

Saunders Creek Homeowners Cooperative

PARK RULES

Welcome

Welcome to our community. We wish to provide a pleasant, attractive, and affordable place for people to live. All communities need some basic rules to accomplish this goal. We hope these rules are not unnecessarily restrictive, but provide a safe and tranquil community. The future value of your home rests on our community's appearance and its reputation in the region. We hope our rules facilitate these goals.

The Board of Directors

These rules apply to all homeowners and all other persons living in the home, as well as guests. They apply equally to Cooperative members and non-members. For brevity, we have used "residents" to refer to all of these persons. These rules may be amended from time to time by the Board of Directors with the approval of the Members.

1. General Responsibilities

To maintain a healthy and collaborative relationship between the Board of Directors and residents, these are basic guidelines for separating responsibilities between the Cooperative and residents.

- a. The Cooperative is responsible for:
 - i. Maintenance of roads, trees, and common areas and, if applicable, community building and lot space
- b. The resident is responsible for:
 - i. Obeying these rules and regulations and ensuring guests do the same.
 - ii. Paying all state and local taxes on your home.
 - iii. Upkeep of your space.
 - iv. Paying your space rent on time.
 - v. Hooking up utilities, maintaining connections, and paying utility bills.
 - vi. Disposal of grease, oil, solvents, paint, or any other toxic material in the sewer system or drains is not allowed. The resident will be charged for any damage to the sewer system caused by such materials.
 - vii. Wi-Fi usage: Those residents using the cooperative Wi-Fi are responsible for following all laws and regulations pertaining to downloading (pirating) of copyrighted materials (ORS) 641.700. No downloading of illegal child porn or any other material deemed illegal by law. (ORS) 167.109, 166.065, 163.670, 163.684. Residents found to have broken the law will be subject to legal action and will face loss of Membership in the cooperative and expulsion from the Park.

- c. All residents are liable for damages, injury, or loss incurred in their homes and on their space. Residents are required to carry homeowner's insurance.
- d. Homes are to be owner occupied, and occupancy is limited to the persons named in the space lease. Rentals are not permitted. Occupancy shall not exceed 2 persons per bedroom (not counting children under two years of age). Any exceptions require written approval from the Board of Directors. Any guest staying seven (7) or more days or nights in a one month period must qualify as a household occupant, either temporary or permanent, unless the guest is a caregiver for an occupant with a disability as defined by law.
- e. Any resident may at any time request clarification or interpretation of these rules by the Board of Directors.
- f. Residents with disabilities have the right to request waivers or modifications of rules if required as a reasonable accommodation. Residents shall make their request in writing to the Board of Directors. The Board of Directors may establish by resolution additional forms and procedures to be followed in making such request. If approved by the Board, such waivers or modifications shall be in writing. The Board of Directors and residents must keep a copy of such agreements.
- g. If a resident fails to take any action required by these rules, the Board of Directors may take such action on behalf the resident, at the resident's expense, plus charge a management fee. See Section 9 below.
- h. Notice to the resident, when required by the rules, must be in writing and is effective when received. Receipt is defined as personal delivery to a person over 18 in the household or three (3) days from the date of mailing by first class United States mail. Notices may be posted on the home but must also be mailed to be effective.
- i. Caregivers may be allowed in the park. A reasonable accommodation request shall be made to the board before a caregiver may move in to your unit. As allowed by law, caregivers will only be screened for a criminal background check, eviction and credit checks will not be required. A fee will be charged for each caregiver to cover the costs of the criminal check. The board will review each application and provide an approval or denial as quickly as possible, please allow at least fourteen days for the process.
 - ii. Temporary occupants may apply by agreeing to a criminal background check and paying the fee. Temporary occupants previously approved by the board may be asked to leave and do not have tenant rights.

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- j. Any requests of the Board, including requests for approval of an exception to these rules, must be submitted in writing to the Secretary of the Board at least five (5) days prior to a scheduled board meeting.

2. **Conduct**

We strive to build a safe and tranquil community. Due to the close proximity in which we live, we have basic ground rules to maintain the peace and security of all residents.

