

## SUNCREST OWNERS ASSOCIATION

### RULES

Reference: DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SUNCREST, A PLANNED COMMUNITY, filed 12/28/1999, Recorder Salt Lake County (hereafter referred to as “CC&Rs”).

**This document is Iteration #6, approved by The Board of Trustees on 04/22/2014. Only the most recent Board Approved document is in effect.**

#### Introduction to the Rules for the SunCrest Community

For those who have not lived in a planned community before, governed by a community association, it is important to know that they have three common characteristics:

- mandatory membership
- recorded governing documents (typically a plat map, CC&Rs, and Owners Association Bylaws) that bind all owners
- Mandatory assessments that can be enforced with liens with the possibility of foreclosure for nonpayment.

As with other planned communities, the SunCrest CC&Rs “run with the land,” meaning that they legally bind every property owner at SunCrest. They are enforceable whether or not they were mentioned by a realtor or read and signed by a purchaser. The CC&Rs also bind the developers, like other property owners, to the extent that they own unsold lots.

In addition, the CC&Rs establish the authority of the SunCrest Owners Association (called the “Master Association” in the CC&Rs) and any subsidiary Neighborhood Associations, such as the one created for the gated community at The Cove. The SunCrest Owners Association (“OA”) is a community association organized as a Utah nonprofit corporation, with its own Articles of Incorporation and Bylaws. Many of its key functions are defined in the CC&Rs.

The rights and obligations of SunCrest property owners come from the following sources (in order of superiority):

- Federal and state laws (such as environmental and safety codes and regulations)
- City and county ordinances (such as building and fire codes, and ordinances regulating the use and maintenance of public streets)
- SunCrest Plat Map
- SunCrest CC&Rs
- Design Guidelines established by the developer or the Design Review Board
- SunCrest OA Articles of Incorporation
- SunCrest OA Bylaws
- Resolutions and Rules adopted by the SunCrest OA (such as the following SunCrest Owners Association Rules, the Landscaping Guidelines, and procedures for reserving park facilities)
- Neighborhood Association Articles of Incorporation and Bylaws (for owners who live in a neighborhood with its own sub-association)
- Rules and decisions adopted by a Neighborhood Association.

1. Planned communities such as SunCrest are the way of the future and are increasingly popular for a clear reason: the establishment and enforcement of high community standards preserves and enhances property values by making planned communities a desirable place to live.

2. The CC&Rs are intentionally broad: they establish guiding principles and institutions to govern and administer the planned community. One of those institutions is the Master Association, which is responsible to administer and enforce the provisions of the CC&Rs. The Board of Trustees (“The Board,” also known as “the Management Committee” in Utah Code) is the governing body of the Master Association, and is given broad legal powers to assess fees and oversee and enforce all CC&R provisions. A provision of the CC&Rs gives the Board the legal authority to establish the SunCrest Rules. These rules enable the Board to “tailor” the CC&Rs to fit the local conditions in a flexible, efficient, and timely manner. (Utah Code 57-8-16; SunCrest Bylaws)

3. The great majority of SunCrest owners understands the reason and advantages of a planned community and enthusiastically support the standards outlined in the CC&Rs as implemented by the SunCrest Rules. Experience has proven that some owners will not respect the rules. Since rules without sanctions are meaningless, this document outlines specific procedures for enforcing the rules and some examples of how the Board will assess fines if necessary for enforcement.

An owner who ignores The SunCrest Rules is liable to pay fines. An Owner who ignores fines may have their property lien. An owner who continues to ignore fines will face legal collection procedures and be liable to pay necessary legal and collection fees for all parties. The law grants the Board extensive powers, to include foreclosure. (Utah Code 57-8-20. Lien for nonpayment of common expenses.)

Clearly, it is much easier to follow the rules than to face the consequences of not doing so. It is also much easier to pay assessed fines than to face the consequences of not doing so.

#### Complaints:

An Owner must submit a complaint in writing (email is also acceptable: [tbean@ccmcnet.com](mailto:tbean@ccmcnet.com) to the Manager, CCMC, (Tod Bean), Covenants Coordinator or Designee who functions as an Agent of the Board. Most current contacts are published on the OA website.. If time is critical, a phone call may precede a written complaint.

