

WINDRIFT CONDOMINIUMS OWNERS' ASSOCIATION
POST OFFICE BOX 680274
PARK CITY, UTAH 84068
Association Manager – Brenda Lake (435) 640-1150

July 21, 2014

GENERAL RULES AND REGULATIONS

INTRODUCTION:

The General Rules and Regulations as contained herein are issued by the Management Committee as authorized by the Declaration of Covenants, Conditions and Restrictions for Windrift Condominiums (Article XXIV Administrative Rules and Regulations).

The Rules and Regulations are intended as a guide to the conduct and activities of all members, tenants, lessees and residents, and their guests, so that everyone living in and using the facilities will enjoy the maximum pleasure without annoyance or interference from others.

Windrift Condominiums Association falls under the jurisdiction of Summit County, State of Utah, and all local ordinances and codes apply.

1. SWIMMING POOL

- 1.1 May only be used by those people residing in the Windrift Condominiums.
- 1.2 A resident may invite guests to enjoy the pool. The resident must be on the condo property when the guests are in the pool. Guests cannot have “guests” at the pool. The resident is responsible for all actions of the guests at the pool.
- 1.3 Owners who have rented their units have given up these privileges to their renters. (I.e. if an owner has rented their unit, the renters can use the pool and the owners may not use the pool.)
- 1.4 Life rings are to be used for emergencies only. If anyone requires assistance, they need to supply their own flotation devices. Anyone playing with, or using the rings for other purposes will lose their swimming privileges.
- 1.5 **No** glass containers may be brought to the pool area.
- 1.6 **No** food may be brought into the pool area.
- 1.7 **No** smoking will be allowed in the pool area.
- 1.8 All trash (and any items you bring in) should be taken out with you when you leave the pool area.
- 1.9 All persons under 14 years of age may use the pool only when accompanied by an adult (18 years or older). The adult must be in the pool area specifically for the purpose of attending to the persons under the age of 14, and capable of rendering assistance if needed.
- 1.10 Swimmers must wear proper swimming attire (no jeans, cut-offs, etc). Infants and small children that use diapers must use swimming diapers while in the pool.

- 1.11 Pets are **not** allowed in the pool or pool area.
- 1.12 Pool gates must remain closed and locked at all times.
- 1.13 **POOL SCHEDULE:** Approximately July 4th weekend through Labor Day Weekend.
DAILY HOURS: 10:00am - 9:00pm.
ADULT SWIM HOURS: Wednesday, Friday, and Sunday 11:00am - 3:00pm

2. TENNIS COURT

- 2.1 The tennis court is for the exclusive use of Windrift residents.
- 2.2 A resident may invite guests to enjoy the tennis court. The resident must be in attendance with guests.
- 2.3 Owner's who have rented their units have given up these privileges to their renters.
- 2.4 Proper court shoes must be worn at all times.
- 2.5 Keys to the court should be obtained from each unit's owner if the unit is a rental.
- 2.6 Weather permitting, the court is maintained for use from May through September.
- 2.7 Please lock the gate when finished with the court.
- 2.8 Pets/animals are not allowed on the court.
- 2.9 The tennis court is to be used for playing tennis only. Use of the court for any other activity is strictly prohibited.

3. AMENITIES KEYS

- 3.1 Each unit owner will be given keys to access the amenities (pool and tennis court). Replacement keys will cost \$50.00 each.

4. PARKING - ROADS

- 4.1 No overnight street parking is allowed. Street parking from November 15th to April 15th is also not allowed. (Tow away for snow removal).
- 4.2 A resident shall not, on a regular basis, park or permit to be parked more than one vehicle (from owner's household) in any visitor parking area.
- 4.3 Boats, trailers, campers, motor-homes, commercial vehicles, etc. shall not be stored on the premises. They shall be permitted to be parked for 48 hours at a time, for the purposes of loading and unloading, with a maximum of 6 days per month.
- 4.4 No parking is permitted adjacent to the dumpster.
- 4.5 The speed limit within the complex is 15 M.P.H.
- 4.6 Vehicles parked in common areas and driveway areas must be currently registered with the Utah Division of Motor Vehicles, or from the state in which the license plate was issued.
- 4.7 During the winter, vehicles parked in visitor parking must be moved at least every 72 hours for snow removal.
- 4.8 Vehicles may not be stored in driveways or visitor parking areas. No vehicle may be parked for more than fourteen (14) consecutive days in these areas without prior consent of the Management Committee.
- 4.9 Only owner/tenants and their temporary guests may park in the common areas.

