

Fountain Hills Homeowners Association



Rules And Regulations

FOUNTAIN HILLS HOMES ASSOCIATION RULES AND REGULATIONS

These Rules & Regulations (“Rules”) of the Fountain Hills Homeowners Association (the “Association”) are applicable to all persons residing in the subdivision which is commonly referred to as Fountain Hills, a subdivision in Kansas City, Missouri (herein referred to as “Fountain Hills”), including Owners, persons leasing Unit Estates from Owners, and their families and guests. Throughout these rules, all persons are referred to as “you” except in those cases where there is a distinction in the application of the rules or obligations.

We hope the rules will benefit all “Owners” by providing a practical framework for everyday living that will help to ensure mutually comfortable surroundings and security, and to maintain the prestige and value of our investment at Fountain Hills.

All Residents, Owners and non-Owners (lessees) of Fountain Hills (collectively, “Residents”), as a matter of course, are bound by and legally obligated to observe all the provisions of the Declaration of Protective Covenants, Conditions and Restrictions and Grant and Reservation of Easements for Fountain Hills, as may be amended from time to time (the “Declaration”) as well as the Bylaws, which are hereby incorporated herein as part of these Rules subject to the enforcement procedures set forth herein. Any defined terms, not otherwise defined herein, shall have the same meaning as set forth in the Declaration.

Any reported violation of these Rules will result in appropriate action being taken by the Board of Directors of the Association (the “Board”) in accordance with its powers and duties.

Additional copies of the Declaration, Bylaws and these Rules may be obtained from the Association’s Management Office for a fee.

The Rules may be amended by the Board from time to time as deemed necessary.

SWIMMING POOL

The pool gate will be opened by the Pool Staff on duty each morning and locked each night.



Swim at your own risk.

A key fob is required in order to enter the pool area. The key fobs are issued by FirstService Residential. Replacement key fobs are \$25. If your dues are not current, access is denied.

Season: The swimming pool is open from Memorial Day through Labor Day. This time period may be extended at the discretion of the Board of Directors.

Hours: The swimming pool hours are 10:00 a.m. until 9:00 p.m. daily except for special maintenance, which is occasionally required or during the early weeks and late weeks of

the season when the hours may be changed. The pool hours may change at the discretion of the Board of Directors.

Pool is to be used by Fountain Hills Members and their guests only. Guests must be accompanied by a Member. Four guests per family will be allowed. (As the number of homeowner's increase, this guest limit may change.)

An official association representative or pool staff member shall at all times have the right to ask all visitors to leave the pool if in his/her opinion it becomes unsafe for swimming.

Children's Use of Pool:

- Children (0-12 years of age) must be accompanied by an adult when using the pool.
- Children over 12 years of age may use the pool without a parent or guardian provided.

All homeowners and guests must deposit cans, paper, and other debris in trashcans provided when leaving the pool area.

The pool may not be reserved for private parties, except for use by the Fountain Hills Board of Directors for use during a community sponsored event.

Health and Safety Rules:

- Swim at your own risk.
- All swimmers must wear proper pool attire.
- No pets allowed in pool area.
- No glass objects in pool area.
- No running, diving, excessive horseplay, splashing or other activity which is dangerous or annoying to others.
- Only toys meant for water play allowed. No water balloons or guns.
- No bicycles or roller blades/skates in pool area.
- Profanity, improper behavior, intoxication and vulgar remarks are grounds for expulsion.
- No smoking in pool area.
- Children under 12 must be accompanied by an adult.
- Please keep the gate closed at all times.
- Please shower before entering the pool.
- We reserve the right to ban anyone from using the pool facilities at anytime.
- No fireworks allowed in pool or parking lot area.
- Persons having colds, fever, communicable or skin disease will not be permitted in the pool.
- Unsanitary habits will not be tolerated.

PLAYGROUND

- Use playground at own risk.
- No glass or alcoholic beverages.
- Proper footwear required.
- Improper use of equipment prohibited.
- Playground reserved for residents and their guests only



WALKING TRAIL

- No motor vehicles allowed
- Pets on the trail must be under control at all times and on a leash. Please remove pet waste.
- Do not litter along the walking trails.
- No fireworks or campfires.



PONDS, LAKES, DETENTION AREAS, RESERVOIRS

- No swimming, wading, or boating allowed
- Do not feed the wildlife
- No fishing allowed
- Dogs must be kept on a leash at all times, pick up after your dog
- No motorized vehicles permitted
- No fireworks or campfires.



BASKETBALL GOALS

- All backboards shall be in good condition
- All poles shall be a black or dark green.
- There shall be only one basketball goal per Lot.
- Basketball goals must remain on homeowner's personal property and cannot be placed in the common area or on the public street and/or sidewalk.