- a. All residents are responsible for the actions of their guests and their children and pets.
- b. Residents must conduct themselves in a reasonable manner at all times, and must not disturb, threaten or harass other residents.
- c. Residents may only be on another's space or in another's home when invited.
- d. Public Intoxication is prohibited.
- e. This is a drug-free park. Use, possession, or distribution of illegal drugs is prohibited and is cause for immediate eviction, as provided by Oregon law.
- f. No commercial or in-home businesses are allowed, including daycare, with the exception of non-physical internet commerce. In no case will the board approve a home business that is disallowed by planning or zoning ordinances. No visible signage or other advertising is allowed.
- g. Noise from radios, electronic equipment, vehicles, and parties is expected to be kept at a moderate level or lower at all times. In addition, during quiet hours (see below) noise levels must be even lower.
- h. Quiet hours are from 10PM – 7AM weekdays (Su-Thu), and 12AM–8AM weekends (Fr-Sa). During these times, you must keep conversations, sound, and noise at a level that cannot be heard beyond your own space.
- i. Vandalism or graffiti must be immediately repaired or removed by the owner of the space. If not repaired or removed within 48 hours, the Cooperative may repair or remove it and the cost of the repair or removal will be charged to the home owner.
- j. Bicycles and toys must be kept out of the street when not being used.
- k. Discharge of firearms, BB guns, hunting and archery equipment, and any other weapon is strictly prohibited.
- l. **Fireworks:** Only fireworks approved for sale in the state of Oregon are allowed in the Park. Residents shall clean up all debris left from fireworks use or display. Care and caution is to be used to prevent accidental fires while setting off fireworks and careful disposal of debris to make sure they will not start a fire.

3. Vehicles

We strive to provide a safe, clean, and orderly community.

- a. The speed limit is five (5) miles per hour.
- b. At all times vehicles must be operated in a careful manner so as to avoid injury to persons and property.
- c. Motorcycles and motor scooters that are licensed and street legal are allowed for ingress and egress to the Park. Motorized trail bikes, go-carts, and all-terrain vehicles are not to be used in the Park.
- d. Residents must register all of their vehicles with the Cooperative. Unregistered guest vehicles may remain for up to 72-hours only, after which time the guest must register the vehicle with the Cooperative.
- e. All registered vehicles must be parked in driveways or parking spaces. Only guests may park on the street for not more than 4 hours. Registered vehicles parked in the street are subject to a \$50 park fine, after one warning notice. "No Parking" zones will be posted. Vehicles parked in No Parking zones will be fined and may be subject to towing for repeated violations. Parking on lawns is not allowed. Parked vehicles shall not block access for emergency vehicles, drive ways or any entry way.
- f. No major vehicle repair is to be performed in the park or parking spaces. Minor maintenance is allowed. Used vehicle fluids must be disposed of properly.
- g. Any vehicle that is disabled must be parked in your driveway.
- h. There is no parking allowed on Saunders Creek Road.
- i. RV's such as travel trailers, motor homes, fifth wheels or campers may be stored on a resident's space or driveway if space allows, but is not to be used for quests or roommates as sleeping quarters.
- j. All vehicles must obey the 5 mile an hour speed limit though out the entire park. Speeders are subject to a \$50 park fine after receiving two written warnings and a \$100 fine for each time written up there after.

4. Pets

We recognize the importance of pets to many residents. However, not everyone likes the same pets. Recognizing the close proximity in which we live, we intend the following rules balance the interests of all residents regarding pets and create a healthy environment for all.

- a. Approval from the Board is required for all pets above the weight limit.
- b. There may be no more than two (2) domestic pets per household. The Board may restrict animals that weigh more than twenty-five (25) pounds.
- c. Rules regarding pets also apply to the pets of guests. Each Park resident will be held responsible for their guest's pet behavior or damage.

Noisy, unmanageable, or unruly pet behavior that causes complaints is prohibited.

d. Only domestic household pets, of a docile nature, and service animals will be allowed in the Park. Farm animals or fowl are prohibited.

e. Exotic and wild animals are not allowed in the Park.

f. When walking pets, residents must carry a bag, use it to contain animal waste.

g. Dogs must be kept in control on a leash while in common areas, or contained within the resident's space or yard. The leash must be of a controllable length. Dogs must not bark to the extent that other residents are disturbed.

h. Animals that have threatened or bitten a resident or guest, and/or have damaged the property of other residents in the community, may be removed from the community. The victim of the incident shall contact law enforcement officials and notify the Board about the incident.

i. Exterior dog runs may also be approved by the Board, and shall meet the building/fencing requirements in Section 5, Subsection e. of these Community Rules.

j. All outdoor cats must be spay or neutered and have received vaccinations.

5. Maintenance of Building and Structures

To preserve the value of our homes and the safety of all residents, all residents should maintain their homes and spaces to a similar standard of upkeep.

a. All homes must be maintained in good condition, skirted, clean, neat, and painted.

b. Accessory structures, porches, decks, steps, and skirting must be kept painted and in good repair so the appearance of the home and space are attractive.

c. Steps to homes are to be wood, aluminum, or pre-cast concrete and of sturdy and safe construction. Concrete blocks may not be used as stairs, for the safety of all residents. Residents must install steps and railings at all exterior doors.

d. Existing structures are permitted to remain on the property, but any new structure must be approved by the cooperative board and comply with the following standards:

i. Must fit reasonably within your leased space.

ii. Roof must be pitched

iii. Doors and windows must be in good repair and able to be closed.

