

RULES OF THE MILLER'S GATE HOMEOWNERS' ASSOCIATION

The following Rules of the Association shall apply to all areas of the MILLER'S GATE Addition until such time as they are amended, modified, repealed, or limited by the Board of Directors of the MILLER'S GATE Homeowners Association, Inc., an Oklahoma nonprofit corporation, as prescribed by the Declaration of Covenants, Conditions and Restrictions.

These Rules update the Initial Use Restrictions and Rules, attached as the Declaration of Covenants, Conditions and Restrictions. These Rules establishes procedures for the MILLER'S GATE HOA Board to enforce the MILLER'S GATE Covenants, Conditions and Restrictions, the By-Laws, the Design Guidelines, and these rules.

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MILLER'S GATE

HOMEOWNERS' ASSOCIATION

RULES

I. DOCUMENTS OF THE MILLER'S GATE HOMEOWNERS' ASSOCIATION

- A. Articles of Incorporation:** Articles of Incorporation are filed with the Oklahoma Secretary of State and established the MILLER'S GATE Homeowners Association, Inc. as a nonprofit corporation. A copy of this document can be obtained by requesting it from the MILLER'S GATE HOA and the Office of the Secretary of State.
- B. Declaration of Covenants, Conditions and Restrictions (CC&Rs):** The CC&Rs are rules that apply to a group of homes or Lots in a specific development or subdivision; in this case the homes, Lots and property of the MILLER'S GATE subdivision.
- a. Recording:** The Declaration of Covenants, Conditions, and Restrictions are filed of record in the Oklahoma County Registrar of Deeds Office and define how property in the subdivision may and may not be used.
 - b. Purpose:** They prevent property owners from making changes to their individual properties that could result in an unattractive or inharmonious setting, which could adversely affect the value of other owners' property.
 - c. Obligation to Obey:** All homeowners have committed to follow the CC&Rs by their purchase of their home.
 - d. Enforcement:** The MILLER'S GATE HOA Board has a requirement to enforce the CC&Rs.
- C. By Laws:** The By-Laws outlines the structure of the MILLER'S GATE HOA and the specific rules pertaining to the organization and operation of the Board of Directors. A copy of or a link to the By-Laws can be found at <http://www.millersgatehoa.org>
- D. Rules:** This document, 'The Rules of the MILLER'S GATE HOA,' establishes policies and procedures to govern the interpretation, application, and enforcement of the MILLER'S GATE CC&Rs, By-Laws and these Rules.

E. Use Restrictions: These Rules establish procedures for the enforcement of the MILLER'S GATE Covenants, Conditions and Restrictions, the By-Laws, and these rules.

a. Design Guidelines: Architectural, design, development, and other guidelines, standards, controls, and procedures including, but not limited to, application and review procedures to provide guidance to homeowners regarding all structures and improvements in the MILLER'S GATE neighborhood.

II. BOARD OF DIRECTORS

A. Scope of the Homeowners Associations and Membership:

a. All Homeowners: All homeowners, no matter which addition of MILLER'S GATE neighborhood they live in, are members of, and pay dues to, the MILLER'S GATE Homeowners Association (MILLER'S GATE HOA).

b. MILLER'S GATE HOA Authority: The MILLER'S GATE HOA has the responsibility to maintain all common areas; create, amend, and enforce the Property and Use Restrictions in the MILLER'S GATE Rules, below, in all MILLER'S GATE additions.

B. Meeting and Records: The MILLER'S GATE HOA Board of Directors shall meet at least one per quarter, including by phone or virtually, to perform its duties and responsibilities. Residents are encouraged to attend these meetings, which are scheduled by the Board of Directors. The Board may exclude residents when it meets in **executive session**. Minutes of all Board meetings, including the annual meeting minutes are created and maintained by the Board. The Board will provide to homeowners, any association information required by law and by these governing documents.

C. Board Member Duties: To foster a vibrant, responsive, and competent homeowners' association that will provide a sense of community and responsible leadership, the officers of the MILLER'S GATE HOA have specific roles and responsibilities outlined in the By Laws. Each of the other members of the Board may shall be assigned duties determined by the Board at the 2nd Board of Directors Meeting following the annual meeting. These responsibilities are flexible and may change as the Board determines necessary.

D. Enforcement Duties: It is the duty of the Board to enforce all HOA documents, in accordance with the guidelines provided in each.

III. COMMITTEES

A. Creation: The MILLER'S GATE Board may from time to time create officers and committees and appoint, by majority vote, individuals to fill them. All decisions and recommendations made by a committee shall be executed by majority vote. In creating committees it is the intent of the MILLER'S GATE Board to encourage the

involvement of non-Board members and to allow them to contribute to the neighborhood and to involve them in the decision-making process.

B. Written Records: All meetings of committees shall be recorded, and the minutes shall be maintained to be viewed by the Board. The minutes shall include the members in attendance and all decisions made. A report of the committee meeting shall be made at the following meeting of the MILLER'S GATE Board. The committee's minutes shall be adopted with a vote by the committee at its next meeting and submitted to the Board, which shall retain them with the other official records of the MILLER'S GATE HOA.

