

Orchard Villa Townhomes Homeowners Association Rules and Regulations -- Resolution #1

WHEREAS Article IV of the Articles of Incorporation, Article II Section K of the Declaration (C.C. & R.'s), and Article III Section 1 of the Bylaws grant the Board of Trustees the power to conduct Association business and Article II Section 1 of the Declaration grants the Board the power to adopt reasonable rules and regulations for the use of the Common Area and to protect the well being of the community:

LET IT BE RESOLVED THAT the following Rules and Regulations are established to provide a cohesive, safe and enjoyable living environment, with due regard for the equitable rights of individual homeowners who live at Orchard Villa and to maintain the common area in accordance with the Declaration (C.C.&R.'s).

HOMEOWNERS ASSESSMENTS

All assessment payments should be mailed directly to the Association's mailbox at Orchard Villa Townhomes Homeowners Association, P.O. Box 1409, Moab, and UT 84532.

All assessments are due on the first day of each month and will be deemed delinquent if not received by the Tenth (10) day. Homeowners may pay their assessments monthly. A minimum of one-third of the quarterly assessment is due each month. Balances remaining on previously levied assessments after the Tenth (10) of the month will be assessed a late charge of \$10. Interest will be levied at a rate of 15 percent APR on accounts 30 days past due (Declaration Article IV, Sections 6 & 8).

INSURANCE

All Homeowners must have their insurance agent provide annual proof of hazard and liability insurance on their units within 30 days of renewal by mailing a certificate of insurance to the Association. Each unit should carry enough hazard insurance to replace the interior of the unit, upgrades and personal belongings. The policy cancellation wording should stipulate that the insurer will give the Orchard Villa Townhomes Homeowners Association no less than 10 days written notice if the policy is canceled (Declaration Article VII, Sections 2 & 7).

The Association carries a multi-peril and liability policy covering buildings and the common area.

AREAS OF RESPONSIBILITY:

Homeowners are responsible for maintaining the interior of their units and garages; all doors, windows and window and door glass; exterior light fixtures; swamp coolers; air conditioners; rain gutters; adjoining patios; courtyards; and private walkways leading to the dwelling (Article I, Section 5 as amended June 13, 2000 and Declaration Article II). Our insurance company recommends homeowners have an operable type A, B, C fire extinguisher in their unit, for safety in a multi-dwelling building.

The Orchard Villa Homeowners Association is responsible for the exterior maintenance of the buildings, roofs and stucco, driveways, streets, common area and its sidewalks, and the swimming pool.

COMMON AREA

All homeowners own the common area and share the right to its use throughout the property. The Board is responsible for managing and maintaining the common area. Any change you may want to make in the common area adjoining your unit requires prior approval from the Board. Homeowners are responsible for maintaining any approved changes (Declaration Article II, Sections 5 & 6).

LAWN SPRINKLERS

Only the HOA Board has the right to adjust the water sprinkler timers. The Board is also responsible for notifying homeowners what the sprinkler times will be in the spring, summer, & fall. Please contact a board member if you have a question about the sprinklers.

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COURTYARDS

Courtyards are to be maintained and kept reasonably weed free, so as not to interfere with neighboring courtyards. Trees planted within courtyards must be kept trimmed so that they do not interfere with or damage roof tiles, stucco or cement. Also, for safety reasons garden hoses should be rolled up when not in use.

EXTERIOR & INTERIOR OF BUILDINGS

In order to preserve the structural soundness of each building, no exterior or interior architectural or structural changes are permitted without written permission of the board of trustees. All remodeling projects will require compliance with the City of Moab Building Department regulations and building code. Electrical, plumbing, or natural gas installations or modifications will also require the appropriate state permit and inspection and a licensed contractor to perform the work. Before installing exterior doors, windows, and screen/storm doors you must receive approval of the Board. Requests for changes will be reviewed and approved so that the décor of the community adheres to the original design intent (Declaration Article II, Section 6).

Homeowners are fiscally responsible for any damages to the exterior of a building due to the owner's plants, decorations, or physical damage by the unit's residents.

REFRIGERATED & EVAPORATIVE AIR CONDITIONER UNITS

External air conditioner units shall be permitted only at existing roof locations (Declaration Article II, Section 6f).

