is visible from any neighboring home, the Common Area or any street.
- 2) The landscaping of each home must be maintained in a clean, attractive, and sightly condition and in good repair. All landscaping shall be regularly maintained in a neat and trim manner. Dead or dying plant materials should be removed and replaced as soon as possible.

General maintenance of the landscaping shall include providing adequate water to promote healthy growth of grass, trees, and shrubs. In addition to the standard maintenance duties of mowing, trimming, and edging, any weeds on the Property must be removed.

- 3) Owners are responsible for trimming or removing trees or shrubs or hedges that project onto or over the pedestrian sidewalk bordering their Property. The minimum clearance over a sidewalk shall be 8 feet.
- 4) Owners are responsible for removing snow and ice from the pedestrian sidewalk bordering their Property within 24 hours of the end of snowfall.
- 5) Owners are responsible for maintaining the pedestrian sidewalk bordering their Property in a safe and sightly condition. Upheaval or subsidence greater than 1 inch constitutes a trip hazard and must be repaired. Complaints of a trip hazard by a member or members of the Sunwest community may also lead to a requirement for repair of a pedestrian sidewalk on an Owner's Property.
- 6) The homes in Sunwest are for residential purposes. Home businesses are permitted as long as they do not create any type of nuisance to the community or any homeowner.
- 7) While Sunwest consists solely of single-family homes, it is important to remember

that we live in general close proximity to our neighbors. Homeowners have a reasonable expectation to the peaceful enjoyment of their property. Therefore, noise, lighting, and odors should be kept to reasonable levels. Noise between the hours of 10:00 p.m. and 6:00 a.m. should be kept to a minimum. Outdoor lighting should be moderate for unshaded porch lights or lampposts. Higher intensity security lights must be installed so that the light does not shine onto neighbors' properties.

- 8) Trash and recycling containers must be stored out of sight except for a time period starting the evening before and ending on the morning after the designated pickup day.
- 9) Exterior holiday decorations, if installed, must not be installed more than 30 days before the holiday, and must be removed within 30 days after the holiday.
- 10) Boats, campers, trailers, tractors, snowmobiles, recreational vehicles, and motor homes must be stored out of sight. RVs may be parked in front of the Owner's Property for loading or unloading but shall not remain parked on the street for more than 48 hours.
- 11) Abandoned or disabled vehicles must be stored out of sight from the street.

### SIGNS

- 1) No signs, billboards, leaflets, or other advertising devices are to be posted within the Association without the approval of the Architectural Control Committee. This includes mailboxes, streetlamp posts, and other Common Area equipment. Posting notices of any kind on mailboxes is a violation of Federal regulations. First offenders will be notified to cease and desist. Repeat offenders will be charged for the cost of removing the posted materials. Sunwest residents who suffer the loss of a pet, or other personal property, can send an email to [president@sunwest-hoa.org](mailto:president@sunwest-hoa.org), and a notice of the lost pet or item will be sent to the Sunwest residents email list. Exceptions to this rule are limited to Real Estate signs, and Political signs.
  - a. Real Estate signs advertising "For Sale," or "For Rent," of no more than 5 square feet total area may be posted on an Owner's Lot, and one sign may be posted at each entrance to the subdivision.
  - b. Political signs of no more than 5 square feet total area may be posted on an Owner's Lot, provided no more than one sign per candidate is displayed. Political signs may not be posted more than 45 days before, or more than 7 days after, the Election Day. No political signs are allowed on the Common Areas within the Association.

### TOT LOTS

The Tot Lots are for the use of Sunwest residents and their guests.

Use of the Tot Lots are at the user's own risk. Sunwest management assumes no liability for personal injury or loss or damage to personal property.

### **Hours of Operation – Sunup to Sundown**

Children up to 12 years old must be accompanied by a guardian aged 13 or older.

No glass containers, or other breakable items, are permitted in the Tot Lots.

Report vandalism, or other illegal activity, to the Erie Police Department (303) 441-4444.

## EVENTS ON THE COMMON AREAS

The Board approves requests to hold events on the Common Areas on a case by case basis.

Certain rules apply in all cases:

- 1) The event must be hosted by a Member of the Association.
- 2) The host, or a company paid by the host to service the event, must show proof of liability insurance to Sunwest HOA's property management company (currently MSI LLC) before the event is held. Use of the Common Areas is at the user's own risk. Sunwest management assumes no liability for personal injury or loss or damage to personal property.
- 3) The event shall not block traffic through that part of the Association.
- 4) The host is responsible for cleaning up after the event.
- 5) If there is already a prior request granted for that time and place, the prior request has precedence.

We do not charge for use of the Common Areas when approved in advance. We may charge for cleanup, or repairs, if the host leaves behind a mess after the event.

## COMMON AREA FENCES

Some of the Properties in Sunwest HOA are adjacent to Common Area fences. These are the privacy fences around the perimeter at Erie Parkway and Meller Street, and the split rail fences that border the Tot Lots. Owners of Properties that have a Common Area privacy fence on their property line are responsible for any excess damage to the fence on their Property side of the fence above and beyond the normal wear and tear due to aging. Do not drive nails or screws into the Common Area privacy fence or hang any objects from the Common Area privacy fence. Do not allow vegetation to grow on the Common Area privacy fence. Trees, bushes, and other plant materials must be trimmed back away from the Common Area privacy fence so that plant materials are not touching the fence. If a section of the Common Area privacy fence fails prematurely due to a failure to follow the rules mentioned above, the Property Owner may be assessed part or all of the cost for repairs at the discretion of the Board of Directors.

