

MESA HILLS HOMEOWNER ASSOCIATION

RULES AND REGULATIONS FOR HOMEOWNERS

PREPARED BY BOARD OF DIRECTORS

EFFECTIVE DATE:

10-07-2024

HOA GOVERNING DOCUMENTS

A. CC&Rs, Bylaws, Articles of Incorporation & Regulations

Whether you are a homeowner living in an HOA or a recently elected Board member, it is important to understand the differences between the multiple governing documents by which an HOA operates. If you are a homeowner, for example, becoming familiar with your community's rules, knowing what is and isn't permitted concerning your home, and knowing where and how to find this information, will prevent you from having to deal with the consequences of non-compliance, which in most cases, can include fines and other types of penalties.

1. CC&Rs

Generally, the CC&Rs are the most extensive governing document of an HOA. They contain the rights and responsibilities of homeowners and also outline the architectural guidelines of the properties within the association. One of the main purposes of the CC&Rs is to regulate a homeowner's ability to make architectural improvements and/or modifications based on their specific interests versus what the community has approved and specified. The reason behind this is fundamentally why an HOA exists: to protect, preserve, and enhance the value of the homes within the HOA.

2. Bylaws

The Bylaws of an HOA contain all the information and rules specifically related to the operations of the association and how it is run. In most cases, they outline the Board of Directors governing structure, layout the procedures for matters such as Board elections and membership meetings; and outline the rights and responsibilities of the Board.

More detailed examples of what you can find in your HOA Bylaws are:

- Board Requirements
- Meeting Notices
- Board Meeting Frequency
- Quorum Requirements
- Voting Requirements and Frequency

➤ Term Limits for Board Members
3. Articles of Incorporation

The Articles of Incorporation include essential information such as the legal name of the HOA, address and the association's corporate status. It also contains a number of basic functions and additional responsibilities of the HOA.

Typically, all associations have the following governing documents: Bylaws; CC&Rs which stands for Covenants, Conditions & Restrictions; Articles of Incorporation and Rules and Regulations. In essence, these documents contain the rules, policies, and other contractual terms that a homeowner's association, including board members and homeowners, must adhere to.

All new owners moving in a property within an HOA can access these documents on our website – mesahillshoa.com. All non-owners, living within the Mesa Hills HOA, also agree to abide by the rules and policies contained in the documents mentioned above.

In most cases, these documents are initially drafted by the community's developer and are then enforced and modified as necessary by the Board of Directors.

4. Rules & Regulations

Many associations adopt additional rules to help enforce or clarify the guidelines outlined in the CC&Rs. These are known as Rules & Regulations. The Board of Directors has the authority to create rules and regulations to provide more details that support the CC&Rs as noted in the bylaws sec. V. 1(a).

They're commonly referred to as a catch-all for items that were not specifically addressed in the other governing documents of the association. Typically, these rules will be more detailed compared to the CC&Rs and also more likely to be modified over time based on the community's current needs.

Rules & Regulations can be modified through a vote by the Board of Directors. However, community members should always be informed of

any changes or additions to the Rules & Regulations or any other governing document, and homeowner input is always welcome.

Understanding the difference between the various governing documents of an association, as well as familiarizing yourself with your community's governing documents, Bylaws, CC&Rs and Rules & Regulations, is an important element to make living in Mesa Hills more harmonious.

B. Additional Clarification to CC&R's Section III.

1. Conducting Business

No grantee or grantees, under any conveyance, nor purchasers, shall at any time conduct or permit to be conducted on any residential lot any trade or business of any description, either commercial or non-commercial, religious or otherwise, including day schools, nurseries, or church schools, nor shall premises be used for any other purpose whatsoever except for the purpose of providing a private, single-family dwell or residence. See CC&R's, Section III, 3.

This also includes any vehicles or trailers associated to support any trade, business or hobby.

2. Parking on Streets

No automobiles, trailers, recreational vehicles, boats or other vehicles may be parked, kept or stored on streets within the Subdivision. No automobiles, trailers, recreational vehicles, boats or other vehicles may be parked, kept or stored on the Lots unless they are in running condition, properly licensed and are being regularly used. See CC&R's, Section III, 5.

All streets within the Community are subject to applicable laws, ordinances and regulations of all government agencies having jurisdiction.

3. Pets

Please show respect for other residents by not permitting a pet to disturb the peace or, otherwise, be a public nuisance. Excessive dog barking or other animal noises are not allowed and will be deemed a nuisance. See CC&R's, Section III, 7.