SATELLITE DISHES

Any satellite dish installed after January 1, 2009 is to be mounted on a pole in the rear of the unit next to the building. The height of the pole cannot exceed the height of the roof eave. Do not attach dishes to the exterior of the building. The cable line should be buried. The point of entry for the cable into the building must be properly finished and sealed. The board must approve any variation. Any damage to a building caused by existing satellite dishes that were attached to the building prior to January 1, 2009 will be the responsibility of the homeowner.

PETS

All pets shall be under control of the owner at all times, in compliance with the Moab City ordinance.

Pets shall not be permitted to damage lawns, trees or shrubs or any property owned by the HOA, by urinating or dropping stools. The pet's owner shall immediately clean up and remove any stools deposited on our property.

Pets are not to be left unattended in courtyards when the unit is unoccupied. Owners are responsible for restraining their dogs from excessive barking. Pets are not to be left out overnight on town home property (Declaration Article 2, Section 6e).

TRASH

Trash is to be deposited in the covered trash receptacles provided with your unit. Pick-up days are on Fridays. Receptacles are to be kept out of sight at all other times.

The trash bins in the RV parking lot are for grass cuttings, leaves and tree branches. Household trash is not to be placed in them.

FIRES

Open fires are not permitted. Fire pits must have screens.

RV PARKING LOT

The RV parking lot is for the benefit of homeowners and is on a first come, first serve basis. The lot is for the parking of all camping and hauling trailers, ATV's, boats, and trucks, pickups or camper vans in excess of three-quarter (3/4) tons. Units in the RV parking lot must be sitting on tires and operational. Owners are asked to label their property with their name and phone number, in case they need to be contacted to move it (Declaration Article II Section 6p).

PARKING AND MOTOR VEHICLE LIMITATIONS

The speed limit is 15 mph within Orchard Villa. Parking on all property in the project is reserved for residents and subject to the following rules:

1. Parking on driveways is limited to two (2) vehicles per unit (Declaration Article II, Section 3).
2. Roadways within the complex shall not be used for parking except for visiting guests for limited time periods.
3. No parking on the streets at night. Also do not park on the sidewalks, curb or lawns. Short time temporary parking is available in the RV Parking lot.

No vehicle larger than a ¾ ton truck belonging to resident owners or their guests shall be parked on property within the project, unless approved by the HOA Board (Declaration Article II, Section 6p).

No disassembled vehicles will be permitted outside of garages, on driveways or in front of buildings on the street (Declaration Article II, Section G).

SOCIAL GATHERING

If you are planning a large social gathering, please have the courtesy to inform your neighbors. Loud music or gatherings that are disturbing other residents shall cease upon request. If not remedied, police will be called. Residents are responsible for the conduct of their guests. Quiet hours in Orchard Villa are from 10 pm until 7 am.

SWIMMING POOL

The HOA Board determines the months and hours of operation for the swimming pool each year. Please abide by the posted pool rules. You swim at your own risk.

RENTAL LEASES

All rental leases shall be subject to the provisions of the governing documents of Orchard Villa Townhomes Homeowners Association and Ordinances of the City of Moab. Our town homes are located in a residential zone and no rentals are allowed for less than 30 days (one month). Any failure to comply with the above will be a default under the lease. Owners are responsible for notifying the Board of Trustees of the names and phone numbers of new tenants and providing proof of the lease. Owners are also encouraged to require their renters to carry renter's insurance. Renters should receive a copy of the Rules and Regulations from owners or leasing agents with a full and thorough explanation (Declaration Article II, Section 6c).

ENFORCEMENT OF RULES

The Association in an amount of \$25.00 per offense may fine anyone violating any of these rules after notice and hearing. The Board may also suspend the Homeowners right to use the common area (Declaration Article II, Section 6g) and voting rights in the Association (Articles of Incorporation Article V, Section 6). In the event that any owner, owner's family, lessee or guest violates the project rules, resulting in damage to any part of the common area or its improvements, the Association has the right to charge the cost of repairing the damages to the responsible owner. Residents are also reminded that enforcement through legal action may be pursued where appropriate (Declaration Article II, Section 6k; Article IV, Sections 7-9). For more information, please refer to Policy Resolution #2 (Rules Enforcement) and Policy Resolution #3 (Fines).