

# **COMMUNITY RULES**

## **FOR**

### **SUNRIDGE**

#### **PROPERTY OWNERS ASSOCIATION**

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WHEREAS, as it is the desire of the Sunridge Board of Trustees, acting in behalf of the lot owners of the Sunridge Property Owners Association, to live in a community that is orderly, peaceful and desirable, the Board hereby sees fit to enact Community Rules that will allow for the comfortable enjoyment of all the lot owners of Sunridge;

THEREFORE, in the interest of the health, safety and welfare of all lot owners at Sunridge, it is the intent of Sunridge Board of Trustees to assess a fine against those lot owners or residents who fail to abide by the Sunridge Community Rules. The Board of Trustees hereby enacts these Community Rules as authorized by the Utah Community Association Act, U.C.A. § 57-8a-208 and as authorized by section 4.02(h) & (j) of the Protective and Restrictive Covenants of the Sunridge Property Owners Association.

#### **1. FINES**

- 1.1 AUTHORIZATION** The Board is authorized to assess a fine against lot owners who violate provisions in the Association declaration, the bylaws, or the rules and regulations. The assessment of a fine shall be in accordance with the provisions of Utah Code Annotated, §57-8a-208, the provisions of these amended bylaws, and the rules and regulations adopted by the Board.
- 1.2 WRITTEN NOTICE OF VIOLATION** Before assessing a fine, the Board must give a written notice of the violation to the lot owner of the violation and inform the lot owner that a fine will be imposed if the violation is not cured within the time provided in the written notice.
- (A) The written notice shall contain a description or brief summary of the provision, bylaw, rule or regulation that has been violated and a description of the manner in which the bylaw, rule or regulation has been violated.
- (B) If a violation is temporarily cured or stopped, but is repeated by the same lot owner within 90 days of the date a written notice of violation is first served on the lot owner, the Board shall not be required to serve another notice of violation upon the lot owner but may rely upon the notice provided in the first written notice.
- 1.3 TIME TO CURE** In all instances; the violation must be cured (a solution plan provided) within 10 days of the written notice being delivered to the lot owner or the lot owner's agent, unless such time period is extended by the Board for good cause. The member of the Board or their agent that serves the written Notice of Violation on the lot owner shall write on the Notice of Violation the date and time the Notice of Violation was served on the lot owner



and the date and time by which the violation must be cured. If a lot owner repeats the violation more than 48 hours after receiving the written Notice of Violation but less than 90 days after receiving the notice, the lot owner shall be deemed to have not timely cured the violation.

- 1.4 **FINE** If the violation is fully and completely cured within the time provided in the written Notice of Violation, and is not repeated within 90 days of the time the written notice is first served on the lot owner, no fine may be assessed by the Board. If the violation is not fully cured within the time provided, the Board shall, after confirming that the violation complained of has not been fully cured, impose a fine as provided in the bylaws, or the rules and regulations. If the same violation is repeated more than 48 hours but less than 90 days after the written Notice of Violation is first given, the Board shall impose a fine as provided in the bylaws, or the rules and regulations. The lot owner shall receive a written Notice of Fine from the Board informing the lot owner of the amount of the fine imposed.

- 1.5 **MANNER OF PROVIDING NOTICE OF VIOLATION AND FINE** The notice of a violation of a bylaw or the rules and regulations of the Association and the notice of a fine imposed by the Board may be provided to the lot owner in any one or more of the following ways:

- (A) Sending a copy through certified or registered mail, addressed to the lot owner at his or her place of residence. or
- (B) Doing both of the following:
  - 1) Leaving a copy with a person of suitable age and discretion at the lot owners lot; and
  - 2) Mailing a copy to the lot owner at the lot owners lot, or to the lot owners regular mailing address if the lot owner does not reside in the lot; or
- (C) Affixing a copy in a conspicuous place on the lot since a person of suitable age or discretion could not be found; or
- (D) If the person committing the violation is a tenant or guest of the lot owner, by:
  - (1) personally delivering a copy to the tenant living in the lot or affixing a copy in a conspicuous place on the lot if a person of suitable age or discretion could not be found, and by
  - (2) mailing a copy to the lot owner at the address provided by the lot owner to the Association.