5. DECKS

- 5.1 Only barbecues and firewood are allowed to be stored on decks. Not more than half a cord of firewood shall be stored on a deck at one time. Firewood must be distributed at both ends of the deck to prevent deck failure.
- 5.2 Deck furniture, in good condition, may be used on the decks.
- 5.3 Nothing may be hung from or affixed to railings, decks or building siding.
- 5.4 Flowers in flower pots may be placed on decks.
- 5.5 Stairwells and hallways may not be used for personal storage.

6. WINDOWS AND SCREENS

- 6.1 Unit owners are responsible for the windows and screens associated with their unit. Unit owners are responsible for the reasonably quick repair of any broken window, window with a broken seal or torn screen in their unit. All window coverings must show a solid color (earth tones) to the outside. Makeshift drapes (sheets, newspaper, etc.,) clutter and/or any obstacles or broken blinds are prohibited in the windows.

7. DOGS

- 7.1 Dogs are to be kept on a leash at all times - NO EXCEPTIONS
- 7.2 Dogs are not to be tied up on improved grassy areas or porches that lead to them. This only defeats the purpose of keeping the dogs and their droppings off of the maintained common areas.
- 7.3 Dog owners must clean up all droppings left by their dogs IMMEDIATELY.
- 7.4 Excessive barking that disturbs neighbors will not be tolerated.
- 7.5 Only residing unit owners shall be permitted to have dogs. Nightly rental guests and tenants are not permitted to have dogs.
- 7.6 The maximum allowable number of dogs per unit is two (2).
- 7.7 Windrift complies with the American Disabilities Act (ADA). Windrift requires any person requesting exemption of these rules, due to a disability under the ADA, provide documentation of the disability, and the necessity of a service animal, to the Management Committee.

8. TRASH

- 8.1 All trash is to be placed INSIDE the dumpster bin located on Saddle View Way. No trash may be left outside or around the bin.
- 8.2 No trash is to be placed outside of doors, on porches or on decks at any time.
- 8.3 Cardboard boxes must be broken down before putting in dumpster.
- 8.4 The dumpster may not be used for disposal of items such as construction debris, furniture or other large items.

9. DISTURBING THE PEACE AND QUIET HOURS

- 9.1 Quiet hours will be from 10:00 pm to 7:00 am Sunday through Thursday. Quiet hours will be from 12:00 am to 7:00 am on Fridays and Saturdays. Please respect your neighbors!
- 9.2 At all hours, unit owners and guests are subject to Utah Municipal Code Title 10,

Chapter 8, Section 50 "Disturbing the Peace" and are prohibited from the following: disturbing the peace of any person or persons; public intoxication; challenging, encouraging, or engaging in fighting; using obscene or profane language in a place or under circumstances which could cause a breach of the peace or good order of the city; engaging in indecent or disorderly conduct; engaging in lewd or lascivious behavior or conduct. Note this is an amended list. Please refer to the current version of Utah Municipal Code for the complete and current rule.

10. ARCHITECTURAL CHANGES

- 10.1 Any changes that affect the exterior of any building or possibly impact a neighbor must be done in accordance with the Windrift Architectural Change guidelines. A copy of these guidelines is available upon request from the association manager.
- 10.2 Any required exterior painting, such as for a window trim or a door, or any new front doors, garage doors, or any new windows or screens **must be pre-approved** by the Management Committee prior to installation. The HOA has specific colors to be used for all painting, and has that information available for all unit owners.

11. DELINQUENT UNIT OWNERS ASSOCIATION INSTALLMENTS ON THE ANNUAL ASSESSMENT/DUES POLICY

- 11.1 Installments on the annual assessment (monthly dues) that are not paid within the month due **are considered delinquent on the first day of the next month** and will be assessed a \$50.00 fine.
- 11.2 In addition, **30 days** after becoming delinquent a late fee of 18%, per annum, of the total amount due, including any additional fees, will be charged.
- 11.3 **60 days** after becoming delinquent, the Management Committee may file a lien on the unit and has the option to begin foreclosure action.
- 11.4 These time lines can be shortened or extended at the Management Committee's discretion.
- 11.5 Residents of any unit delinquent in dues will not be permitted to use the common area amenities, i.e. pool and tennis court.