C. Committee Quorums: A quorum at a committee meeting shall be those members present at a duly called meeting of the committee for which there was adequate, timely notice to all its members.

D. Expenditures:

a. Committee Expenditures: Each committee will have a budget approved by the MILLER'S GATE Board prior to any commitment to the expense.

b. Unbudgeted Expenditures: Projects and expenses more than \$100, must be approved by the MILLER'S GATE Board that are not in the adopted MILLER'S GATE HOA budget.

c. Emergencies: All emergency repairs will be managed by the MILLER'S GATE Board on a case-by-case basis.

d. Reimbursements: No officer or other individual who has authority to write checks on any of the accounts may write a check reimbursing him/her. Violation of this provision shall result in the automatic removal of all check-writing privileges and loss of office. Monetary reimbursements cannot occur for any expenditure that has not been pre-approved by MILLER'S GATE Board. Receipts must be presented to MILLER'S GATE Board in a timely manner and the receipt must contain only the items that reimbursement is being requested for.

e. Confirmation: All invoices received by MILLER'S GATE HOA from a vendor is required to be approved and documented by the MILLER'S GATE Board before it may be paid. Further, all approvals require the Treasurer and either the President or Vice President.

IV. USE RESTRICTIONS AND RULES FOR RESIDENTS

A. Dues: Following the Annual Meeting, unless otherwise stated, homeowners will be invoiced for the amount of dues for the upcoming year. **It is the responsibility of the owner to produce evidence to prove that dues were paid. If the error is on our part, the HOA will pay any fees in obtaining this proof from your bank.** A returned check fee will be assessed in the amount of \$25.00 if a check is not honored.

- a. **Invoice:** Except for those homeowners who move to MILLER'S GATE after the invoicing period, it is the responsibility of the homeowner to pay the dues before the due date, regardless of whether an invoice was received
- b. **Due Date:** The dues must be paid by March 1st. Any unexpected life events that create a burden to pay dues by March 1st must be arranged prior to the due date. Miller's Gate Board of Directors may, at their discretion, accept partial payments until the full debt is paid, without sending to collections. Late fees are still applicable until debt is paid in full. Any missed payment will result in debt being sent to collections without notice.
- c. **Late Fee:** An 18% (or maximum legal rate) late fee shall be charged if dues are paid later than the due date. The dues and any late fees, administrative fees or costs associated with collecting past due amounts must be paid by March 1st. All dues paid after March 1st MUST include the late fee before it is considered paid.
- d. **Past Due Notice:** If the dues and late fees are not paid by March 15th, a letter will be sent informing the resident/owner that they will have until April 1st, 12:00am to pay before the debt is sent to collections.

B. General Use: The MILLER'S GATE neighborhood (both those properties owned by individuals and those owned by the MILLER'S GATE HOAs, the greenbelts and all the other common areas) shall be used only for residential, recreational, and related purposes and for the use and enjoyment of all MILLER'S GATE residents.

C. Activities Prohibited in MILLER'S GATE Neighborhood: The activities listed below are prohibited anywhere within the MILLER'S GATE Neighborhood. The list is not exclusive. Any activity that can cause harm or damage to any of the natural surroundings, regardless of whether it specifically stated, is prohibited. These restrictions, if violated, may result in a fine being imposed. Repeated violations of these rules may result in fines being increased with each offense.

- a. **Dumping:** Dumping of garbage, trash, ashes, grass clippings, leaves, or other debris; petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch or within a resident's property or any common area is prohibited.
- b. **Impairment of Drainage:** There shall be no obstruction or rechanneling of drainage flows including changes to drainage swales, storm sewers, or storm drains.
- c. **Wildlife:** No capturing or trapping of wildlife is permitted except in circumstances where the animal poses an imminent threat to persons or a serious threat to property and where the MILLER'S GATE HOA Board of Directors has authorized the capturing or trapping of wildlife. **Damage to Environment:** No activity which materially disturbs or destroys vegetation, wildlife, wetlands, or air quality, or which uses excessive amounts of water, or which result in unreasonable levels of sound or light pollution shall be permitted.

