

Mill Creek Estates Homeowners Association  
**RULES & REGULATIONS**  
**COMPLIANCE PROCEDURE & FINE SCHEDULE**

(Adopted by the Board of Directors on November 20, 2008)

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Mill Creek Estates Homeowners Association had adopted the following Rules and Regulations, Compliance Procedure and Fine Schedule effective thirty (30) days after distribution to the MCEHOA membership.

### **RATIONALLE**

**Duty of the Executive Board:** As part of its responsibility to protect and preserve property values it becomes necessary from time to time for Mill Creek Estates Homeowners Association to take reasonable action when a unit owner or a tenant or guest of a unit owner violates the governing documents of the association.

**Authority of the Executive Board:** An Association's governing documents may be enforced by its Board of Directors or by a compliance committee comprised of members of the association. NRS 116 and the Association's governing documents give the Association authority to adopt reasonable rules and regulations and a reasonable means of enforcement which may include fining.

**Violations of Any Provisions in Governing Documents:** This document along with the Articles of Incorporation, Bylaws and Declaration of Covenants, Conditions and Restrictions of Mill Creek Estates constitutes the "Governing Documents" of the association. All provisions contained in these documents whether or not specifically listed in this set of Rules and whether or not a specific fine amount has been identified may be actionable by the Board of Directors. Such fines shall be commensurate with the severity of the violation.

### **PROCEDURE**

1. All owners shall be provided a copy of this set of rules and fine schedule. Non-resident owners bear the responsibility of providing copies of these rules to their tenants and property managers. If a tenant, invitee or guest of an owner is found to be in violation, it is the policy of the association to communicate directly with the property owner.
2. After discovery of a violation and unless the violation poses an imminent threat of causing an adverse affect on the health, safety and welfare of the residents or a threat to association property, the owner shall be sent a written notice specifying the details of the violation and a request to take immediate steps to correct the violation.

3. Failure of the owner to correct the violation within the specified time frame shall warrant a second notice specifying, again, the details of the violation, the amount of the fine or other penalty to be imposed, and the date, time and location for a hearing before the board of directors or before the compliance committee of the association. Such hearing shall give the owner opportunity and time to contest the violation and fine, to prepare for and to be present at the hearing.
4. The hearing must be held before a fine or other penalties can be imposed unless the owner:
  - a) Pays the fine; or
  - b) Executes a written waiver of the right to the hearing; or
  - c) Fails to appear at the hearing after being provided with proper notice of the hearing.
5. If the violation does not constitute a health or safety issue, the amount of the fine must be commensurate with the severity of the violation as determined by the executive board or the compliance committee. However, the amount of the fine must not exceed \$100 for each violation or a total of \$1,000, whichever is less.
6. If a fine is imposed and the violation is not cured within 14 days, or within a longer period established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice.
7. Should the violation constitute a health and safety issue and/or be a violation of county, state or federal laws, it is the right of every homeowner as well as the executive board to contact the appropriate law or code enforcement agency.

### **COLLECTION OF PAST DUE FINES**

1. A fine becomes past due if not paid in full within sixty (60) days after it has been levied.
2. If the fine becomes past due, the limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association.
  - a) "Cost of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that the association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by the association during a civil action to enforce the payment of a past due fine.
  - b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or cost of collecting the past due fine are added.
  - c) "Past Due Fines" are separate and distinct from "Past Due (monthly) Assessments" the latter having its own penalty which is a \$20 late fee plus 12% per annum interest.

3. Any past due fine:

a) Bears interest at the rate of 12% per annum.

b) Includes any costs of collecting the past due fine. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the common-interest community, the rate for the costs of collecting the past due fine shall be:

(1) \$20, if the balance is less than \$200.

(2) \$50, if the balance is \$200 or more, but is less than \$500.

(3) \$100, if the balance is \$500 or more, but is less than \$1,000.

(4) \$250, if the balance is \$1,000 or more, but is less than \$5,000.

(5) \$500, if the balance is \$5,000 or more.