- e. Buildings, structures, porches, sheds, towers, children's play facilities, decks, *fences* etc. are not permitted without prior approval from the Board of Directors. They must also comply with building codes and federal and state regulations. Before installation, residents must present to the Board a plan for any of the above structures, showing details of the structure and its proposed location on the space. After approval by the Board, the resident must obtain a building permit, if applicable, and give a copy to the Board to be placed in the resident's file.

Ask before you build!

- f. Residents are responsible for preventing leaks and freezing in their home's water lines. Don't forget to inspect water lines each year in the fall. The Cooperative reserves the right to shut off the water at any home where there is a leak until the repair is made.
- g. Residents must not tamper with park fuses, electric service, or connections. Contact the board for any necessary repairs. All extension cords must be in good condition and properly sized for their intended use.
- h. Pools are not allowed, except wading pools for children not exceeding 10 ft. X 10 ft. and 2 feet deep (or circular equivalent). Children in pools must be supervised by an adult at all times.
- i. The Board of Directors will notify a resident if any additional repairs or maintenance is needed. The resident has 30 days from receipt of notice to complete the requested work, unless a request for extension is submitted in writing by the resident and approved by the Board.

6. Space Maintenance

These rules provide a standard for upkeep of individual spaces, to maintain a neat and orderly community appearance.

- a. Residents must keep their spaces free of debris, waste, and garbage. After notice of violation and thirty (30) days for the resident to fix the violation, the Cooperative may clean the space and bill the owner for the cost.
- b. Yards and lawns are to be kept trimmed and mowed; the grass should not be higher than 6" maximum.
- c. Rubbish must be kept in closed containers designed for that purpose, kept out of sight if possible. Composting bins are allowed.
- d. The burning of leaves, rubbish, etc. is not permitted. Gas and charcoal grills are permitted.
- e. Items not used on a weekly or seasonal basis may not be stored outside the home or outside storage/utility buildings. Residents must not keep appliances, large containers, motors, auto body parts, tools, building supplies, chemicals, drums, tires, old furniture, etc., on lawns around homes. Clean and neat lawn furniture is permitted, if used in season and properly stored out of season.

- f. Fencing must be installed to code and must be approved by the board of directors prior to installation. Fence posts must be set in concrete. Front fence can be no higher than 4 feet and back fence no higher than 6 feet and built of standard fencing materials. Tarp type fencing may not be used.
- g. Resident's use of spaces, including trellises (and similar structures for decorative or gardening purposes), gardens and landscaping, must not interfere with the Cooperative's ability to perform any upkeep and maintenance of park infrastructure. Due to potential problems with underground or overhead utilities, the Board of Directors must approve the planting and replacement of all trees. ***Ask before you plant.***
- h. Freestanding clotheslines are permitted. Also, stringing clotheslines between trees and/or the home is allowed, as long as any trees used are entirely within the space leased by the resident, and the line is placed in such a manner as not to jeopardize the safety of others.
- i. Watering of lawns shall be conservative. There shall be no over-watering. Washing of vehicles is restricted to resident owned vehicles only. The Board of Directors reserves the right to restrict water usage when levels are low.
- j. Spaces that adjoin the rain and water over run ditch are responsible for mowing and removing yard waste that could block the ditch.
- k. Residents must properly secure tarps, or other protective coverings, and are to avoid the prolonged use (4 months) of any tarp for used such as fencing or roofing.

7. Set-up and Removal

These rules are intended to facilitate easy set-up and removal of all manufactured homes.

- a. Set -up
 - i. The Board of Directors must approve and has the right to inspect and view any home before it is moved into the park. The age of the unit will be no older than the year 2000. The Board must approve the placement and position of the home on the space.
 - ii. If required by local, state, or federal regulations, the regulating authority must approve the age and condition of the home before it is moved into the park.
 - iii. Residents are responsible for connecting all utilities, including electrical, telephone, cable television, sewer and water.
 - iv. Skirting and permanent stairs must be installed within thirty (30) days of placing the home in the park.

- b. Removal
 - i. Residents wishing to remove their homes are required to give written notice of intent to the Board of Directors at least sixty (60) days before moving their homes.
 - ii. A copy of the permit from the local governing body allowing removal of the home must be given to the Board of Directors.
 - iii. The resident must clean the space of any trash, debris, and hazards (i.e. stairs in need of maintenance, outbuildings in disrepair, broken glass, etc.).
 - iv. Residents are responsible for the costs of repairing any damage caused to the park property or the property of other residents during home removal or set-up.
- c. Gutters and Downspouts: Gutters and downspouts must be installed, and connected to an adequate drain field or existing drain system. Gutters and downspouts must be installed and connected within six (6) weeks after the home is sited.

