

Westlake Village HOA

RULES AND REGULATIONS

The purpose of these Rules and Regulations is to secure a pleasant and safe home environment for all residents of Westlake Village HOA, and to protect and maintain the value of Westlake Village HOA for everyone.

Westlake Village HOA is managed by Advantage Management and Real Estate Services. They can be reached at 801-235-7368 or via email at hoahelp@amres.co. You may visit your community website for copies of your governing documents and HOA information at <https://adv.cincwebaxis.com/westlakevillage>

PARKING

1.1 Parking in Roadways

All roads inside of Westlake Village boundaries are the property and financial responsibility of the HOA. Orem city owns and maintains 250 South and is not HOA.

- I. Homeowners should use their garage or personal driveway for their vehicles as their owned and dedicated parking spots. Overflow parking lot and parking stalls are available to guests and owners on a first come, first served basis.
- II. Municipal codes prohibit parking on both sides of private roadways so that fire, police or other emergency equipment can have access to all homes and to comply with insurance. RED curb restrictions will always be enforced and subject to tow without warning.
- III. No unworking, dilapidated, or unregistered vehicles may be parked on any shared parking area and are subject to tow without warning. Vehicles that are left unmoved in any shared parking area for more than 7 days are considered abandoned and subject to tow without warning.
- IV. No trailer, camper, recreational vehicle, oversized commercial vehicle, boat, or unregistered vehicles may be on HOA property. These will be subject to tow without warning.

1.2 Parking in Landscaped Areas

Any parking on the lawn or landscaped area is absolutely prohibited. Any damage caused by this infraction will be charged to the homeowner to compensate the association to repair/replace sprinklers or grass at the full cost of restoration.

1.3 Speed Limit

For the safety of the community, we ask that owners follow caution while driving on the private Westlake Village common area roads at 10 mph.

1.4 Statement of Responsibility

Neither the Homeowners Association, nor the Board of Directors, shall be responsible for the maintenance, insurance, liability, theft, vandalism, or any damage which may come to any vehicle. THE VEHICLE(S) OWNER SHALL BE TOTALLY RESPONSIBLE FOR ANY VEHICLE PARKED UPON THE HOMEOWNER'S ASSOCIATION PROPERTY INCLUDING PERSONAL AND/OR PRIVATE PROPERTY IN THE VEHICLE.

PEACE AND QUIET

2.1 Peace and Quiet

To comply with the City Noise Ordinance, special attention must be given to noise control during the hours between 10:00 p.m. and 7:00 a.m. Every resident, however, should always use consideration and common sense to keep noise at a reasonable level. No boisterous activity or loud music is permitted. Volume of radios, TV sets, stereos, and musical instruments should be always kept at a reasonable level to avoid disturbing other residents.

2.2 Obnoxious or Offensive Activity

Obnoxious or offensive activities are prohibited in any unit or common area, and nothing will be done therein which may be, or may become, an annoyance or nuisance to other residents. *The Board will determine what is 'obnoxious' or 'offensive' activity on a case by case basis.*

INSURANCE

3.1 Affect on Insurance

Nothing may be done or stored in any unit or in the common or limited common areas that would increase the insurance premiums charged the Association, or would result in the cancellation of that insurance.

3.2 Homeowner's Insurance

Homeowners are strongly encouraged to have a comprehensive homeowner's insurance policy, which includes personal liability. The Association policy will not cover damage to personal belongings, or provide coverage for damages attributable to residents' negligence. This includes landlords and tenants.

EXTERIOR APPEARANCE and HOMEOWNER RESPONSIBILITY

4.1 Aesthetics and Appearance

Every effort should be made to keep your property looking clean and free of debris, abandoned items, excessive weeds, and attractive in appearance.

4.2 Landscaping

The HOA is responsible for all common and shared areas for maintenance. Homeowners are responsible for maintaining inside of their private/fenced yards, weeding of any flower beds, and any beautification additions to front yards.

4.3 Roofs and Exteriors

Homeowners are responsible entirely for the maintenance of their home, including fence, roof, and exterior materials, for repair and replacement. *CCR's; Article IV, amended.

4.4 Trash Can Storage

Refuse, garbage, and trash shall be always kept in a covered, noiseless container and any such container shall be kept within your private property. Cans must be returned to owner property within 24 hours of pickup service and not left on the street.

4.5 Holiday Lights and Seasonal Décor

Seasonal décor, including lights, may be displayed 30 days prior to the Holiday and must be removed within 30 days of the Holiday end. NO lights or décor may be erected in Common Areas or attached to any Common landscape.

PETS

5.1 Use of Leash

Pets should always be attended to and under the control of a responsible person. Dogs must be on a leash whenever in a common area. Animals may not be leashed to stationary objects in the common areas.

5.2 Relief Trips and Exercise

Pet owners are not to allow their pets to create nuisances in common areas. To ensure the community environment remains pleasant for all, residents who walk their pets on the grounds must clean up after their pets immediately.

5.3 Pet Nuisance, Loose Animals

Excessive barking, howling, or other disturbances are subject to fines. Owners can contact the HOA to report such a nuisance but should also involve the city animal control and local services as well. Loose animals are subject to being picked up by the local animal control at the owner's expense.

5.4 Foul smells, Excessive feces

All owners who house animals in their limited common fenced backyard are responsible for the timely removal of animal feces to avoid offensive smells to surrounding neighbors.

