

BARRINGTON HEIGHTS, Division 1 & 2 (Recording number 4223160, et al), Island County, WA)

ASSOCIATION RULES AND REGULATIONS

***FOR HOMEOWNERS, provided by your Board of Directors**

PREPARED BY THE BOARD OF DIRECTORS

EFFECTIVE: 5/15/18

DATE REVISED: 5/14/18

INTRODUCTION

The social success of a homeowner association community depends, in large part, on the rules, regulations that govern how residents are expected to conduct themselves. Typically, the declaration subjects all home owners to general covenants, while the bylaws and house rules and regulations provide specific guides for day to day living. Without these restrictions and a means to enforce the rules and regulations, the Barrington Heights Division 1 and 2 living experience could become chaotic indeed. Your Board of Directors has adopted the following "ASSOCIATION RULES AND REGULATIONS" to enhance the enjoyment and tranquility for all persons living in the Barrington Heights, Division 1 & 2. HOA in this document shall be interchangeable with the words "Homeowners Association".

These Rules and Regulations do not supersede or change the Bylaws or Covenants, Conditions and Restriction's (CC&Rs) in any manner. They do have the same status of law and enforceability. Any conflict between RCW 64.38 and the Rules and Regulations the RCW shall supersede.

Wherever the word "owner, Lot owner" appears, if used in this document, it will include any and all tenants and/or occupants. All rules and regulations herein will apply to all tenants and/or occupants. Ultimately, all responsibility lays with the property owner.

Owners shall be responsible for tenants / occupant's actions or misconduct and adherence to the Rules and Regulations of the Association. Each owner shall be

responsible for providing tenants with a current copy of the Association Rules and Regulations.

Transfer Fee and Review Fee: The sale or transfer of title of any lot shall cause the SELLER to pay a Transfer Fee of \$150.00 (Two Hundred Dollars and no/00) to the Association. Payable at Escrow to Barrington Heights, HOA. Monies shall be deposited in the Barrington Heights General checking account. Location of the Account to be determined from time to time by the Board of Directors.

Architectural Design Review and Authorization Fee: \$150.00 (One Hundred Fifty Dollars and no/00) Landscaping MUST be approved by the Architectural Review Committee (ARC). Per the CC&R's, at the completion of the structure on the lot owner shall have 12 (Twelve) months in which to finish the lot landscaping per the approved submitted drawing. **Landscaping drawings showing placement, species of flora and placement in relation to the structures on the lot. This design and drawing must be submitted Twenty (20) days prior to beginning construction of landscaping, to the ARC. The ARC shall respond with approval or disapproval within Ten (10) days. Note: NO planted materials/flora, when mature may exceed the height of the roofline or obstruct the view of any other homeowner in the plat.**

MAKE INQUIRIES OR REPORT VIOLATIONS TO A BOARD MEMBER:

A Board of Director, the Board Member shall take any complaints/issues directly to the Board Members. The Board Member shall take the issue to the Board as a whole. No Board Member may make a unilateral decision regarding any matter which has not been decided by a quorum of the Board Members.

All of the rules and regulations herein may be changed or added to at any time by the Board of Directors with due notice and in compliance with the "Open ted hereunder may be revoked for due cause. Meeting Act". Roberts Rule of Order shall apply at all meetings. Any consents gran

***RECEIPT OF THIS DOCUMENT SHALL CONSTITUTE FORMAL NOTICE!**

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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 this document, the word "tenant" shall also apply.)

THE STANDARD FINES TO BE LEVIED IN THE CASE OF VIOLATIONS ARE AS FOLLOWS:

1. SCHEDULE OF NOTICES

- A. First Notice: Warning Letter to Owner
- B. Second Notice: Hearing Letter to Owner, Possible Fine
- C. Third Notice: Hearing Called by Board of Directors plus Fine
- D. Reoccurring Offenses: Enforcement in Accordance with the Determination of the Board at the Hearing.

2. SCHEDULE OF VIOLATION COSTS TO HOMEOWNER / LOT OWNER

- A. First Notice \$0.00 (warning notice).
- B. Second Notice \$100.00
- C. Third Notice \$250.00
- D. Fourth Notice --- Additional Notice and COST (if any) shall be determined by the Board. The BOD has the authority to engage an attorney and proceed with legal action against any homeowner **all costs** shall be the responsibility of the offending homeowner. All "costs" as noted shall be for a single offence.

Board of Directors

1. 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.