It shall be unlawful for the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park, or other area, or upon the property of another unless the owner or custodian immediately removes and properly disposes all animal waste that may result. It shall be the duty and responsibility of residents to immediately clean up any waste from their animals. Waste must not be left in the common area, or anywhere within the boundaries of the Community. Deposit all waste in your trash can.

All pets must be kept within an enclosure, an enclosed yard, or if not within the confines of the property, on a leash being held by an individual capable of controlling the animal.

Appropriate enforcement action will be taken regarding animals that constitute a nuisance in the Community.

Residents are responsible and liable for any personal injury or property damage caused by their pet(s).

Residents who are disturbed by an animal are first encouraged to contact the owner and, if unsuccessful, contact Animal Control as well as the Mesa Hill Board.

4. Additional Items

Homeowners are responsible for damage caused to the common area.

C. Additional Clarification to CC&R's Section IV.

1. Construction

All new construction, or alterations to the exterior of existing homes – including sheds – must follow the Architectural Guidelines and must have the approval of the Board of Directors prior to construction. Permission to make any exterior modifications must be requested in writing; drawings, sketches and specifications must be attached and submitted to the Board of Directors in writing for approval. Please refer to the CC&Rs, Section IV for additional details.

2. Sheds

Any sheds should be stick built and placed on a concrete pad. Colors, shingles, doors, soffits, etc. should match the home. Pre-fabricated wood sheds, such as “Tuff Sheds” could be an option. Discuss design with Mesa Hill Board for approval before purchasing. Please refer to the CC&Rs, Section IV for additional details.

3. Garage

Primary dwelling is required to have a minimum capacity for two vehicles and should be used for their intended purpose. Please refer to the CC&Rs, Section IV for additional details.

4. Off Highway Vehicles

All terrain type I and type II vehicles are not allowed to operate within the Mesa Hill Community as outlined in Chapter 35B Off Highway Vehicles Ordinances. This includes dirt bikes and quads. The only exception is for snow removal, which must have a mounted blade attached. City Ordinances for Off Highway Vehicles Chapter 35B.

D. Nature Park Regulations

1. Bicycles are allowed but must be ridden ONLY on the designated trail path, which is bordered in rocks.
2. No motorized vehicles or guns of any kind are allowed in the nature park including air and pellet type guns.
3. The nature park is to remain in its natural state for the enjoyment of all Mesa Hills homeowners. Respect and protect all native vegetation.
4. Fire pits, forts, bike ramps, or other activities that disturb the natural state of the park are NOT allowed.
5. See posted signs at each end of the park for additional information.

Your cooperation in maintaining our parks for the safe enjoyment of all homeowners is appreciated.

E. Enforcement of Rules and Regulations

In order to enforce the CC&Rs, Bylaws, Articles of Incorporation and Rules and Regulations, the Board of Directors may levy, assess, and collect reasonable fines and costs as established by the Board of Directors. The fines will be assessed against the Homeowner for violations by the Homeowner, members of his or her family, invitees, licensee, tenants or lessees of such Owners, (Whenever the word "Owner" is used in the document, the word "tenant" shall also apply.)

The standard fines to be levied in the case of violations are as follows:

SCHEDULE OF NOTICES AND FINES

1. First Offense: Warning letter to Owner, no fine imposed.
2. Second Offense: Hearing letter to Owner, Fine of \$50
3. Third Offense: Hearing Called by Board of Directors Plus Fine of \$100
4. Re-occurring Offenses: Enforcement in Accordance with the Determination of the Board at the Hearing and a fine of \$150.
5. Fines – Subsequent Violations by Previous Offenders – As Determined by Board of Directors

The list above is not intended to be all inclusive. Additions may be made as required. Fines, etc., may vary and may increase depending upon the circumstances. Fines etc., may be at the discretion of the Board of Directors; the amounts shall be predicated upon the severity of the violation and may include legal action. A clerical fee may also be assessed in addition to the fine for processing the violation notice.

6. Legal Fees:

All legal fees or costs incurred by the Association to enforce violations or collect fines will be the responsibility of the homeowners.

7. Tenants:

It is each Owner's sole responsibility to inform their tenants of all Rules and Regulations. The Owner is also responsible for any and all damage caused by their tenants.

8. Reporting:

Anyone wishing to report an alleged violation of the Rules and Regulations or CC&Rs may do so by contacting mesahills@hotmail.com. Violations should be reported in writing. The identity of the person reporting the violation will not be disclosed to the Owner involved.

9. Failure to Pay Fines:

Failure to pay the fines in the time as set forth herein may result in the filing of appropriate legal action.