- d. **Motorized Vehicles:** No vehicle other than tagged, street legal vehicles may be used in the MILLER'S GATE neighborhood. This prohibits the use of go-carts, and motorized skateboards and scooters. Small children's toy cars are excluded from this rule.
- e. **Cutting Down Trees:** No tree or shrub, the trunk of which exceeds two inches in diameter, shall be cut down or otherwise destroyed without the prior express written consent of the MILLER'S GATE Board.
- f. **Construction in Common Area:** No construction, erection, or placement of anything, permanent or temporary is permitted on any of the common area except as authorized by MILLER'S GATE Board. This includes gardens, signs, play equipment, clothes lines, garbage cans, woodpiles, above ground pools, decks, piers, antennas, satellite dishes, hedges, walls, fences of any kind, dog runs or animal pens
- g. **Landscaping in Common Area:** No landscaping, gardening, creation of flowerbeds or erection of any item is to be done on the common areas without prior written permission from the MILLER'S GATE Board. Any person proceeding without permission may be asked to restore the common area to its original condition and failing to do so; the MILLER'S GATE Board may restore the common area and charge the expense to the homeowner.
- h. **Pet Waste:** Residents must pick up their pet's waste from their yard, other residents' yards and all the common areas.
- i. **Foul and Obnoxious Odors:** Any activity which emits foul or obnoxious odors or other conditions that disturb the peace or threaten the health or safety of the residents of MILLER'S GATE are prohibited.
- j. **Activities in Violation of Law:** Any activity that violates local, state, and federal laws or regulations is prohibited. However, the Board has no authority or obligation to take any enforcement action in the event of a violation.
- k. **Offensive Activity:** Any noxious or offensive activity, which in the reasonable determination of the MILLER'S GATE Board may cause embarrassment, discomfort, annoyance, or nuisance to any of the residents of the MILLER'S GATE neighborhood, is prohibited.
- l. **Burning of Trash:** Outside burning of trash, leaves and debris or other materials is prohibited.
- m. **Skateboard Ramps:** No skateboard or bicycle ramps may be constructed in any yards or on any common area.
- n. **Loud Noises:** The use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device that is of such a volume that it disturbs the peace of the

MILLER'S GATE neighborhood is prohibited. However, alarms used exclusively for security purposes shall be permitted. Barking dogs may violate this provision if they unreasonably disturb the peace and quiet of the neighborhood.

- o. Fireworks:** Use and discharge of fireworks/firecrackers is prohibited and a violation of Oklahoma City ordinances.
- p. Firearms:** Discharge of any firearm, including air rifles and pistols such as pellet or BB guns, is prohibited and is a violation of City ordinances. Violations should be reported to the Oklahoma City police. The MILLER'S GATE HOA Board of Directors is under no obligation to prevent or stop such activity.
- q. Parking of Vehicles:** Vehicles found in violation of the following rules can result in both fines and vehicle being towed and/or impounded at the owners' expense. MILLER'S GATE HOA, its Board of Directors or towing company will not be responsible for any damages or loss of property. These rules will be relaxed during Holidays or for any Lot requesting an exception for periods no longer than 7 days, at the Board's discretion.

 - i. Overnight Parking:** Overnight parking is defined as parking in the street between the hours of 9:00pm to 7:00am for any period longer than 4 hours. The parking of any vehicle in the streets of MILLER'S GATE neighborhood, overnight, is prohibited.
 - ii. Daytime Parking:** Daytime parking hours are defined as periods between 6:00am to 6:00 pm Monday through Friday. Vehicles registered to a Lot owner, family, their guests, or tenants are prohibited from daytime parking for more for than 8 hours per day or more than 4 hours per day, for two consecutive days. Daytime parking exceeding this limit, other than for additional time to complete simple tasks, are prohibited. Simple tasks include, but not limited to, mowing, landscaping, household repair, etc. Further, any period longer than these limits requires the Lot owner (or their family, guests or tenants) or authorized person(s) of the vehicle to be present within MILLER'S GATE to move the vehicle at the Board's request. No vehicle may be parked in a way that limits or restricts emergency vehicles safe passage. Regardless of the timeline of when each vehicle was parked, all vehicles blocking safe passage will be in violation, unless video evidence is provided of when vehicles were parked. If evidence is provided, the vehicle which created the hazard will be considered the only vehicle in violation of this rule.
 - iii. Commercial Vehicles:** No commercial vehicles may be parked on the street or Lot. A commercial vehicle is any vehicle that has advertisement on it exceeding one foot by one foot, or a vehicle with non-standard attachments such as camper shells or parts such as exposed utility boxes, lifts, hoses, pulleys, cranes, or baskets. This includes moving van type vehicles with large box storage and towing vehicles. All lots with vehicles approved to be parked within MILLER'S GATE prior to December 1, 2022, must have a signed letter from the Board of Directors. Any vehicle seeking approval after December 1, 2022, cannot exceed a **Class II Commercial Vehicle**.