4. Failure by the Association or by any Member to enforce any covenant, condition or restriction herein contain, or the Articles, Bylaws or these Rules and Regulations, in any certain instance or on any particular occasion shall not be deemed a waiver of such right on any future breach of the same or any other covenant, condition or restriction.

**∞ RULES, REGULATIONS and ASSOCIATED FINES ∞****Section I - GENERAL**

A) **UNSIGHTLY ITEMS, GARBAGE REMOVAL:** No refuse, unsightly or abandoned vehicles, debris, noxious material, discarded personal effects, construction materials not for immediate use, garbage, compost material or similar matter shall be permitted to accumulate on any lot or portion thereof, and shall be disposed of in accordance with accepted sanitary practice. Each owner shall maintain his lot in a neat, orderly and well-groomed manner, and he shall subscribe to a regularly scheduled and established garbage collection service. Each lot shall promptly be cleaned of all waste, debris, used building materials. Trash receptacles must be brought away from streets within 24 hours of trash pick-up by the city. Trash receptacles must be kept behind front fences except for trash pick-up day. After pick-up they must be brought in within 24 hours.

(Fine: \$ 25 )

B) **NUISANCE:** No noxious, offensive or disturbing activity of any kind shall be permitted within any structure or upon any lot within the property, nor shall anything else be done in any residence, on any lot or the property which may be or become an annoyance to the neighborhood or which shall in any way interfere with the quiet enjoyment by each owner of his respective lot and residence, or which shall in any way increase the rate of the association's liability insurance. This section includes, but is not limited to, the discharge of firearms or fireworks, unmuffled motor vehicles, barking dogs, loudspeakers or other source of noise.

(Fine: \$ 25 )

C) **FIRE PREVENTION:** Owners are required to keep back yards free of combustible materials such as weeds and debris.

(Fine: \$ 50 )

**Section II - USE AND BUILDING RESTRICTIONS**

A) **COMMERCIAL USE:** No part of a lot, residence or outbuilding shall be used or caused to be used or allowed or authorized in any day, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or any non-residential purpose.

(Fine: \$ 25 )

B) **SIGNAGE:** No sign or billboard of any kind shall be displayed to the public view on any portion of the property except: 1) Signs advertising property for sale or lease; 2) Political signs, as allowed by the Douglas County Code. Any permitted sign shall be commercially lettered and shall not exceed four (4) square feet in total area.

(Fine: \$ 25 )

### Section III - ARCHITECTURAL

C) REFLECTIVE BUILDING MATERIALS: No building or structure shall be constructed or surfaced with a material that will cause sunlight to be reflected.

(Fine: \$ 25 )

E) EXTERIOR: No structure shall be painted or otherwise redecorated in any color or in any manner which is not in keeping with the natural surroundings or is otherwise objectionable or detrimental to neighboring residents or detrimental to property values. At no time will the exterior of any house, or structure on the property be allowed to approach the state of aesthetic deterioration such that it becomes a visual nuisance.

1. Any redecorating or alterations of the exterior of any residence or structure (including fences) will be deemed the equivalent of new construction. Prior to painting homes or trim on homes, color samples must be submitted to the Architectural Control Committee or to the Board of Directors in the absence of such a committee.

**Note: This may constitute an ongoing fine if painting or staining is done without prior approval and the color selection would have been rejected by the board and/or committee.**

2. Please refer to applicable provisions in the Mill Creek Estates CC&R's, page 7 under Architectural Review.

(Fine: \$ 100 )

F). FENCES: The association is responsible for the staining, of all fencing which faces the common areas. Fencing which faces the front of and spans between the individual homes which shall be maintained by individual property owners. Staining of street-facing fencing between homes shall be stained in a color prescribed by the association. Fences shall not approach a state or structural or aesthetic deterioration.

(Fine: \$ 10 )

G) ANTENNAS, TRANSMITTERS, RECEIVERS & SATELLITE DISHES. No radio transmitting and receiving antennas for short wave or ham radio installations shall be installed. Satellite dishes must be installed in the least obtrusive location but which will also allow for maximum reception.

