

## Rules & Regulations

### Candlewood ridge/Carriage Wood Homeowners' Association

#### Architectural Control

Pursuant to Article VIII, of the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) of Candle Wood Ridge Homeowners Association and Carriage Wood Homeowners' Association (hereinafter collectively the "Association") and R.C.W. 64.38.020, the following written rules and restrictions are adopted in order to further and foster timely compliance by homeowners for the matters addressed below. These rules are intended to supplement the CC&R and/or Bylaw provisions which address the topics set forth below, not supplant or amend them, and in the event of an inconsistency or conflict between these Rules and the CC&Rs or Bylaws of the Association, the CC&Rs and/or Bylaw provisions shall supersede and apply.

#### **I. Introduction**

Article V of the CR/CW CC&Rs clearly states: "No building, fence, wall or other structure shall be commenced, erected or maintained upon properties, nor shall any exterior addition to or change or alteration therein be undertaken or commenced until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Architectural Committee...." "In the event said Board or its designated Architectural Control Committee fails to approve or disapprove such application within 30 days after said plans and specifications have been submitted to it, approval will not be required...."

An architectural control approval form must be submitted for **all** architectural control categories noted below and approval obtained prior to commencement of work even when currently approved materials are used.

#### **II. Architectural Control Categories**

**A. Paint** - Exterior paint on homes must be harmonious with the other homes in the subdivision. All homeowners who wish to change existing exterior color, or repaint with the existing exterior color, must submit color schemes to the Architectural Control Committee for approval prior to the work commencing.

**B. Fencing, Walls, Hedges and Major Landscaping** – Article VI of the CR/CW CC&Rs states: "No fence, wall, hedge or mass planting, other than foundation planting, shall be permitted to extend nearer to any street than the minimum setback line of the residence except that nothing shall prevent the erection of a necessary retaining wall, the top of which does not extend more than two feet above the finished grade... provided however, that no fence, wall, hedge or mass planting shall at any time, where permitted, extend higher than six feet above ground.... Fences shall be well constructed of suitable fencing materials, other than chain link fencing which shall not be permitted, and shall be artistic in design and shall not detract from the appearance of the dwelling house...." Fencing, walls, hedges and major landscaping, (includes adding driveways) materials and

plans must be submitted to the Architectural Control Committee for approval prior to the work commencing.

**C. Decks, Patios & Roofs** - Construction plans and a description of the deck/roofing materials to be used, regardless of whether the materials are on the approved list, must be submitted to the Architectural Control Committee for approval prior to the work commencing.

1. Composite shingle roofing must generally weigh 360 pounds per square or more and have a 40 year or greater guarantee. Currently approved composite roofing materials can be found on the CR/CW HOA web site.
2. Samples of roofing materials and their specifications, other than those currently approved, must be submitted to the Architectural Control Committee for consideration.
3. It is recommended by the ARCHITECTURAL COMMITTEE that roofs be installed only by a professional skilled trades person.
4. Decks and patios should generally be located at the rear of the house and must be significantly screened from all streets.

**D. Remodeling** - On any outside remodeling project, construction plans and a description of materials to be used must be submitted to the Architectural Control Committee for approval prior to the work commencing.

**E. Sheds** - Construction plans and a description of the materials must be submitted to the Architectural Control Committee for approval prior to the work commencing. Sheds are to be located behind a 6 foot high approved fence (to minimize the visual impact from the street). Siding and roofing materials are to be compatible with the exterior materials and colors of the house.

**F. Antennas** – No radio or TV antenna shall be permitted to extend more than 10 feet above the roofline of any residence without the written approval of the Architectural Control Committee. Satellite dishes and similar apparatus shall be 1 meter or less in diameter and must be screened from view from the streets and adjoining properties unless this will interfere with proper reception.

**G. Mailbox Stands** - Construction and remodeling plans and a description of the materials must be submitted to the Architectural Control Committee for approval prior to the work commencing.

**H. Play Structures** – Play Structures six feet and higher must be submitted to the Architectural Control Committee for approval prior to work commencing.