The Manager and/or Designee will determine in a timely manner whether a valid complaint exists and whether a SunCrest Rule has been broken. If the Manager/Designee determines that a SunCrest rule has been broken, the Designee will notify the delinquent owner that the owner has violated a specific rule, cite the rule, and the sanction that will accompany the violation. The owner has 48 hours from notification to comply with the cited rule. Failure to comply may result in a fine assessed according to these published rules. (Utah Code 57-8-37. Fines) The owner has 30 days from the date of the fine assessment to request a hearing, should the owner desire to appeal the fine. A hearing will then be scheduled with the Covenants Committee pursuant to Bylaws Section 4.12. The Board is the final authority on fines, and will approve or disapprove the sanction suggested by the Covenants Committee or Manager at the monthly Board meeting. Owners with a complaint may appeal to the Board directly, should they so choose, pursuant to Bylaws Sections 5.6.and 5.7.

## SUNCREST RULES

*These rules supplement and do not limit any provisions of the CC&Rs. The Board, as established in the CC&Rs, is the final authority on what a violation is and what is an appropriate sanction. Not all paragraphs in the CC&Rs are addressed here; some provisions of the CC&Rs are more appropriate for case-by-case consideration. The SunCrest Master Association is not a Law Enforcement Agency, but certain SunCrest Rules may also have Law Enforcement implications. Law Enforcement Authorities should be notified where appropriate.*

**Background:** Some violations are a single event. Some violations are chronic. Fines may be assessed on a per episode or on a daily basis. Some violations can be easily corrected by the homeowner without assistance. Utah Code (57-8-37. Fines.) provides 48 hours from notification to correct a violation. Some, such as Design violations, may require a grace period to correct. The goal of Management is to correct the rule violation in a fair, final, and timely manner.

The following Rules with appropriate sanctions are approved by the Board:

1. **Swales and Drainage** We put this at the “head of the list” for a good reason: This has the potential to cost you substantial money, (\$10,000 plus) not only in terms of fines, but in reconstruction costs, so please read this carefully! What are “Swales?” See CC&Rs 3.3 first. Swales are those earth “ridges” or “ditches” that are visible on many properties. Although subtle in appearance, they are critical to water drainage and hence erosion control. Damaging or disrupting a swale may cause water erosion or flooding damage of almost unimaginable magnitude. If you are the one who damaged or disrupted the swale, you will be held responsible for the resulting damage. Swales may be located on a homeowner’s lot, but they are subject to easements held by the developer, the OA, and/or the City of Draper. They often serve large areas for purposes that may not be apparent. Disrupting a swale may cause far more damage than you would believe, or care to pay for, so do not disrupt swales!

2. **Nondisturbance Areas** Please do not “annex” or improve or extend your property line beyond the lot you paid for! Many attractive areas are designated as Nondisturbance Areas, and are adjacent to or part of privately owned parcels. If you alter a Nondisturbance Area, even one on a parcel you own, you will be required to reverse the alteration, at your expense. Nondisturbance Areas are found on Official Plat Map, of the County Recorder (both Salt Lake and Utah County) and also at the City of Draper. See CC&Rs 4.2.36.

3. **Architectural Control Violations** The Design Review Board is constituted according to CC&Rs Article XI and is vested with broad authority. Anything that affects the appearance or quality of a property must be prior approved in writing by the Design Review Board. “Anything” is very broad: including (but not limited to) flag poles, basketball stops, air conditioners, swamp coolers, lighting, solar collector panels, color schemes, signs, landscaping, drainage, even health, safety and welfare. Approved landscaping must be completed per CC&Rs time schedule: 90 days from closing for front and side yards, “street lawns” and all areas visible from streets. Rear and interior side yards must be landscaped within one year of closing. Variances may be requested to the Design Review Board.

No temporary structures are allowed. Everything must be kept in good repair and maintained. A violation will require restoring the change to an approvable standard. Failure to do so will result in a warning letter followed by an appropriate grace period to correct the discrepancy. **Failure to correct the discrepancy will result in a fine of \$50 per day.**

Ref: CC&Rs: 4.2.1, 4.2.3, 4.2.4, 4.2.5, 4.2.8, 4.2.20, 4.2.24, 4.2.26, 4.2.29, 4.2.30, 4.2.31, 4.2.36, 4.2.37, 4.2.42.