(Fine: \$ 50 )

H) LIGHTING: All outdoor lighting shall be subdued and shielded in such a way as to prevent illumination of and glare to adjacent or nearby properties.

(Fine: \$ 10 )

### **Section IV - ANIMALS**

A) GENERAL: No animals, birds, poultry, rabbits or other creatures of any kind shall be bred or kept upon the property or any lot or residence, except for a reasonable number of usual household pets, such as dogs and cats. Notwithstanding the foregoing, no animals or fowl may be kept upon the property which result in annoyance or are obnoxious or dangerous to residents. Dogs must be kept on a leash while in the common area.

(Fine: \$ 30 )

B) ANIMAL WASTE: Owners are required to "pick up" after their animals while in the common areas and to keep their back yards free of animal waste.

(Fine: \$ 50 )

### **Section V - COMMON ELEMENTS OF THE ASSOCIATION**

A) LANDSCAPING: All **landscaped areas** outside the fences facing the streets belong to the association. Only one tree is permitted in each front yard. Owners are not to plant any additional trees or plant additional shrubbery without prior written approval of the executive board. The board reserves the right to either remove such plantings without notice or to impose a fine if not removed by the property owner.

(Fine: \$ 50 )

**B) IRRIGATION SYSTEM:**

1. Residents must give landscape maintenance personnel reasonable access to garages and backyards, if needed, for timer and valve adjustment, repairs, turn on and shut off.

(Fine: \$ 50 )

2. In the event any component of the irrigation system in the front of individual homes is broken or malfunctions, owners must notify a board member or the community manager as quickly as possible. Any owner, or owners tenant, invitee of owner or tenant who, for any reason, causes damage to the irrigation system will be liable for repair costs in addition to a fine.

(Fine: \$ 30 )

### **Section VI - VEHICLES**

A) VEHICLES: No automobile or other motorized vehicle or equipment may be dismantled, rebuilt, repaired, serviced or repainted on a residence unless performed within an enclosed garage. Additionally, inoperative vehicles may not be parked in the streets, driveways, or visitor parking areas. Inoperative vehicles shall include vehicles which cannot be legally driven on Nevada roads. The foregoing restriction shall not be deemed to prevent temporary parking for loading or unloading or for washing and polishing vehicles.

(Fine: \$ 50 )

B) RECREATIONAL VEHICLES: Recreational vehicles may be parked on streets a maximum of 72 hours for loading & unloading. See item C below regarding safety issues.  
(Fine: \$ 100 )

D) VEHICLE FLUID LEAKAGE: Vehicles that leak oil, transmission or power steering fluid may not at any time be parked on the streets or visitor parking areas.  
(Fine: \$ 35 )

B) VISITOR PARKING AREAS: Visitor parking areas are reserved for guests of owners or tenants and are not to be used for parking by Mill Creek Estates residents.  
(Fine: \$ 25 )

C) STREET PARKING: Garages and driveways should be used for resident parking, if possible. At no time may vehicles be parked in a manner which creates a safety hazard, impedes traffic, including ingress and egress of resident or rescue vehicles. It is preferred that vehicles not be parked on streets. However, a maximum of one vehicle per household is allowed to be parked on the street at one time.  
Fine: \$ 15 )

**Section VII - STREETS & SIDEWALKS**

A) OBSTRUCTION OF STREETS & SIDEWALKS. As the streets and sidewalks are privately owned by the association, no skateboard ramp, portable basketball stand, or other structure or object which impedes or blocks foot or automobile traffic may be placed or erected in these areas.  
(Fine: \$ 20 )

B) BICYCLES, SKATEBOARDS, ETC. Non-motorized modes of transportation (such as bicycles or skateboards) may not be left on sidewalks or in the streets or ridden in a way which poses a danger to motorists or pedestrians.  
(Fine: \$ 15 )

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This document was duly adopted at the November 20, 2008 Board of Directors meeting.

By: \_\_\_\_\_  
President

Attested By: \_\_\_\_\_  
Secretary