2. Homeowners are responsible for damage caused to the common area.

3. All legal fees or costs incurred by the Association to enforce violations or collect fines will be the responsibility of the home Owner.
4. 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.
5. Anyone wishing to report an alleged violation of the Rules and Regulations or CC & R's may do so by contacting the **Board or Board member in writing**. All violations must be reported in writing. The identity of the person reporting the violation will not be disclosed to the Owner involved. The Board will consider the issue and respond at or before the next scheduled Board of Directors meeting.
6. Failure to pay the fines in the time as set forth herein may result in the filing of appropriate legal action. In addition, voting rights of the individual will be suspended by the Board of Directors.

ASSOCIATION RULES AND REGULATIONS

GENERAL COMMUNITY

I. AREA DEFINITIONS

- **Common Area (if any)**

Common areas are those outside your property lines, including the walkways, landscaping and / or per the Association Recorded Documents.

2. Owner Area

Owner or home areas are all structures, exterior and interior surfaces of perimeter walls, ceilings, floors, roofs, windows, and doors of each home. Included are homeowner landscaping lawn area. All personal property including residence, lawns, shrubs must be kept trimmed, structures painted, well maintained at all times.

3. Exclusive Use Areas (if any).

As defined by your Title, subject to the CC & R's, rules and Regulations of the Association.

4. Homeowners are responsible for any common area damage caused by them, or a member of their household, their tenants, their guests, or pets.
5. Articles of clothing, linens, towels, or bathing suits are not to be hung on patio fences, gates, landings, balconies or from windows.
6. Climbing on walls and fences is strictly prohibited.
7. Driveways shall be properly maintained, and free of oil and grease
8. All homeowners must promptly repair and maintain their home to the extent it affects any other home, including landscaping.

IV. MAINTENANCE OF PROPERTY and LANDSCAPING

LANDSCAPING: No planted or natural occurring trees shall be allowed to grow in vertical height above the lots building structures highest roof point. Lot owner shall be responsible for maintaining all lot Landscaping. This requirement is to maintain the view of all other lots in the Plat. All landscaping must be approved by the ARC. No homeowner shall allow landscaping plants or trees to obstruct the view of any other homeowner.

V. LOT MAINTENANCE

Pursuant to Section 3 of the CC&Rs the homeowners are responsible for their respective lots and Buildings (improvement). "Each owner of a Lot shall be responsible for maintenance of his Lot and improvements thereto including the equipment and fixtures therein, the interior and exterior walls, the ceiling and roof, the windows-and doors thereof, in a first class, clean, sanitary, workable and attractive condition. Windows on the lots may be covered by shades, drapes or shutters only and may not be painted or covered by foil: cardboard or other similar materials. The association is held entirely harmless for all past and future Lot and Improvement maintenance responsibilities.

VI. FENCES ETC.

No fences, awnings, ornamental screens, screen doors or walls of any nature shall be erected or maintained on or around any portion of any structure or elsewhere within the development except such as are installed in accordance with the original construction of the development, and any replacement thereof, or as are

authorized and approved by the Association Board of Directors (BOD) or the ARC (Architectural Review Committee).

VII. REFUSE REMOVAL AND TRASH

Proper disposal of trash is essential to the health of our occupants. Trash and litter in the common street or areas will have a negative effect on property values. Trash shall be deposited inside your trash containers. Boxes should be cut and flattened when disposed of. Furniture and other large household items must not be disposed of by placing at curb side. Residents must make other arrangements for disposing of these items. Trash containers shall be removed from curb and placed out of sight on the same day the refuse company removes the trash.

1. Trash is picked up regularly, except holidays, and then it is picked up the following day. Trash, to be removed must be placed inside the trash containers and placed at the curb.

2. Homeowners and tenants are encouraged to pick up papers and debris from the HOA when observed and to keep the front of their respective homes clean at all times.

3. If you will be away for an extended period, cancel all newspapers and deliveries or request the service of a friend or neighbor to pick them up for you to discourage vandalism or attract undesirables. Newspapers and other such items accumulating in the driveway send a clear signal to vandals that your home, for the moment, is unattended.

TRASH

1. Trash is picked up every Wednesday by the City of Oak Harbor. (If Wednesday occurs on a national holiday, pickup is usually a day later than regular pickup.)

2. Trash containers may not be placed on the street earlier than 1:00 A.M. on the evening preceding pick-up.

3. Empty containers must be removed from public view within 24 hours of the day of pick-up.

4. Residents are requested to pick up any blowing or leftover trash not removed by trash pickup.

PATIOS AND PATIO COVERS

1. Patio covers are permitted with ARC approval only.
2. You may landscape your patio area to your own preference as long as trees, plants, shrubs, and ground cover (both living and solid structural material) do not cause damage to buildings, fences, etc., do not affect the natural slope for drainage or the **Rock Retaining Walls** and do not obviously disrupt the character of the HOA.