4. Animals Pet owners at SunCrest **must** be responsible for their pets. Pet noises, odors or droppings are offensive. Joggers, cyclists, small children and wildlife can be injured by a chance encounter with an unrestrained pet. In traffic, loose pets are a safety hazard to themselves and to drivers who swerve to avoid hitting them. Pets must be confined within the owner's property boundary when off leash. Specific additional rules apply. Violations will be fined as follows for a discrete episodic event such as permitting the animal to run at large and for chronic noise:

**First event: A warning letter outlining the fine schedule.**

**Second event: fine at \$50.**

**Third event: fine at \$100.**

**Subsequent events: fine at \$200 per event.**

Note: Draper Animal Control (576-1805) can be of assistance to correct irresponsible pet owners. Draper Code concerning animals can be found online at [www.Draper.ut.us](http://www.Draper.ut.us), Municipal Code 07-05.

5. Nuisances: Nuisances are conditions that diminish an owner's quiet enjoyment of his residence, detract from tranquility or diminish a neighborhood's aesthetic appeal.

Noise: A "quiet neighborhood" is a term often used interchangeably with "a good neighborhood." A neighborhood's right to quiet overrides any individual's right to create noise at any time. Noise may also be illegal. Draper code establishes "quiet hours" from 10 PM to 7 AM, and specifically prohibits amplified sound (and other noise) during this period. Fireworks are always prohibited due to the unique fire hazards at SunCrest. (Draper City Police: 840-4000 Non-emergency) Other potential noise problems: amplified sound, pets that cry while the owners are at work. The idea of "wind chimes" may sound inoffensive, but many people prefer quiet or the sound of the wind without "improvements." Again, the right to quiet is preeminent.

Rubbish and Trash: Rubbish or trash of any kind is not permitted on or adjacent to any lot. "Dumping" garden trimmings, grass clippings, construction or other debris on an adjacent parcel or allowing them to accumulate on an owner's own lot is prohibited. Discarded Christmas trees must not be stored outside if visible from streets or from neighboring property. The Draper City collection point is the place for discarded Christmas trees. See CC&Rs 1.84 for definition of "visible."

**Violations of any provision of CC&R paragraph 4.2.6 that are chronic may result in a warning letter followed by fines of \$50 per day. A nuisance fine may be assessed at \$100 per episode following a notification warning letter.** Ref CC&Rs 4.2.6, 4.2.7, 4.2.8

Unoccupied or abandoned residences can easily become a nuisance to the entire community. Lack of regular landscape maintenance, deterioration of the house interior and exterior, and even the existence of health and safety hazards which may attend unoccupied or abandoned residences cannot be permitted to become a nuisance.

**Fines up to \$100 per day are authorized, imposed on the owner of record.**

Ref CC&Rs. 4.2.6, 4.2.7 and 4.2.8.

6. Trash Containers and Collection Garbage cans really do not look nice! They detract from the appearance of the entire neighborhood. Owners have two choices: Keep them in the garage or enclosed in an approved enclosure. They cannot be visible from another property, except on collection day. Placing garbage cans at the curb after darkness the night before collection day is acceptable. They must be enclosed or garaged after collection prior to midnight on the same day. No outdoor trash incinerators. Violations may result in a warning letter followed by fines of \$25 per day

Ref: CC&Rs 4.2.11. See CC&Rs 1.84 for definition of "visible."

7. Antennas and Satellite Dishes Rules governing antennas and satellite dishes are complex and not easily summarized. Please review CC&Rs 4.2.9. Placement of antennas shall be subject to DRB review.

8. Clothes Drying Facilities No clotheslines or drying facilities may be visible from a neighboring property. **Violations may result in a warning letter followed by fines of \$25 per day.**

Ref: CC&Rs 4.2.11 See CC&Rs 1.84 for definition of "visible."

9. Machinery and Equipment No machinery or equipment can be placed, operated or maintained on or adjacent to any Lot or parcel. **Violations may result in a warning letter, followed by fines of up to \$50 per day.**

Ref CC&Rs 4.2.13

10. Signs Sign rules are complex. Basically, all signs including political signs are prohibited on the owner's property or SunCrest common areas. "Banner" style signs are generally prohibited. Signs required by legal proceedings, "For Sale," "For Lease," and "Open House" signs approved in advance by the Design Review Board in writing are allowed. Discreet commercial security signs are allowed. Also allowed are signs identifying individual residences, as standardized by CC&R 4.2.14.2. Builders and other Commercial and Municipal agencies are given special consideration. **Violation of any provision of CC&Rs paragraph 4.2.14 may result in a warning letter which may provide a grace period, followed by fines of \$100 per day.** Reference CC&Rs 4.2.14.