- iv. Mail, Delivery & Construction Vehicles:** All vehicles entering MILLER'S GATE are bound to all covenants, codes, restrictions, and rules in this document and CC&Rs. Delivery vehicles shall be exempt from this provision for such a period as it is necessary to make a delivery. Mail and delivery vehicles include (but not limited to) USPS, Fed Ex, UPS, grocery deliver, food delivery, furniture and home goods purchased by a Lot owner or Lessee (excluding any semi tractor-trailer) Large trucks with the purpose to haul away debris from a Lot (excluding Waste Management), provide delivery of construction supplies, materials, tools vehicles, or to tow a trailer for this purpose (excluding lawn and landscaping vehicles) are prohibited within MILLER'S GATE. Each tagged vehicle and/or trailer, unless trailer in tow is by the same tagged vehicle, shall pay a \$500 non-refundable street deposit. The deposit shall be placed into the MILLER'S GATE sinking fund for road repairs. Any company that fails to pay this fee, prior to entry of MILLER'S GATE, will also be assessed a \$500 fine. Failure to pay will result in legal action to include a lien and all administrative and legal costs will be the responsibility of the person(s) or business the vehicle is registered to and forfeiture from providing goods or services within MILLER'S GATE.
- v. Recreational Vehicles:** Boats, sleeper campers, any/all recreational vehicles may be parked on a Lot for short periods (twenty-four hours) for clean-up and prepping before or after a trip. At no time can these vehicles be parked in the street without approval from the Board of Directors.
- vi. Personal Trailers:** Trailers parked in a Lot's driveway or in the street is prohibited unless granted approval by the Board or as described. Approval will be granted for activities such as home improvement or landscaping. Any trailer stored behind a fence that meets all local code are permitted and approval for storage is not required so long as any person from any Lot or Common Area cannot see the trailer. Trailers can remain visible no longer than two hours on any Lot or street within MILLERS GATE, or approval is required. Approval or denial by the Board shall be provided within a reasonable time as to not prevent the Lot owner being delayed for the needed trailer.
- vii. Moving/Storage Containers:** Large moving/storage containers are prohibited without approval. A timeline of placement and removal of container must be submitted for approval and a \$100 non-refundable road fee per container is required. This fee will be placed in the MILLER'S GATE sinking fund for road repairs. The storage container must be short enough so that no part of the container blocks the sidewalk. If a container is ordered by a moving company for a Lot, this would fall under rule iv of this section. Any Lot Owner serving in the U.S. Military and receives out of State orders, are exempt from this rule.
- viii. Dumpsters:** Any type of dumpster on any Lot or Street, is prohibited without approval. A timeline of placement and removal of said dumpster must be submitted for approval and a \$100 non-refundable road fee is required. This fee will be placed in the MILLER'S GATE sinking fund for road repairs. The

dumpster length must be short enough so that no part of the dumpster blocks the sidewalk. If a dumpster is ordered by a contractor for a Lot, this would fall under rule iv of this section.

D. Uses of Homeowner's Properties

- a. Leasing:** A homeowner, as listed on the deed, which has resided in their home for twelve consecutive months has the right to lease or rent their home.
 - i. Leasing Form:** Homeowners shall submit a Lease Information Form to the MILLER'S GATE HOA Board if they lease or rent their property. Failure to provide the leasing form may result in a \$500 per month fine until information is provided.
 - ii. Contact Information:** All contact information for the homeowner and the tenant must be provided on the form and the homeowner is responsible for ensuring that all information is up to date. Failure to provide contact information may result in a \$500 per month fine until information is provided.
 - iii. Length of Lease:** No home shall be leased for any period shorter than 30 days.
 - iv. Homeowner Responsible:** The homeowner of the property will be held responsible for the conduct of renters and the condition of their property and structures, as well as any dues or fines. A Lessee can also be issued fines should they show consistent disregard for prohibited activities and conditions. Consistent disregard is defined as 3 or more separate violations, resulting in fines, as stated in rules (section VII,B) or after being fined 3 times for the same violation. Prior to any new lease, fines by the Lessee must be paid by the Owner, unless Lessee was evicted for violation of their lease. Court documents must show such an eviction took place for fines to be forgiven.
- b. Use of Property for Business:** Home based businesses are permitted if the business activity is not apparent by sight, smell, or sound; does not require visitation to the property by suppliers, other business invitees, or door to door solicitation of residents. The business activity must be consistent with the residential character of the property, and the business must not constitute a nuisance, or hazard; be offensive or threaten the security or safety of other residents.
- c. Maintenance of Property:** Homeowners are responsible for the maintenance and upkeep of their property. Structures, equipment, and other items on the exterior portions of a Lot that become rusty, dilapidated or otherwise in disrepair must be maintained and brought to acceptable condition.
- d. Changes to Property:** All changes to the property or structures, such as adding structures or changing the general appearance of structures, shall be started only after an application for such changes was submitted and the Architectural Committee have approved changes. Such changes are subject to

any HOA Rules and guidelines set by the Architectural Committee. All Lots approved for changes must place a MILLER'S GATE A.R.C. APPROVED sign in flowerbed or yard, nearest their front door until changes are completed and a final inspection is completed by the Architectural Committee

e. Pets and Livestock:

- i. Livestock:** No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot.
- ii. Pets:** Dogs, cats and household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose. No more than four (4) household pets may be kept without written permission of the Association.
- iii. Pets Restrained:** Dogs and cats must be restricted behind a fence, on a leash or in a building always. No household pet is allowed to roam freely.
- iv. Immunizations:** All dogs and cats must have their annual required immunizations. A record of those immunizations should be on their tags, which should be always worn. (Residents should report a violation of the rules regarding pets to the Oklahoma City Action Desk.)