VII. RENTALS

Any homeowner choosing to rent his home must notify the Board of Directors or management company within 10 days of signing a lease the name(s) of the tenants, a description of their vehicle(s), and their phone number.

Owners shall provide new occupants with a copy of association Rules & Regulations.

VIII. OPEN HOUSE

One (1) "Open House" sign may be placed in front of the home.

IX. PETS

The county and city ordinances pertaining to dogs and cats (and other domesticated animals) apply to this subdivision. They provide, in part, that dogs must be kept on a leash or confined within the owner's property. If any pets become a general nuisance, restrictive action will be taken. In case of an accident, **dog excrements must be removed with scoops or plastic bags from sidewalks, driveways lawns and other green areas, immediately**, and disposed of in a proper container. Damage to shrubbery, etc., by animals will be at the expense of the owner. Control should be exercised over the noise made by pets.

No animals of any kind shall be raised, bred or kept in any home, or in the common areas or the association property for a commercial purpose, except that dogs, cats or other household pets may be kept in homes.

X. NOISE

Owners and occupants shall exercise reasonable care to avoid making or permitting to be made loud, disturbing or objectionable noises and in using, playing or permitting to be used or played musical instruments, radios, phonographs, televisions, amplifiers and any other instruments or devices in such manners as may unreasonably disturb owners, tenants or occupants of other homes. **From 11:00 PM to 6:00 AM shall be considered quite time for sleeping.**

Homeowners are urged to exercise restraint in using noise - using tools and appliances during late night hours or before 7AM on weekdays and 9:00 A.M. on weekends.

Barking dogs shall be controlled by the animal's owner. Complaints received by the Board of Directors regarding a barking dog may result in removal of the dog at owners' expense.

All noise must be kept to a minimum throughout the HOA pursuant to CC&R's.

XI. DISPOSAL OF TOXIC WASTE

No owner or occupant shall dispose of any toxic material in a manner which is inconsistent with local and federal law. The Board of Directors shall be empowered to levy a severe fine against the owner of the home whose occupants have been observed illegally disposing of any toxic material. Toxic materials include, but are not limited to, oil, antifreeze, solvents, gasoline, paint etc.

XII. NONOWNERS OCCUPIED - TENANTS

The occupancy in each home is limited to one person per each 300 feet of living space. Restrictions outlined in the Uniform Building Code (UBC) chapter 3324-table 33a, state the "Minimum egress and access requirements." Per home occupancy shall not exceed one person (child or adult) per 300 feet of living space in apartments, dwellings, etc. Enforcement performed by public health department and building department. Number of occupants per square feet is subject to the Laws of the State of Washington and the City of Oak Harbor, WA.

The home owner shall be responsible for keeping the management company (if any) or the BOD informed of any change in occupancy. Owners shall provide the management company with the names of all authorized occupants, their

telephone number and the license number, make and color of authorized vehicles.

9. Commercial vehicles may be temporarily parked in or off the streets while making deliveries.

10. Storage of any motor vehicle, mobile home, R.V., camper, commercial vehicle, boat, trucks larger than 3/4 ton, or trailer in common area parking is strictly prohibited. Refer to Section 3 of article VIII A of the CC&Rs.

11. Residents are responsible for removal any oil or grease marks on driveways or sidewalks. Cost for any oil or grease marks, or damage to any common area having to be removed or repaired by the Association will be assessed to the responsible owner (see also Common Area Rules).

12. Vehicle Code - Pursuant to the Municipal code, all provisions of these codes are enforceable in the subdivision by citation by the Oak Harbor Police Department and Board-designated patrol security services.

All unauthorized and/or illegally parked vehicles are subject to automatic (no warning given) towing or immobilization by a private parking/security patrol company when contacted by the Board at the owner's expense and/or subject to penalty assessments of Fifty Dollars (\$50.00) for each occurrence.

THE AFOREMENTIONED AUTOMOBILE AND PARKING REGULATIONS WILL BE STRICTLY ENFORCED

13. PARKING REGULATIONS:

A. All homeowners/residents shall be responsible for their guests with regard to and other rules of the association.

B. Speed limit is set by the City of Oak Harbor.

C. Any Parking on the lawn or landscape is absolutely prohibited at all times.

XV. ARCHITECTURAL RULES

All alterations, modifications or additions to the exterior of your home must have the approval of the Board of Directors.

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 and the City in writing for approval.