11. Trucks, Trailers, Campers and Boats While parking a truck (as defined in CC&R 4.2.21), mobile home, trailer of any type, camper shell, camper, boat, or similar equipment on a lot or street may be convenient for the owner, it detracts from the appearance of the entire neighborhood. It is prohibited if visible from a neighboring property, street, or community area. **Violation may result in a warning letter followed by fines of \$50 per day.**

Ref CC&Rs 4.2.21. See CC&Rs 1.84 for definition of "visible."

12. Motor Vehicles No motor vehicles of any kind can be repaired on any Lot, Parcel or street. No inoperable vehicle can be stored on any lot, parcel or street. Exceptions to this rule exist. **Violations may result in a warning letter followed by fines of \$50 per day.**

Ref CC&Rs paragraph 4.2.22.

13. Parking Privately owned vehicles must be kept in your garage or privately owned driveway, and off the streets as much as possible. Overnight parking on Draper Streets interferes with snow removal and is illegal from Nov 15 to April 15. (Draper City Police: 840-4000 Non-emergency) Recreational vehicles (RVs) must be parked in covered garages. CC&Rs paragraph 4.2.24 allows RVs to park in residential driveways for the purpose of loading and unloading for "limited periods." The Board has decided that RVs being loaded for immediate departure may be parked in a residential driveway for a period of one overnight, provided the vehicle departs prior to noon the following day. The same timing applies for unloading an RV. **Violation of this paragraph may result in warning letter followed by a fine of \$50 per day.**

14. Draperies and Window Coverings Residents must install suitable draperies or window treatments within 30 days of occupancy. In no event shall windows be covered with paper, aluminum foil, bedsheets, or any other material or temporary coverings not specifically intended for such purpose. **Violation may result in a warning letter followed by fines of \$25 per day.**

Ref: CC&Rs 4.2.26

15. Garage Openings Garage doors must be kept closed unless arriving or departing. Open garage doors add visual clutter to the overall appearance of the neighborhood. **Violation may result in a warning letter followed by fines of \$25 per episode.**

16. Leases An owner is fully responsible for informing his lessee of the rules and is responsible for any penalties due to actions of the lessee. The Board may evict the lessee and assess the owner all costs associated with that action, if necessary. No Owner shall rent a unit less than 6 months. **Violation may result in a warning letter followed by fines of \$100 per day, per occurrence.**

Ref: CC&Rs 4.2.34.

17. Lighting Exterior lighting requires Design Review Board approval, except that holiday

decorative lights are appropriate and may be displayed between November 15 and January 15. Decorations must be removed as soon after January 15 as weather permits. **Violations may be fined at \$25 per day.**  
Ref: CC&Rs 4.2.38

18. Violations of the Law Although SunCrest is not a Law Enforcement Agency, any activity that violates local, state or federal laws is prohibited. It is illegal as well as inappropriate to operate ATVs, snowmobiles and other similar vehicles on SunCrest common areas and streets. These vehicles are not designed for street operation, and do not comply with noise and safety requirements (lights, for example). They can disturb entire neighborhoods, as well as create serious safety hazards when combined with legal street traffic. Operating any motor powered vehicles on any SunCrest trails at any time is not permitted! (Draper City Police: 840-4000 Non-emergency) **Violation of this paragraph may result in a warning letter followed by a fine of \$200 per episode.**  
Ref: CC&Rs 4.2.39.

19. Covenants, Conditions, Easements and Restrictions Applicable to Lots Within Single Family Residential Use Classification

No visible business of any type may be conducted from a SunCrest Residence. This includes a garage sale, moving sale, rummage sale, or any similar activity. A business not detectible by sight, (vehicle and foot traffic), sound or smell is permitted with conditions outlined by the Ref: CC&R paragraph 4.3.2. **Violation of this paragraph may result in a warning letter followed by fines of \$200 per episode, or \$500 per month if the offense is chronic.**

20. Absolutely NO alcoholic beverages at the pool. Any person who is under the influence of drugs or alcohol is not permitted in the facility or pool and/or the pool deck. Violators of this rule will be subject to loss of privileges for a period of time to be determined by the Board of Trustees.

21. Any parent/guardian who is found to be responsible for a closure due to fecal matter may be assigned all costs to clean and reopen the pool. All children age two (2) and under are required to wear a swim diaper and plastic pants. Anyone three (3) and over who is not potty trained must also wear a swim diaper and plastic pants. Violations of this paragraph may result in the following:

**1st \$50**

**2<sup>nd</sup> Suspension of pool privileges for a specified period of time determined by the Board of Trustees.**