- f. Unsuitable Hobbies:** Pursuit of hobbies or other activities which tend to cause an unclean, unhealthy, or untidy condition to the outside of any structure on a homeowner's property is prohibited.
- g. Trash Containers:** The visibility of rubbish, trash, or garbage is prohibited. Trash containers must be placed behind the front house building line or as not to be visible from any other lot within the project. Any fence erected to hide visibility of a trash can, must not exceed forty-eight inches and approval is required prior to building. Trash, trash bins and recycling bins may be set at the curb at regular trash pickup times in approved containers. Trash and trash bins may not be put out for pick up before 7:00 pm the evening before pickup and must be returned to their storage location by 8:00 pm the evening of pick up. Placing trash out for pick up for a longer period is subject to a fine by the City of Oklahoma City and the MILLER'S GATE Homeowners Association.
- h. Storage of Gasoline:** On site storage of gasoline, heating or other fuels is prohibited, except for a reasonable amount to be used for emergency purposes and operation of lawn mowers and similar tools or equipment.
- i. Garage Sales:** Two garage sales will be allowed each year with dates set by the Board of Directors.
- j. Conversion of Garages:** Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area is not allowed.
- k. Advertising:** No sign of any kind advertising the sale of any goods or service(s) shall be displayed anywhere on any lot. Real estate signs advertising the sale of a

home that are no larger than eighteen inches by twenty-four inches are permitted during the sales period. Construction or maintenance of any billboard or structure is prohibited.

- i. No sign advertising a property as For Rent or Lease may be placed in any yard or common area without the prior written consent of the Homeowners Association. Owners are permitted to rent property, but an Owner may not advertise the property for rent by placing a sign in the front yard or common areas without permission as previously mentioned.
 - ii. No signs protesting an action or failure to take an action by a homeowner, the Board of Directors, the Association or other third party may be placed in any yard or common area. Signs placed in a yard or common area that attempt to settle a dispute in the fashion may be removed by the Association or its Agents without notice or permission.
- l. Artificial Vegetation:** No artificial grass, trees or plants shall be placed or maintained in such a manner that it may be seen from outside the lot, unless approved by the Architectural Committee.
- m. Front Lawn Clutter:** The front lawns of homeowners' property including the driveway as well as all easements, streets, and common property shall be free of all toys, tools, and debris including, but not limited to bikes, balls, scooters, and power tools overnight on a regular basis.

V. DESIGN GUIDELINES FOR ARCHETECTUAL APPLICATIONS

- A. Establishment:** Pursuant to the MILLER'S GATE CC&Rs the standards and specifications stated below shall constitute the Design Guidelines for the MILLER'S GATE Homeowners Association. The methods of enforcement of the provisions of the Design Guidelines in this document are outlined in the last section of this document. All residents need to review these Design Guidelines BEFORE submitting an ARCHETECUAL application for approval to begin any landscape or architectural projects, including additions, or changes to any part of the lot. Any/all costs incurred by removing/redoining a project that has not been or is not approved by the Architectural Committee shall be the responsibility of the homeowner in addition to fines for leaving a project uncorrected.
- B. Application:** These guidelines apply to MILLER'S GATE
- C. Homeowners' Projects:** Homeowners should review these Design Guidelines **BEFORE** beginning any landscape or architectural projects, including additions or changes to any part of the lot.
- D. Procedures for Approvals**
- a. **Application:** An application form must be completed and presented to the

Architectural Committee before work is started on any project. The application shall be evaluated to determine the appropriateness for all changes to type or color of structures. The application/approval process shall determine if the change is appropriate for the neighborhood. Applications shall include drawings and descriptions. Starting work before written approval is received, will result in an automatic \$1,000 fine. All work must stop immediately and not resume until an application is approved and a letter is received to approve the project.

- b. Notice:** The Architectural Committee will approve or deny requests within 60 days of receipt and a letter of approval will be sent. Approval is not complete until the letter is received. If approval is NOT given, all necessary changes must be made to the project to bring it to compliance within 15 days.
Completion Time Limit: Approved projects must be completed within 120 days from the date of Architectural Committee's letter of approval. A MILLER'S GATE A.R.C. APPROVED sign must be placed in flowerbed or yard, nearest the front door until changes are completed and a final inspection is completed by the Architectural Committee.
- c. Inspection:** After the 120 days have passed the Architectural Committee will inspect the project and, if the project has been completed and is approved by the Committee, a final approval letter will be sent.
- d. Incomplete Project:** If the project is not completed within this time the approval will become void and a new written approval or extension must be requested. It may be considered a violation if this guideline is not met. Once a project is completed, it is the responsibility of the owner to keep everything in good repair. Allowing any part of the property or buildings to be in disrepair or unkempt, may be a violation of these guidelines and subject to enforcements.
- e. Emergency Replacement:** Replacement of existing structures or any part of the property does not require an application if replacement is the same as the original in appearance; otherwise, approval of changes is necessary.
- f. Retention of Letter:** It is the owner's responsibility to keep a copy of the approval for future reference.
- g. No Waiver of Future Approvals:** Approval of any/all projects does not inherently imply approval to subsequent projects.
- h. Variances:** Also, if non-conforming improvements are made and approved by the Board (e.g., through error or hardship, etc.) it is not to be construed as permission for future non-compliance or waiver of future enforcement rights. Under certain circumstances, the Board may authorize variances at times. Inability to obtain permits or other government approval or financing shall not be considered a hardship warranting a variance. If the Declarant owns any portion of MILLER'S GATE, the Board may not authorize variances for major structural projects without the written consent of the Declarant (excludes fences, storage buildings, etc. which now fall under the authority of the Board).