## DESIGN REVIEW

- 1) Homeowners shall submit appropriate documentation, plans, sketches, etc. to the Architectural Control Committee (ACC) and obtain approval from the ACC prior to making an improvement on the Property of any Lot. Such improvements shall include, among other things: paint, landscaping, additions, decks, sheds, play structures, and fences. Information about ACC requests and the online request form are found at <http://sunwest-hoa.org/Arch.html>. Drawings, pictures, or other supporting documents can be sent as an email attachment to [architecture@sunwest-hoa.org](mailto:architecture@sunwest-hoa.org). ACC requests may also be submitted in writing to the property management company. However, submitting requests by mail will significantly slow down the approval process.
- 2) Homeowners should be cognizant of neighboring homes when planning improvement projects. By taking an objective view of the improvement and surrounding areas, the better the likelihood the improvement will be approved.

- 3) Seasonal and or small landscape projects do not need to be approved by the Architectural Control Committee. These items would include such things as planting annuals, removing/replacing a tree/bush, adding bark/mulch/rock to an existing bed.
- 4) Article VIII of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision details specific requirements for improvement items (landscaping, decks, Xeriscaping, etc.). Please review these guidelines prior to making a submittal.

### PETS

- 1) A reasonable number of domestic, household pets are allowed provided they are not kept for commercial purposes.
- 2) Pets may not create a nuisance to any homeowners.
- 3) Pet owners are responsible for cleaning up after their pet in the Common Areas, and any area within the Association.
- 4) Pet owners are responsible for any damage done by their pets in the Common Areas, and any area within the Association.
- 5) Pets should not be tied to any of the Association's Common Areas.
- 6) Owners must keep dogs on their own property unless they are under the control of a competent person, and on a leash or chain not over 6 feet long.

### HOMEOWNERS DUES

- 1) Pursuant to Article V Section 8 of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision, all Assessments shall be deemed delinquent if not paid by the due date. Policies and Procedures regarding the collection of Assessments are spelled out in detail in the document POLICY AND PROCEDURES FOR COLLECTION OF UNPAID ASSESSMENTS. That document can be downloaded or read online at the following URL: <http://sunwest-hoa.org/documents/RevisedCollectionPolicy.pdf>.
- 2) Checks should be made out to Sunwest HOA and should be mailed to the Association's property management company using the payment coupons provided or use the ACH debit procedure provided by the property management company.

### BOARD MEETINGS

- 1) The Board meetings are held quarterly, or as decided by the Board of Directors.
- 2) The meetings are held at the home of one of the Board members, or as decided by the Board of Directors. Homeowners should contact the property management company to confirm the meeting date, time, and location.
- 3) All homeowners are welcome to attend the meetings.

### FINES

It is the responsibility of the Board of Directors to enforce the provisions of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision and of the Rules and Regulations. Article VI of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision specifies the Covenant limitations on Property improvements. Article VIII of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision

specifies the Covenant limitations on activities.

Enforcement on Property improvements made without submission of plans to the Architecture Control Committee, or those Property improvements that are not in substantial compliance with submitted and approved plans, is taken seriously and may result in significant monetary fines. A \$150 fine for failing to obtain ACC approval before starting work is the default. Serious violations may result in higher fine amounts.

Enforcement on other activities that violate provisions of the Declaration of Covenants, Conditions and Restrictions for Sunwest Subdivision and/or the provisions of the Rules and Regulations shall follow the procedures outlined below.

Owners found by the Board to be in non-compliance shall be notified of the non-compliance in writing. At its discretion, the Board may assess a fine according to the following schedule:

First Offense	Written warning with threat of fine.
Second Offense	\$50.00
Third Offense	\$100.00
Fourth & Successive Offenses	\$150.00

The Board may also impose any additional penalty and/or fine it deems reasonable and/or take any action it deems appropriate to remedy the non-compliance, assessing the costs of such action to the Owner.

The above fine schedule applies to minor and recurring violations of the CC&Rs. Violations of the Architectural Control Committee rules may have serious harmful impacts on the Sunwest community. Therefore, ACC violations are handled on a case by case basis. Significantly higher fines may be imposed in response to a violation as deemed reasonable and necessary by the Board to enforce compliance.

Owners have the right to appeal the Board's decision of non-compliance by submitting a request for review in writing to the property management company prior to the date specified in the notice of non-compliance. Upon receipt of a request for review, the Board shall convene a meeting at which the Owner(s) shall be allowed to present evidence of compliance, or reasons why compliance is not appropriate. The Board will, within a reasonable time, notify the Owner(s) in writing of its decision regarding compliance. At that time, the Board may impose a penalty as it deems appropriate, including a fine. The Board may also take any further action it deems appropriate to remedy the non-compliance and assess the costs of such action to the Owner(s).

Signature page follows.

Adopted at a duly called meeting of the Board of Directors on this the 17<sup>th</sup> day of August 2020.

Attest: Donna El Hehiawy \_\_\_\_\_  
President Signature

Attest: Margaret Chidlaw \_\_\_\_\_  
Vice-President Signature

Attest: Sandalphon \_\_\_\_\_  
Secretary/Treasurer Signature