8. Dispute Resolution and Complaint Procedures for Disputes Between Residents

Residents are encouraged to attempt to resolve differences between themselves. These rules are intended to facilitate the easy resolution of conflicts.

- a. Any resident with a complaint about another resident's violation of any of these rules is encouraged to first approach that person and attempt to resolve the issue together. However, if a resident feels a direct approach would be inappropriate or dangerous, s/he may file a written complaint with the Board of Directors.
- b. Complaints must be in writing. Complaints must contain the name and address of the resident against whom the complaints is directed, as well as the name and address of the resident filing the complaint and must be specific, including dates and witnesses, if any.
- c. The Board of Directors will keep a record of all complaints filed. If possible, the name of the resident filing the complaint will be kept confidential.
- d. The Board of Directors will deal with complaints in a timely, diligent, and responsible manner, as detailed below.
- e. Within thirty (30) days of when a complaint is received, the Board of Directors will review the complaint. The Board may choose to resolve the issue through oral negotiations with the resident against whom the complaint is directed or mediation between the two residents. Written record of this negotiation and/or mediation will be made and filed with the original complaint.
- f. If the issue is not resolved, the Board of Directors has the authority to determine a course of action that will be binding on both the

resident who filed the complaint and the resident against whom the complaint was filed. The Board of Directors will make a written record of its decision, and a copy will be delivered to the resident who filed the complaint, the resident against whom the complaint was filed, and a copy will be filed with the original complaint.

- g. If the Board of Directors determines that there has been a rule violation, the procedure for Rule Enforcement in Section 9 shall apply.

9. Rule Enforcement and Grievance Procedure

- a. Residents must obtain any approval, consent, or waiver from the Board of Directors before commencing the act for which approval, consent, or waiver is necessary.
- b. The Board of Directors' failure at any time to require performance of any of these rules does not limit the Board of Directors' right to enforce the rules. Any waiver of any breach of any of these rules does not constitute a waiver of any succeeding breach of that rule or waiver of the rule or any other rule.
- c. The resident must pay all costs incurred by the Cooperative, including those of collection and reasonable attorney's fees, resulting from proceedings to enforce these rules.
- d. Where the Board of Directors determines that a resident has violated the rules, the Board of Directors may issue a Notice of Violation to the resident.
- e. A resident may contest the written Notice of Violation by sending or delivering a written response disputing the Notice to the Board of Directors within (7) days of the date the Notice of Violation was served on the resident.
- f. The Board of Directors and the resident shall then engage in informal dispute resolution, unless the Notice of Violation relates to non-payment of rent (including additional rent as defined in the lease) or a material violation of these rules, in the sole determination of the Board of Directors. If informal dispute resolution applies, within thirty (30) days of receipt by the Board of Directors of the resident's written notice of dispute, one or more representatives of the Board of Directors shall meet with the resident to attempt to resolve the dispute informally. If informal dispute resolution does not apply, the Board of Directors shall notify the resident immediately.
- g. Residents shall have thirty (30) days from the Notice of Violation to cure any violation which is not the subject of an informal dispute resolution, in order to avoid termination of the lease and eviction from the Park. If the Board and the resident engage in informal dispute resolution and the dispute is not resolved, the cure period shall begin following written notice from the Board that the dispute is not resolved and stating the cure period, which shall be at least 30 days.

10. RULES VIOLATIONS

- a. When a resident or a resident's guest violates a rule, as determined by the Board, the Board shall determine whether to or not to also impose a fine on the resident and the amount of the fine. If the Board decides to impose a fine, the maximum fine for the second violation shall be \$50, and the maximum fine for a third and any further violations shall be \$100.
- b. A third violation may result in a fine or lease termination at the discretion of the Board.
- c. If the Board determines that any violation is a *material** violation of the space lease, the Board may vote to proceed immediately to terminate the Resident's lease and proceed to eviction, subject to compliance with the space lease.
- d. Guest's that do not comply with rules and regulations may be removed from the park with a criminal trespass notice. Residents that allow the banned guest to return may be subject to eviction. The board will use discretion in making the decision to remove guests. Criteria for banning guests are: any form of violence including domestic violence, criminal activity within the park or two or more park rule or regulation violations. Previous guests may request to visit again after six months after the original ban; the board is not obligated to allow the guest to return, but may do so if a change in the behavior can be substantiated.
- e. Any resident wishing to voice a legitimate complaint shall keep an accurate log of times and dates on which alleged violations have occurred, and shall submit the log to the Board of Directors for its consideration. No action will be taken without sufficient evidence to establish that a violation has occurred.

Material breach is a contract law term which refers to a failure of performance under the contract which is significant enough to give the aggrieved party the right to sue for breach of contract. When there has been a material breach, the aggrieved party is also relieved of a duty of further performance under the contract