E. Specific Guidelines: The following specific guidelines shall control any further development or changes to any existing properties:

- a. Roof Specifications:** When replacing or repairing roofs, all residences shall use, as a minimum, thirty (30) year architectural composition roofing, weathered wood or driftwood in color, including for any additions and connected parts of the residence (e.g., covered patios). No three-tab shingles allowed. Due to large variations in shingles and manufacturing styles and types, any change in style from the original shingles or any color other than approved by the Board of Directors requires pre-approval from the MILLER'S GATE Homeowners Association Architectural Committee before any construction can begin. Due to previous non-enforcement, all existing roofs are grandfathered that were installed prior to December 1, 2022, until roof is replaced and color must change back to approved colors.
- b. Architectural Details:** The exterior of any residence shall be at least fifty percent (50%) brick, stone or stucco, and fifty percent (50%) may be of frame or other material which will blend with the brick, stone, or stucco. It is the intention of this restriction to allow panels of materials other than brick, stone, or stucco to be used, but in no event shall a continuing wall consisting of fifty percent (50%) of the exterior of the residence be built of any material other than brick, stone, or stucco. This restriction is intended to encourage the use on the principal exterior of residences of masonry construction but may be modified to allow the use of other materials to blend with the environment to eliminate repetition of design. In no event shall out buildings be of a material other than the residence. Any additions to the structure after it was originally approved should conform to the construction finishes for the residence.
- c. Chimneys:** Chimney materials must be brick, stone, or stucco to the top of the first-floor plate except where the chimney is on the interior or contained within a covered porch or patio, in which case it may be of other appropriate material.
- d. Sidewalks & Mailboxes:** All Lots shall have a four-foot sidewalk across the front of the Lot (side and/or back for corner or double Lots), installed within six feet of the curb and adjoin to adjoin to any existing sidewalks on an adjacent Lot ensuring sidewalks are level. All mailboxes must be of brick construction, with brick that matches the exterior of the home.
- e. Fencing:** All fences shall be of wood, brick, rock or wrought iron construction. The fence may not exceed seventy-two inches in height without Board approval. All fences must be maintained in good condition with no visible holes or loose or missing pickets. No fencing shall be installed on the front portion of any Lot and must commence at least five (5') feet from the front of the main structure. Prior to installation, an owner or builder must submit specifications for any proposed fencing to the Architectural Committee for approval. A survey of the property should be made to determine the location any, fence to avoid infringement on neighbor or MILLER'S GATE HOA property.

- f. **Painting:** Finishes applied as part of any maintenance or refurbishing process must be done with materials and colors that are complimentary to and consistent with other residences in the neighborhood. Prior to commencement of any such project that changes the color of the property: the homeowner must get approval from the Architectural Committee.
- g. **Detached Structures:** DETACHED STORAGE BUILDINGS OR OTHER STRUCTURES ARE NOT ALLOWED UNLESS THE BUILDING OR STRUCTURE CONFORMS TO THE REQUIREMENTS OF THIS PARAGRAPH. Detached storage buildings are permitted so long as the structure conforms to the exterior requirements contained in Section 2 above and the roofing requirements contained in Section "I" above. It being the intent of this provision that the storage building conforms exactly to the original home. Any storage building that does not conform to these requirements must be completely hidden from the street and any adjoining property owners.
- h. **Play Equipment:** Notwithstanding previous amendments to the MILLER'S GATE CC&Rs, all play sets, swings, or other play and recreational equipment to be installed on any lot, must also be approved, before installation. Small equipment, such as "little Tykes" is allowed, but must be kept in an orderly manner **if** it, or any part of it, can be seen from anywhere outside the homeowner's property.
- i. **General Appearance:** The property owner is responsible for maintenance of structures, landscaping, and general yard appearance to meet the neighborhood standards stated in the MILLER'S GATE CC&Rs. **To further clarify, as a visual rule of thumb, homeowners' yards and flowerbeds shall be compared to the MILLER'S GATE Main HOA common areas and entrances under normal situations.** Every MILLER'S GATE homeowner shall keep their flower beds free of weeds and grass year-round; lawns mowed, **weed-free (including but not limited to dallisgrass, crabgrass, and other 'grasses' which are considered weeds by definition)**, and edged consistently during the mowing season. **Lawns shall be watered and kept green during the spring & summer season. During periods of drought and/or water restrictions, exceptions to this rule can be made by the Board of Directors.** Bushes shall be **live**, trimmed, and shaped. Trees shall be **live**, trimmed and cut back to enhance the property. Overgrown shrubs and trees that cover over the front of houses or that extend outside of their intended area(s) shall not be tolerated. No tree or bush shall impede (within reason) the ability to walk on any sidewalk or visually impede vehicular traffic. (Trees may extend above sidewalks so if the height of tree is trimmed to prevent injury or cause a safety concern for pedestrians or vehicles)
- j. **List Not Exclusive:** This list is not exclusive and may include such other guidelines or limitations as the MILLER'S GATE Homeowners Association Board of Directors may add, as well as such others as may be determined by the Architectural Committee on a case-by-case basis.