- 1.6 **NON LOT OWNER OCCUPIED LOTS** If cases where the lot is not occupied by a lot owner and the violation of the bylaw or rules and regulations is committed by a resident or guest of the lot, the lot owner shall be responsible for the failure of the resident or tenant to cure the violation of the bylaws or rules and regulations and the lot owner shall be subject to the fine imposed as the result of the violation.

- 1.7 **Board Action** Any action by the Board involving a Notice of Violation or a Notice of Fine may be taken by any officer or member of the Board if so authorized or ratified by a



quorum of the Board. A quorum shall consist of fifty percent (50%) or more of the Board present at a meeting either in person or by telephone conference, or if not present at a meeting, members consenting to the action after conferring with other members of the Board.

- 1.8 **VIOLATIONS FOR WHICH A FINE MAY BE ASSESSED** A fine may be assessed for the violation of a provision in the declaration, the bylaws, or the rules or regulations, or for a rule listed on Exhibit "A", which is attached and incorporated by this reference. The list of violations of bylaws, rules or regulations listed on Exhibit "A" may be modified by the Board pursuant to their power to enact rules governing conduct within a project as contained in the Complot Association Act, Utah Code Ann. 57-8a-101 through 57-8a-208. Only those violations listed on Exhibit "A" and those violations of rules adopted by the Board are the offenses which are subject to a fine. Exhibit "A" is a summary of some of the rules and may be used to incorporate provisions in the declaration, bylaws, or rules and regulations for which a violation may be assessed.
- 1.9 **CONTINUOUS VIOLATIONS** Each day (24 hour period) during which a violation of the declaration, the bylaws or the rules and regulations of the Association, or the rules listed on Exhibit "A", continues, after the time period expires during which the lot owner is required to cure the violation, constitutes a separate violation and is subject to a fine in the amount listed in Exhibit "A". The violation of a provision in the declaration, the bylaws, a rule or regulation, or of a rule listed on Exhibit "A", which is temporarily cured within the time period required in the Notice of Violation, but which is violated again within 90 days of the date the original Notice of Violation was served, is deemed to be a continuous violation for which another Notice of Violation is not required to be served.
- 2.0 **AMOUNT OF FINES** The amount of a fine for a violation of a provision in the declaration, the bylaws, the rules and regulations, or the rules listed on Exhibit "A", shall be in the amount listed on Exhibit "A", but in no case shall a fine exceed \$2500.00. A cumulative fine, which is a fine for a violation that is not timely cured or a fine that is repeatedly assessed due to repeated violations for which a Notice of Violation has previously been served, may not exceed \$500.00 per month.
- 2.1 **LATE FEES** Fines not paid within 10 days of the first of each month shall be assessed a late fee of \$20.00. If the fee has not been received by the first of the next month an additional fee of \$25.00 shall be added. Late fees shall not be assessed until after an appeal hearing has been conducted (if requested) and a final decision has been rendered by the Board. Late may be waived only by a vote of the Board of Trustees.
- 2.2 **PROTESTING THE FINE** A lot owner who is assessed a fine may request an informal hearing with the Board to protest or dispute the fine. The lot owner must request the hearing within 14 days from the date the fine is assessed (which is the date written on the notice of fine). The lot owner protesting the fine shall request the informal hearing by delivering a written request to any member of the Board stating the grounds for the protest or dispute and setting forth in detail the following:
- (A) the grounds for the protest, including any unusual circumstances justifying a



reduction in the standard fine;

- (B) the facts relied upon by the protesting lot owner with respect to the violation or non-violation of the bylaws, rules or regulations;
- (C) the amount of the fine the lot owner claims should be paid and the reasons supporting that claim; and
- (D) any errors made by the Board in calculating, assessing, or collecting the fine.