12. RULES AND REGULATION PENALTIES

The Management Committee has several practical ways of assuring compliance with essential regulatory provisions.

- Suspension of voting rights.
- Suspension of rights of access and use of common area amenities.
- Assessment of fines.
- Assessment of attorney's fees and costs.
- Towing of vehicles.
- Removal of pets.
- Eviction of renters.

A list of potential fines and the recurrence schedule is included as Table 1 below.

13. ENFORCEMENT

- 13.1 Each unit owner is responsible for adhering to Utah law, local ordinances and codes, and these rules and regulations governing the community.
- 13.2 A breach of these rules is subject to enforcement pursuant to the Utah Condominium Ownership Act, Declaration and Bylaws, and may include the imposition of a fine or assessment of reasonable attorney's fees and costs.
- 13.3 Each unit owner is also accountable and responsible for the behavior of the residents, tenants and/or guests of his or her unit. (i.e. if a tenant violates a rule, the owner is responsible for the penalty and/or fine).
- 13.4 The Management Committee has instructed the association manager to react to each violation in the following manner:
 - a. Fines imposed and/or charges for attorney's fees and costs are final unless appealed in writing to the Management Committee within thirty (30) days of written notification of the violation from management.
 - b. If a request for a hearing is not submitted to the Management Committee within 30 days, the right to a hearing shall be considered to have been waived, and the fine imposed will stand.
 - c. A request for a hearing to appeal should be sent in writing to: Windrift Condominium Owners' Association, Post Office Box 680274 Park City, Utah 84068
 - d. Before assessing a fine or attorneys fees and costs, the Management Committee shall give notice to the unit owner of the violation and inform the owner that the fine will be imposed if the violation is not cured within at least 48 hours.
- 13.5 Any fines assessed shall:
 - a. be made only for a violation of a rule or regulation which is specifically listed in the declaration, bylaws, or rules as an offense which is subject to a fine;
 - b. be in the amount specifically provided for in the declaration, bylaws, or association rules for that specific type of violation, not to exceed \$500
 - c. accrue interest and late fees as provided in the declaration, bylaws, or association rules; and
 - d. Cumulative fines for a continuing violation may not exceed \$500 per month.
- 13.6 A unit owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 30 days from the date the fine is assessed. The hearing shall be conducted in accordance with the standards provided in the declaration, bylaws, or association rules. No interest or late fees may accrue until after the hearing has been conducted and a final decision has been rendered.
- 13.7 An assessed fine which remains unpaid after the time for appeal has expired becomes a lien against the unit owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses.

13.8 A copy of all offenses, warnings and assessed fines will be kept on record with the association manager.

Table 1. Windrift Rules and Regulations Offense Schedule of Fines

			OFFENSE RECURRENCE AND FINE SCHEDULE ¹					
R&R ID #	Rule Violation Type	Violation minimum recurrence timeframe ²	1ST	2ND	3RD	4TH	5TH	6TH
1, 2	AMENITIES – TENNIS / POOL / SPA RULES	WEEKLY	WRITTEN WARNING	50	100	200	400	500
4	ROADS, PARKING & VEHICULAR RESTRICTION	3 DAYS	WRITTEN WARNING	50	100	200	400	500
5, 6	DECKS, SCREENS	WEEKLY	WRITTEN WARNING	50	100	200	400	500
7	TENANTS WITH DOGS	MONTHLY	WRITTEN WARNING	50	100	200	400	500
7	OTHER DOG/ANIMAL VIOLATIONS	WEEKLY	WRITTEN WARNING	50	100	200	400	500
8	TRASH	WEEKLY	WRITTEN WARNING	50	100	200	400	500
9	EXCESSIVE NOISE	WEEKLY	WRITTEN WARNING	50	100	200	400	500
10	ARCHITECTURE	MONTHLY	WARNING	50	100	200	400	500
11	LATE DUES OR PAYMENTS	MONTHLY PER OCCURANCE	50	50	50	50	50	50

¹ A maximum of \$500 per month will be assessed for any one type of fine. After one year of no violations of the same type, the next violation will be considered the first occurrence.

² This is the minimum timeframe at which, if the violation is not rectified, the next fine may be assessed.