1. EXTERIOR MODIFICATIONS

This includes the home exterior, patios, balconies, landscape planter areas, walls, etc. ARC written architectural approval must be secured when exterior changes are desired. A sketch of changes must be submitted for ARC review.

2. EXTERIOR MODIFICATION, BUILDING ATTACHMENTS

The following exterior attachments are not permitted without Board of Directors approval:

- a) TV antennas, including Cable TV
- b) Satellite dishes (receivers, per size and installation method approved by the Board). Please request written guidelines available from a Board member. NO structure may exceed the height (top) of the roofline .
- d) Air conditioning homes in walls, windows, or on roofs
- f) Awnings

PAINTING

Any exterior surface paint color must be approved by the ARC.

XVI. NOTICES

Posting of notices, advertisements and etc. are prohibited.

XVII. General Membership Meetings (General Association Meeting shall be held ONCE a year, Notification will be provided), BOD Meeting held as required.

The meetings of the association are held on the _____TBD_____ of each _____TBD_____, Location____TBD_____. Homeowners are welcome to all Board meetings. A 20-minute open forum is provided at the opening of each Board meeting. Following the open forum, the Board of Directors conducts the business of the association. Homeowners are welcome and encouraged to stay for the entire meeting. However, so that the Board can conduct the business of the association without interruption or distraction, homeowners may observe but

may not have a voice or contribute to the meeting unless specifically called upon by the Board member conducting the meeting. Homeowner will be notified prior to of meeting.

XVIII. CRIMINAL OR SUSPICIOUS ACTIVITY

Homeowners are encouraged to be active participant in neighborhood watch. If you observe any suspicious or illegal activity, CALL THE POLICE IMMEDIATELY. (DO CALL 911). Keep the police number at your telephone or in auto dial. Give your report in calm, slow and precise language. If you observe or hear activity in the HOA anytime, notify the police. DO NOT CONFRONT THE PERSONS INVOLVED.

XIX. LIEN AND FORECLOSURE PROCESS RESOLUTION

(All legal procedures shall follow Washington State Law)

1. A notice of intent to file a lien is sent when an account is 120 days past due.
2. The account has ten days to respond; if there is no response, a letter is sent to the attorney requesting that a notice of an assessment lien be placed on the property. Any attorney fees acquired in this manor shall be charged to the Homeowner.
3. The attorney verifies owner and home number by requesting legal vesting from Title Company.
4. The notice of an assessment lien is sent to the county recorder. Approximate length of time until a recorded lien is returned is seven to ten working days.
5. The attorney waits 20 days for response to lien notice, and then checks with the HOA Board to see if the account is still delinquent. If so, without further direction, the attorney may proceed.
6. The notice of intent to commence legal action is prepared and the homeowner has 10 days to 15 days to respond (or per Washington State Law).
7. The attorney checks with the BOD for approval to proceed with the summons and complaint. (Foreclosure)
8. The summons and complaint are sent to the court for filing and then returned to the attorney for service. The complaint is signed by the Board of Directors.

9. The summons and complaint are served by the Sheriff or Attorneys Service.
10. Proof of service is returned to the court.
11. The homeowner has 30 to 35 days to respond to the summons; if there is no response, the homeowner is in default. (subject to Washington State Law)
12. The property is sold through a foreclosure. Disbursements of funds are made in order of claim; i.e., first mortgage holders, second mortgage holders, etc. or per Washington State Law.

NON-OWNER-OCCUPIED RESIDENCES

If you are a homeowner who decides to **rent your home** or to otherwise delegate your right of enjoyment", the following rules apply:

You are required to report the names of the person who are living in your home to the Secretary of the Board of Directors or a Board Member, your report should also include A and B as follows:

- A. You are required to acknowledge in writing your tenant, lessee, or contract purchaser fully understands and has received a copy of the Rules and Regulations of the Homeowners Association.
- B. You are required to further acknowledge you (as a member of record of the Homeowners Association) will be held responsible for the actions of your tenants, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common area or, other property caused by your tenants.
- C. Provide tenant/owner emergency information on required form and submit to a BOD member.
- D. Provide tenant and vehicle information on a form from a BOD member.

FAILURE TO COMPLY WITH THE RULES IN THIS SECTION WILL SUBJECT THE HOMEOWNER TO A HEARING BY THE BOARD OF DIRECTORS AND PENALTY ASSESSMENTS OF \$100.00 FOR EACH MONTH OF NON-COMPLIANCE

ALL Association Rules and Regulations are subject to change by the BOD.

*Barrington Heights, Division 1 and 2.

By order of the Board of Directors

Contact names shall be provided to homeowners concerning the BOD and ARC.

Rev. 5/18