**2.3 INFORMAL HEARING** Within 14 days of receiving the written request for hearing, the Board shall schedule an informal hearing at which time the requesting lot owner will be given an opportunity to present evidence and witnesses supporting the lot owner's position. At least fifty percent (50%) of the Board shall be present at the hearing. No formal rules of evidence will be required, and the Board may receive the evidence submitted by the requesting lot owner and determine the probative value of such evidence. If it chooses and if it would be of benefit to the requesting lot owner, the Board may also produce evidence supporting its decision to fine the lot owner. However, the intent of the hearing is to listen to the lot owner's explanations and to receive information from the lot owner, and not to have a trial. The Board may terminate the hearing at any time if any individual present becomes unruly, inconsiderate or rude.

**2.4 DECISION OF THE BOARD** The Board, after the requesting lot owner has had the opportunity at the hearing to present the evidence and information desired, may either:

- (A) leave the amount of the fine as originally assessed;
- (B) reduce the fine to an amount agreed upon by a majority of the Board present at the hearing;
- (C) reduce the fine to an amount agreed to by the offending lot owner with the agreement that the offending lot owner will pay the fine within 10 days and not appeal the fine in district court;
- (D) suspend all or a portion of the fine conditioned on the lot owner not repeating the violation for 180 days; or
- (E) forgive the fine for good cause shown.

The Board shall render a written decision no later than ten (10) days after the date of the hearing.

**2.5 LIEN** A fine assessed against a lot owner which remains unpaid after the time for appeal has expired becomes a lien against the lot owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under U.C.A. § 57-8a-208.



- 2.7 **PROMULGATION OF ADDITIONAL RULES AND FINES** The Board is authorized to adopt and to amend the administrative or community rules and regulations as may be necessary or desirable to insure the Association is maintained and used in a manner consistent with the interest of lot owners, to protect and enhance the quality of life in the complex, to protect the property values of the lots, to ensure a quality and enjoyable lifestyle, and to respect the rights and privileges of all residents to be free from the annoyance, disturbance and nuisance of others. The method by which the Board may adopt new Association rules shall be as follows;
- (A) New rules shall be adopted at a regular or special meeting of the Board. The rule shall be in writing and voted on and approved by a majority of the members of the Board. If the violation of the new rule shall have a fine associated with it, the amount of the fine shall be stated in the rule.
  - (B) Prior to the new rule becoming enforceable, the Board shall cause to be delivered, personally or by regular U.S. mail, a copy of the new rule to each lot owner. If a lot owner is not living in his lot, the Board shall cause to be mailed to the lot owner's last known address and to be posted on the door of the lot owner, a copy of the new rule. The new rule shall become enforceable five (5) days from the day it is mailed to each lot owner or posted on the door of an absentee lot owner.
  - (C) Rules adopted in this manner shall deal only with the health, safety or welfare of Association residents or Association property. Rules adopted by the Board may also be used to clarify provisions in the declaration, bylaws, or Association rules and regulations, or to change the amount of a fine associated with the violation of the rule.
  - (D) Rules adopted by the Board shall have the same force and effect as rules contained in the declaration, the bylaws, or other administrative rules and regulations adopted by the Association, including the power to collect fines from those who violate these rules.

- 2.8 **SEVERABILITY** If any phrase contained in these Complot Rules or provision of these Complot Rules, or any paragraph, sentence, clause, phrase, or word, or the application thereof, in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Complot Rules, or the phrase or paragraph in which it is contained, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

#### **EFFECTIVE DATE**

These amended Complot Rules shall take effect five (5) days after they have been posted in a public location on the Sunridge property, posted on the Sunridge Website, or distributed to the lot owners and residents of Sunridge .

## CERTIFICATION

It is hereby certified that the Board of Sunridge at a duly called and constituted meeting of the Board approved and consented to the amended Complot Rules stated herein.

This 12 day of November, 2008.

Sunridge Board

BY: *Michael D. Thiering*  
President