5.5 Unattended animals

NO animals may be caged, housed, tethered, loose, or otherwise unattended in any common/shared area of the HOA.

RENTAL OR SALE OF UNITS

6.1 Leasing or lending

Owners leasing or lending their units will provide a copy of these Rules and Regulations to the prospective occupants and advise them of their duty to follow them. Any violation fine is assessed to the property owner and resolution for compensation is between landlord and tenant.

6.2 Offsite owners

Owners who lease their units or are otherwise not living in the unit shall provide an offsite mailing address.

GRIEVANCES, FINES, AND HEARINGS

7.1 Grievance Procedure

Grievances by any homeowners may be submitted in writing to the Board. Attention will be given to these concerns at the Board's regularly scheduled meetings. Owners are encouraged to work out their differences among themselves before approaching the Board.

7.2 Registration of Complaints

The written communication should include all information pertinent to the complaint. The resident may mail or email the complaint to the property management company, to the attention of Westlake Village Board of Directors. The Board will respond in writing within thirty (30) days of receipt.

7.3 Destruction of Property

In the event of destruction of common area property, the Board will assess each case individually, may require the owner to pay the cost of repairs, plus a fine of up to 50% of the total cost of repairs.

7.4 Fines

A courtesy letter may be sent for a first grievance or violation of the rules as a reminder. If an owner receives a second notice of a grievance or violation of the rules, the owner is subject to a fine based on the **FINE RESOLUTION published at the end of these Rules and Regulations** for reference. Fines and other financial penalties may be enforced by liens and/or other legal collections efforts.

7.5 Hearings

If a problem continues after all proper procedures have been taken, the Board may choose to call a hearing. The Board may take whatever actions necessary to rectify the problem. Alternatively, an owner has the right to request a hearing anytime he or she receives a notice of violation.

7.6 Homeowners Association Dues

Assessments are due by the 30th of each month. Assessments not paid when due will be considered delinquent and assessed a late charge of 12% and \$10.00 late fee. Advantage Management will turn over owner accounts delinquent 90 days or more to an attorney or collection agency for collection, and the mortgagee of the unit will be notified of the delinquency. **Costs of attorney collection will be added by the legal firm in addition to the amount owed to the HOA.**

ADDITIONAL RULES

8.1 Ordinances and Statutes

Residents will comply with all statutes, ordinances, and requirements of all municipal, state, and federal authorities now in force, or which may hereafter be in force, pertaining to the use of the premises.

8.2 Changes in Rules

The Board may, from time to time, amend or remove one or more of these rules to facilitate management or operations, or to provide for new situations. Written notice of any changes will be furnished to all owners, and the changes may be rescinded by majority vote of the membership at any subsequent meeting of the Association.

****Fine Resolution with Schedule of fines is attached as an addendum to this document.***

**WESTLAKE VILLAGE HOMEOWNERS ASSOCIATION
FINE RESOLUTION**

This resolution is made on the date set forth below by the Board of Directors for **WESTLAKE VILLAGE** Homeowners Association, Inc., a Utah non-profit corporation.

RECITALS

A. Certain real property in UTAH County, Utah, known as **WESTLAKE VILLAGE** Homeowners Association, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Codes Covenants and Restrictions (the "Declaration");

B. Pursuant to Utah Code Ann. § 57-8-37, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

C. The Board of Directors desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

D. This Resolution was properly adopted by the necessary vote of the Board of Directors in compliance with the provisions of the Bylaws of **WESTLAKE VILLAGE** Homeowners Association, Inc.

NOW BE IT RESOLVED:

That the following schedule of fines be adopted:

a. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

b. **Schedule of Fines:**

(i) 1st notice of violation: WRITTEN WARNING;

(ii) 2nd notice of violation fine assessed up to \$50.00;

(iii) 3rd notice of violation fine assessed: up to \$100.00;

(iv) 4th violation and all other subsequent violations or failure to cure subsequent violations: additional fines or legal action as set by the Board of Directors, up to \$500.00 per month as allowed by Utah State Code.

Enforcement remedies are cumulative; accordingly, the Board of Directors reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process.

2. That all following procedures will be followed prior to levying a fine:

a. **Notice of Violation:** All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Committee in its discretion may grant a cure period exceeding forty-eight (48) hours if the Committee determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board of Directors to protest or dispute the fine. A request for hearing must be made in writing within thirty (30) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Board of Directors, or their designated agent, within thirty-three (33) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to ADVANTAGE MANAGEMENT - 460 EAST 800 NORTH, OREM, UT. The hearing shall be conducted in accordance with the procedures adopted by the Board of Directors. An Owner may also contest the fine by initiating a civil action within one hundred eighty (180) days after the expiration of the thirty (30) day period.

d. Collection of Fines: Pursuant to Utah Code Ann. § 57-8-37, fines shall be collected in the same manner as past due assessments. However, interest and late fees shall not accrue on fines until one hundred eighty (180) days after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. That the following procedures shall govern an informal hearing of the Board of Directors:

a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Committee meeting. The Committee shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail, postage prepaid, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original hearing date. The continued hearing shall, within reason, take place at the second Committee meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

b. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Committee members. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Committee may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Committee may either render its decision at the hearing or take the evidence and argument under advisement. If the Committee takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Committee shall give written notice of their decision to the requesting owner. As part of the decision, the Committee shall state that payment of the fine is due within one hundred eighty (180) days or interest and late fees will accrue.