k. Height: Although the height of the building is not specific, considerations will be given based on the amount of actual visibility of the detached structure, from the street as well as the neighboring lots. There are no pitch requirements for outbuildings and the requirements for an attached structure do not apply to detached, outbuildings. Approval of height will be made from the application information on a case-to-case basis.

l. Size: Approval of size will be made from the application information on a case-to-case basis.

m. Placement: The placement of the structure will be approved based on the visibility of the structure from the street as well as neighboring lots. It must not interfere or block the natural straight-line visibility from a neighboring lot. The approval of the placement of the structure will be made based information on the application on a case-by-case basis.

F. Grandfather Provision: Buildings that were constructed and changes that were made to a structure prior to December 1, 2022, that would otherwise be in violation of these Design Guidelines shall be permitted to remain without change if they had previous approval. However, homeowners with this situation should contact the Architectural Committee and request that it issue a letter approving this variance from the Design Guidelines. The Architectural Committee will issue a letter approving any such building or change. Such letter will be essential to protect you and any purchaser of your home if you are charged with a violation of the Design Guidelines at a future time.

G. Enforcement Guidelines:

a. First Notification: When the Board receives a report of a violation of the Design Guidelines, the Board will validate the claim by two (2) Board members and then send an email to the homeowner bringing to their attention that they are in violation of one or more of the Design Guidelines of the MILLER'S GATE Homeowners Association. The letter will ask that they come into compliance. The email will not discuss fines, liens, or other forms of enforcement.

b. Second Notification: If the violation is not corrected, the Board will send a second notification (email and/or letter) to the homeowner stating the nature of the violation, setting a date by which time the violation must be remedied and notifying them of the potential fines and methods of enforcement available to the Board.

c. Fines: If the violation continues, the Board may impose fines against the homeowner in the amount up to \$1,000 and raised in increments of \$100 until the guidelines have been met, take action to remedy the violation and bill the homeowner for the costs or seek injunctive or other legal relief.

d. Collection and Liens: If the homeowner refuses to pay fines or costs, the Board may turn the debt over to a collection agency to recover the fines and costs or place a lien against the property to recover all such fines and fees.

e. Board Charge: The Board of Directors is charged with the responsibility to

enforce the By Laws, Covenants and Restrictions, Design Guidelines, and the Rules and Regulations.

- H. **Appeals Process:** Homeowners may address the Board at any Board meeting to present their case regarding any action taken by the Board. The homeowner shall notify the Board of any such appeal in writing within seventy-two hours of the documented violation. If the seventy-two hour period falls within 10 days of the next Board meeting, the Board at their discretion, may not hear the appeal until the following Board meeting. No fines, fees or collections will occur until after a decision is made. Upon hearing from the homeowner and any other concerned person, the Board shall render a decision, and such decision shall be final.
- I. **Special Note:** Homeowners should contact the Architectural Committee and request that it issue a letter approving any variance from the Design Guidelines in the case of **buildings that have been constructed and changes that have been made prior to the adoption of these Design Guidelines.** By obtaining such a letter you will protect yourself and any purchaser of your home from being charged with a violation of the Design Guidelines.

VI. PLAYGROUND AND COMMON AREAS

A. Prohibited Behaviors

- a. **Smoking, Alcohol, Weapons (concealed or open carry)** are not allowed in the park or common areas.
- b. **Noise:** Excessive noise shall not be permitted. The determination of excessive noise shall be solely the right of the Miller's Gate HOA. As the park and common areas are near private homes, all those who use these areas should be respectful of neighbors as to not disturb them.'

