

# **WOODS OF BRUSHY CREEK HOA**

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# **AVOID COSTLY LEGAL ACTION**

## **VIOLATION AND FINE POLICY** **FOR** **WOODS OF BRUSHY CREEK HOMEOWNERS ASSOCIATION**

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This policy establishes guidelines for some of the most frequent types of violations seen in the neighborhood. This policy is not intended to be a complete list of all possible violations. These violations are addressed in detail in the WBCHOA Deed Restrictions. For more complete information, refer to the *DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE WOODS OF BRUSHY CREEK SUBDIVISION* (henceforth referred to as CCR'S).

### **VIOLATION POLICY**

All properties must be kept in a neat, well maintained appearance at all times. If you receive a violation notice for one of the most frequent violations of this requirement, you are likely to see one of the messages below.

**Yard maintenance needed:** Yards must be maintained on a basis frequent enough to maintain an overall well kept appearance. This includes:

- Mowing: entire yard must be mowed
- Edging: sidewalk, driveway and curb, etc. must be edged.
- Weed control: weeds must be abated in grass, flowerbeds, and cracks; weed trimming must be performed along fences, etc.
- Grass replacement: add sod or re-seed where grass has died
- Blowing or sweeping up: grass and clippings must be removed after lawn maintenance
- Removing dead plants, shrubs, trees in a timely manner

For additional information, refer to CCR'S, Article VI, Sec 10.

**Trash receptacles in view:** All trash containers must be hidden from general view except for trash pick-up day.

- Containers may be put by the curb at dusk on the day before pick-up and must return to being stored out of view by dusk the day of pick-up.
- *If containers can be seen from the street, they are not out of view.* If you do not want to place your trash container in your garage or back yard, a screen such as lattice with vines growing on it is an example of appropriate screening. If you choose to use this or a similar screening method, you must contact the ACC (Architectural Control Committee) through the Board of Directors for written approval.

For additional information, refer to CCR's, Article VI, Sec. 9.

**Fence/gate repairs needed:** Fences must be maintained in a neat and attractive manner at all times.

- Replace broken/missing pickets; repair or replace broken or hanging gate; straighten/secure leaning or bowing fence, etc. (Refer to CCR'S, Article VI, Sec. 9.)
- All new fences must have the prior approval of the ACC. (Refer to CCR'S Article VII, Sec. 2)

**Unapproved exterior changes:** The following changes to a residence must be approved in writing by the Architectural Control Committee (Refer to *CCR'S, Article V*):

- all changes to the exterior of the residence, including changing the paint color;
- the addition of any structure, fence replacement or painting;
- major landscape modifications

You must contact the ACC (Architectural Control Committee) through the Board of Directors for written approval of changes PRIOR to beginning construction. An Improvement Request Form is available on the WBCHOA website ([www.wbchoa.org](http://www.wbchoa.org)).

**Animals:** No more than two domestic pets of the same species are allowed. All pets must be leashed and under control of the person holding the leash, according to ordinance. Pets may not create a nuisance. Pets may not relieve themselves on another owner's property. If an accident occurs, the pet's owner must immediately remove the feces from the property. This also applies to the association's common areas. (Refer to *CCR'S, Article VI, Sec. 15*)

**Vehicles:** Commercial vehicles, inoperable vehicles, and equipment may not be parked in public view at any time, including overnight. (Refer to *CCR'S, Article VI, Sec. 16.*)

- Inoperable vehicles include those which do not bear current valid license plates and/or inspection stickers.
- Commercial vehicles include:
  - any trucks, except ordinary household pickup trucks or vans
  - any vehicles bearing any insignias, sign, or name
  - any vehicle equipped with commercial apparatus such as headache racks, plumbing apparatus, compressors, tool bins, storage bins, or winches.
- Equipment includes any other equipment, vehicles, or apparatus intended for transportation or hauling, other than ordinary personal automobiles, pickup trucks, and vans.

**Boats, trailers, etc:** No boats, trailers, campers, RV's or other recreational vehicles may be parked in view. (Refer to *CCR'S, Article VI, Sec. 16.*)

**Other:** Examples of additional things that could incur violations include:

- a generally unkempt appearance of the property
- a need for repainting
- basketball goals, skateboard ramps, and other structures in front of the front building line

## ***FINE POLICY***

The Board of Directors is given express power in the Association's Bylaws to adopt and publish rules and regulations to enforce the protective covenants. (Refer to *Bylaws Art IX, Sec. 2 (a) & (b)*).

Notices of violation accrue from January 1 through December 31 of each calendar year. Violations will be wiped clean at the end of the year and will start over in the next calendar year. The exception is if the violation is a chronic problem; in this case, violations are not removed.

For any given violation, the 1<sup>st</sup> violation notice is a courtesy notice. The 2<sup>nd</sup> violation is a warning. The 3<sup>rd</sup> notice of the same violation will result in a \$50 fine **and** each subsequent similar violation will incur another \$50 fine through the end of the year. For example, 3 notices of "Yard Maintenance Needed" will incur a \$50 fine. (This can include any combination of notices regarding mowing, edging, weed control etc.)

When a fine is assessed, the owner will receive the notice of violation along with an invoice showing the fine has been added to their assessment account. An owner has 30 days to submit a written request for a hearing with the Board of Directors. After 30 days, if no written request for a hearing is received, the fine stands as assessed.

***SEE THE COMPLETE SET OF DEED RESTRICTIONS AT [www.wbchoa.org](http://www.wbchoa.org)***