### III. Infractions

Once a homeowner has committed a violation by not submitting an architectural control approval form or obtaining an approval from the Architectural Control Committee prior to the commencement of work and has been notified in writing of such, it may result in the homeowner being assessed fines according to Section IV and required to:

1. Repaint their home with approved color schemes.
2. Remove fencing in its entirety from the property.
3. Remove and/or replace deck/roof in its entirety.
4. Restore remodeling changes to the original condition.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines may continue to be assessed while the legal action is in process if the homeowner continues to violate

the declaration. All legal expenses associated with the enforcement of this declaration may be assigned to the violating homeowner.

#### **IV. Schedule of Fines**

**A. Nonrecurring** - A fine in the amount of \$ 100 may be incurred by any homeowner who fails to obtain written approval from the Architectural Control Committee prior to commencing work on categories list under Section II.

**B. Daily Fine** - Following notice of the infraction and the initial \$100 fine, the homeowner will have thirty (30) days to remedy the infraction as directed by the Architectural Control Committee. Beginning on the thirty-first (31) day following the notice, fines may be incurred by the homeowner in the amount of \$25 per day. This daily fine may continue until 1) the Architectural Control Committee receives a signed document by the homeowner stating the homeowner's intent to correct the violation, and 2) the work is completed.

#### **V. Appeal Process & Opportunity to be heard**

**A. Introduction.** Any homeowner found by the Board to be in violation of the architectural control or other ACC requirements under the Association's CC&Rs, Bylaws, and/or these Rules may request a hearing to offer a defense or explanation to the imposition of violations and/or fines.

**B. Request for Appeal Hearing.** The homeowner must complete a written Request for Appeal Hearing and mail or deliver it to the Association within ten (10) days of receiving a notice of violation from the Association (and the right of appeal shall expire after the ten (10) days). The appeal request must contain the following:

1. Homeowner's name and address.
2. Homeowner's reason and basis for an appeal.
3. A copy of all documentation which owner believes supports his/her appeal position.
4. The name of any attending attorneys, witnesses or other collaborating guests.
5. The homeowner shall sign and date the Request for Appeal Hearing.

**C. Hearing Procedure.**

1. The appealing homeowner shall be sent Association confirmation of its receipt of the Request for Appeal Hearing.
2. The Board President will assemble three (3) current members of the Association's Board of Directors to act as a Review Board (the "Review Board") within seven (7) calendar days following receipt of a written Request for Appeal complying with the information requirements set forth above.
3. No later than ten (10) calendar days following the formation of the Review Board, the Review Board shall mail or deliver notice to the appellant owner of a hearing date, which notice will provide the date,

time, and location of the hearing, which is to be determined by the Review Board.

4. The Review Board will permit the appealing homeowner up to thirty minutes to explain the circumstances of the appeal and provide grounds as to why the violation and/or fine should be waived, reduced or cancelled.
5. At the conclusion of the presentation, the Review Board will adjourn to review the circumstances of the Request of Appeal as presented.
6. Within ten (10) calendar days of the hearing for the Request for Appeal, the Review Board will mail or deliver written notice to the homeowner as to the Review Board's decision.
7. If the Review Board finds in favor of the appealing homeowner, it shall advise the homeowner as to whether the violation and/or the fines originally imposed are reduced, modified, or waived. Any adjustment(s) shall reflect on the homeowner's account the following month.
8. If the Review Board determines that the owner's explanation or defense presented at the hearing was inadequate or otherwise failed to justify a reduction, modification, or waiver of the violation and/or fines, the owner will be so notified, in which case the fines imposed will continue to be owing to the Association until paid in full regardless of whether the violation has since been removed or corrected.

#### **VI. Record retention/expiration**

The Association will expunge its records of a resolved violation eighteen (18) months after its resolution with an owner.

#### **VII. Rule Enforceability**

If any portion of this Rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the Rule.

**DATED AND ENACTED 18 August, 2005.**