B. Liability: The Miller's Gate HOA is not responsible for loss or damage to personal property.

C. Responsibility: Homeowners will be held responsible for the actions and behavior of their guests

D. Hours: Activities in park and common areas must not begin before 7:00 am and must conclude by 9:00 pm.

- a. **Loss of Privilege:** If the rules are not observed, damages occur or excessive mess is left by Renter or Renter's guests, **Renters right to use the Park and Common Areas may be suspended or revoked** according to the judgment of the HOA Committees. Violations of these Guidelines constitute a Refusal of Rental Terms.
- b. **Supervision:** The adult of their children or child's guest will be responsible for their child or child's guest conduct and safety while at the park and common areas. Any adult, child or their guest witnessed to be climbing, hanging, or

playing on fencing, at minimum, may be billed for any service call needed to inspect for potential damages to fencing and brick wall. Any adult, child or their guests witnessed to be climbing, hanging, or playing on gates or operators, or seen forcing gates opened or closed will be billed for a full inspection of gates and operators for damages. Any damages must be paid in full by the Lot Owner within a reasonable amount of time or the full amount will be sent to collections.

VII. ENFORCEMENT OF CC&RS, BY-LAWS, AND RULES

A. General Violations

- a. Purpose:** As members of the MILLER'S GATE Community, we all want to see that the neighborhood is kept in an attractive and well-maintained condition. It is because there are CC&Rs, By-Laws and Rules for our area that we have all agreed to by making our home here. The purpose of these rules is to enhance the enjoyment of the residents who live here and to maximize our property values.
- b. Board Duty:** To ensure that these are followed the Board of Directors has been given the responsibility to enforce them. It may levy fines, make special assessments, and take other actions against violations or these rules.
- c. Procedures:** Enforcement procedures include giving notice to a resident of a violation. This notice may be in the form of a letter, a posted sign, or a personal visit. If the violation continues a fine may be assessed against either or both the homeowner and/or the resident or other action taken by the MILLER'S GATE Board.

B. Two Types of Violations:

- a. Prohibited Activity:** Violations regarding a prohibited activity include those violations that require an activity to cease, such as excessive noise, riding go-carts in the neighborhood and any other such prohibited activities. These violations are each treated separately, and consequences occur for each time the violation happens. Notification of the violation will be repeated with each occurrence.
- b. Prohibited Condition:** Violations regarding a prohibited condition include those violations that require an action by the resident to come into compliance. These violations include, but are not limited to, violations of the Architectural Design Guidelines, unkempt landscaping, or structures, debris, and the prohibited parking of vehicles.

C. Enforcement Process

- a. First Notice:** When the MILLER'S GATE Board receives a report of a violation of the MILLER'S GATE CC&Rs, By-Law or Rule, it will send an email or letter to the residents bringing to their attention the violation after two (2) Board members verify

violation. The email or letter will ask that they cease any such activity and/or come into compliance. It will not discuss fines, liens, or other forms of enforcement. It will request feedback within seventy-two hours of violation to report any circumstantial issues for which the Board, at their discretion, can seek alternative solutions to help remedy the violation. This period must also be used to report any errors of violation to avoid administrative fees involved with issuing violation.

- b. Second Notice:** If there is a second violation within 180 days, or if a prohibited condition is not corrected, the Board will send an email or letter to the residents stating the nature of the violation, quote the pertinent Covenant, By-law or Rule and notify them of the potential fine and methods of enforcement available to the Board. If the violation consists of a prohibited condition the email or letter will also set a date by which time the condition must be remedied. If after a period of 180 days there is no subsequent said violation, this process will reset to the first notice step.

D. Fine Process

- a. Fines for Prohibited Activity:** Upon a third violation of a prohibited activity, the Board may impose a fine against the residents in the amount of \$100 for each violation. Subsequent violations of the same Covenant, By-Law or rule may result in an increase in the amount of the fine by increments of \$100 up to a maximum of \$500 for each occurrence, including all administrative and legal fees. If after a period of 180 days there is no subsequent said violation, this process will reset to the second notice step.
- b. Fines for Prohibited Condition:** If a prohibited condition is not corrected, the Board may impose fines against the resident in the amount of \$100 for the first month, which may be increased in increments of \$100 per month, up to \$500.00 a month, until the condition is corrected. In the alternative the Board may act and remedy the violation and bill the residents for the costs or seek injunctive or other legal relief including all administrative fees. If after a period of 180 days there is no subsequent said violation, this process will reset to the second notice step.
- c. Hearing:** Although all residents are encouraged to attend the meetings of the Board of Directors, the notified residents may address the Board and present their case about the violation at the first Board meeting following the receipt of the notice or at the following Board meeting. If the residents choose to appear before the Board, it will hear them and any other concerned persons. Following the hearing, or after the latter Board meeting, if the residents choose to not appear, the Board shall render a decision and such decision shall be final.
 - i. Collection of Fines and Costs:** If the residents refuse to pay the fines or costs, the Board may turn the debt over to a collection agency to recover the fines and costs or place a lien against the property to recover all such fines and costs.

- E. Exceptions:** Certain violations may be so obvious and egregious that the Board has the authority to forego the above stated procedures and take immediate action. Those violations are ones that place the health, safety, or welfare of the MILLER'S GATE residents in danger. This includes parking in such a way that prevents emergency vehicles passage through the neighborhood.