PLAY SETS

- Recommended to be 10-15' away from property lines.
- Wood materials recommended. No metal structures.
- Prefer neutral color with respect to tarps, slide, etc.
- Standard size no more than 12' height by 18' length.



ARC REQUESTS

Approval is required from the ARC Committee before making changes to your property. A Change Request Form must be submitted to the Architectural Review Board prior to making changes. Such approval is required regarding:

- Fences*
- Exterior painting, doors & garage doors and trim
- Replacing Garage Doors
- Siding
- Swimming pools or hot tubs
- Roofing
- Decks, room additions, patio covers
- Gazebos
- Landscaping
- Driveways
- Sport Courts
- Solar Panels

In certain instances you may be required to obtain written verification by your neighbors of the improvements you are making.

CHRISTMAS LIGHTS

No seasonal lights shall be installed on a unit before November 15 and shall be removed no later than January 15 of the following year.

RULES ENFORCEMENT POLICY STATEMENT

Violations of Law

Some behavioral issues are regulated by municipal, county or state law, such as excessive noise or public consumption of alcohol. In those types of circumstances, where the law is clear, the Association defers to the civic authorities for enforcement. An Association is not a substitute police force or municipal court.

Violations of Association Rules

Part of the governing documents of the Association are Rules and Regulations. These specify certain standards for use of the property and derive their authority from the Declaration of Protective Covenants, Conditions, and Restrictions, and Grant and Reservation of Easements. These Rules can be amended by vote of the Board of Directors. This enforcement policy statement is included as part of the Rules and Regulations.

Enforcement is normally managed via a letter to a resident reminding or explaining the Rule. In many circumstances this resolves the issue with no further action. The Board has the discretionary authority to take more assertive action. For example, the Board can charge a resident for the replacement or repair costs for damages caused by the resident or guest of the resident. The board may issue fines for architectural improvement violations. In addition, the Board can levy a fine for Rules violations and revoke

privileges, such as loss of access to the clubhouse, pool, or exercise room.

Step One - A warning letter will be sent stating the complaint, the violated rule of the Association, and the escalating fine schedule for future complaints.

Step Two - This general fine schedule will apply for additional complaints on the same matter:

\$100.00 for the second complaint

\$150.00 for the third complaint

\$200.00 for each subsequent complaint.

This schedule does not limit the Board's authority to set aside these normal steps in order to address egregious Rules violations, or to not apply a fine if the Board deems the circumstances warrant a lesser response.

Step Three - Unpaid fines are collectable in the same manner as unpaid monthly assessments and may result ultimately in a lien on an owner's unit and possibly foreclosure. Homeowners will be responsible for late fees for fines not paid when due, following the same manner as unpaid monthly assessment. Collection fees, administrative fees, legal fees and attorney fees can also be charged to the homeowner.

Right of Appeal

Upon receipt of a fine notification, the recipient has 30 days to submit a written defense with appropriate evidence. The Board will respond in writing with its decision to rescind or enforce the fine. Fines are payable within 60 days of the Board's decision.

The owner must deliver a written notice to the board no later than the 10th day after receiving the notice from the board. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose the Individual Unit Assessment. If a Unit Owner requests a hearing, at least 7 days prior to the hearing, the Board shall provide the Unit Owner with a written notice that includes the date, time, and location of the hearing. Should the appeal fail, the Association's attorney fees and other reasonable costs shall constitute a lien against the property of the homeowner.

Disputes Between Neighbors

The governing documents do not empower it to act as a mediator or arbiter of a dispute between neighbors. It is empowered simply to enforce Association Rules.

So long as the dispute appears to be between two residents, the duty of the Association is to remain uninvolved. That changes if a third party, such as the police or management company employee, witnesses or verifies a claim of a clear Rules violation.

If a police citation is issued to a resident for behavior on the property that is also a Rules violation, upon receipt of documentation, the Board will send an initial warning letter stating that the behavior is unacceptable and that fines will be issued for future police citations for the same problem.

A resident bringing to the Association, or its management company, an issue that is potentially a Rules violation will be asked,

- What are the facts?
- Who specifically is involved?
- What action has the resident taken to resolve the issue?
- What documentation exists, like a police record?
- Can a neutral third party provide corroboration?

The Board will use its discretion in pursuing the matter further, and determining an appropriate response, if any.

Under no circumstances will the Board allow the Association to be used as lever to compel a resolution to a personal dispute. No member of the Board will use threat of Association enforcement to address a personal dispute.

It is the desire of the Board to by and large let our homeowners live their lives with minimal restriction. If intervention by the Association is necessary, it will be handled with neutrality and fairness.

The terms of the Declaration of Protective Covenants, Conditions, and Restrictions, and Grant and Reservation of Easements supersede the terms of this enforcement policy.

NOTE: As the Fountain Hills Community grows, the need to make adjustments to these rules may occur at the direction of the Board of Directors. An updated Rules Manual will be issued to all members accordingly.