

## Rules and Regulations

### Cimarron Ponds Homeowners Association, Inc.

Effective Date: November 15, 2017

**Whereas**, the Board of Directors of Cimarron Ponds Homeowners Association, Inc. (the "Association") is the entity responsible for the operation of the community commonly referred to as the Cimarron Ponds Homeowners Association, as described in its Second Amended and Restated Declaration of Covenants, Conditions and Restrictions dated August 24, 2016 and recorded with the Hennepin County Registrar of Titles, as Document Number T05383418 (the "Declaration") the Second Amended Bylaws dated August 24, 2016 (the "Bylaws") and the Articles of Incorporation dated May 26, 1977 (the "Articles of Incorporation") (collectively, the "Governing Documents"); and

**Whereas**, the Board has the authority and responsibility to promulgate reasonable Rules and Regulations governing the use of the property of Cimarron Ponds Homeowners Association as said term is defined in the Declaration, which authority is explicitly contained in Article 11 of the Articles of Incorporation, Section 6.4 a. of the Bylaws, and Section 5.6 of the Declaration; and

**Whereas**, the Board has made findings of fact based upon its experience in the operation of the Association which has resulted in the adoption of certain reasonable Rules and Regulations for the health, safety and welfare of the owners of the Association; and

**Whereas**, the Board has, at a duly called and noticed meeting therefore held on 10 October 2017, voted by a majority of the Board of Directors to ratify and promulgate the Rules and Regulations attached hereto and incorporated herein by reference.

**Now, therefore**, be it resolved that the Rules and Regulations contained in are hereby ratified and promulgated to be effective 15 November 2017, pursuant to the powers granted to the Board of Directors of the Association.  
Resolved this 10th day of October 2017.

**CIMARRON PONDS HOMEOWNERS ASSOCIATION, INC.**

By: Quinn (Bucky) Monson

Its: President

## Building Alterations/Additions:

1. For building alterations or additions, plans must show all structural dimensions, support structures, size and type of materials to be used. Any alterations, including replacement windows must be approved by the Board of Directors. Plans must be clear and complete but do not need to be professionally drawn. Alteration forms are available at our [www.cimarronponds.org](http://www.cimarronponds.org) website. The approval process is set forth in Section 8 of the Declaration. The Board shall provide written notice of approval or disapproval within thirty (30) days of the submission of plans and specifications.
  
2. Applications received for architectural or landscaping alterations will be reviewed by the Board.
  - a. If an Application for Approval of Changes to Structure or Landscape is denied, you will be notified of the reasons for denial within thirty (30) days, as provided in the Declaration.
  
  - b. If an Application is approved, the project must be completed strictly in accordance with the approved plan and completion date. You must call **811** to have all underground utilities marked. All low **voltage lines** must also be located- this includes cable and telephone. Finally, notify the appropriate Board member who can assist with the identification of **irrigation lines**. All damage to these lines is the responsibility of the homeowner.
  
  - c. Any project not completed in accordance with the approved specifications must be redone to comply with the approved specifications or be removed at the homeowner's expense within 30 days.
  
  - d. All permits required for the alterations are the sole responsibility of the homeowner, and copies must be made available to the Association upon request.
  
  - e. The homeowner is required to ensure that the contractor has adequate insurance to cover the risk of loss associated with the project and will supply proof of insurance to the Board.
  
  - f. Owners must notify the Board and the City of Plymouth of any planned encroachments (alterations) on city easements. Only the City can grant approval. Surreptitious encroachments are subject to demolition without compensation.

## Garages/Vehicle(s):

3. Garages may not be used for or converted to any other use than the parking of homeowner or occupant vehicles.
4. Storage of flammable liquids in garages is not permitted except in fire proof metal containers, as per the city of Plymouth. Plastic gas cans shall not be used for storage.
5. Overhead garage doors are to be closed and locked when not in use. A garage door is considered closed if it is open no more than 6 inches for ventilation.
6. Homeowner vehicles are not to be kept elsewhere on the property.
7. Maintenance and repair of vehicles in garages is not allowed if such repairs or maintenance activities pose a danger or disturbance to neighbors.
8. Grilling or cooking of any type in garages is not permitted.
9. Vehicle owners are responsible for removing their vehicle(s) from the driveway during snow removal activities. If not removed, the driveway will be left unplowed. The owner impeding snow removal shall be responsible for clearing the snow from the roof neighbor's side of the driveway.
10. Vehicles shall not be left standing anywhere on the property in a non-operative condition. All vehicles must have current license tags. No vehicle repairs will be permitted on Association property. Any oil or gasoline spilled on the driveway must be cleaned by the owner or the Association will hire a contractor to do so, and the cost will be assessed to the vehicle owner or unit owner involved.
11. Motorized vehicles of any type shall not be allowed on the Property except on designated roadways, driveways and garages. Use of all-terrain vehicles or snowmobiles on the property is prohibited.
12. Boat and/or recreational equipment of any kind including tractor trailers, trailers of all types, including recreational vehicles, motor homes, trucks in excess of three-quarter ton, bicycles, motorcycles, all-terrain vehicles and snowmobiles are not allowed to be parked or stored on Association property for more than one week.
13. Vehicles belonging to an owner or occupant, or their guests, must be parked in such a manner as not to impede or prevent ready access to any unit's garage, block mail/paper delivery or emergency vehicles. Parking of any vehicle or trailer, or storage of any materials in the cul-de-sac areas is expressly forbidden according to City of Plymouth regulations.

14. The City of Plymouth does not permit overnight parking on city streets between 2am and 5am without a special parking permit; this includes all Cimarron Ponds streets, including cul-de-sacs.
15. Parking is never allowed in the turnaround area of the cul-de-sac; emergency vehicles cannot make the turn when impeded by other vehicles.
16. The Board maintains the authority to have the vehicle(s) removed if items are not in compliance with these Rules and Regulations. Residents are advised to call the City of Plymouth directly to correct parking violations; call the traffic line at 763-509-5177.

### **Garbage/Recycling:**

17. All garbage must be stored in a closed, tight container. Material put out for recycling must be in the city approved container. Trash cans and recycling bins should not be set out more than 1 day before pick-up, and returned to homeowner's garage no later than 1 day after pick-up.

### **Landscaping:**

18. Only the owners of a unit may apply for and receive approval for changes in landscaping or alterations of any kind.
19. When applying for approval to make landscaping alterations, you must submit an "Application for Approval of Changes to Structures or Landscape" form and two copies of your plans - one for the homeowner and one for the Association. Any simple changes to be completed directly by the owner may use the alternate "Shrub-Tree-Flower-Patio form available from our [www.cimarronponds.org](http://www.cimarronponds.org) website.
20. Applications received for architectural or landscaping alterations will be reviewed and responded to by the Board within thirty (30) days
  - a. If an application for an approval of changes to landscaping is denied, you will be notified of the reasons for denial within thirty (30) days after submission to the Board.
  - b. If an Application is approved, the project must be completed strictly in accordance with the approved plan and completion date. You must **call 811** to have all underground utilities marked. All **low voltage lines** must also be located - this includes cable and telephone. Finally, notify the

appropriate Board member who can assist with the identification of irrigation lines. All damage to these lines is the responsibility of the homeowner.

- c. Any project not completed in accordance with the approved specifications and completion date must be redone to comply with the approved specifications or be removed at the homeowner's expense within 30 days.
- d. All permits required for the alterations are the sole responsibility of the homeowner.

21. Plans for all landscaping must be approved by the Board **before** any work begins. Board approval or denial will be done within thirty (30) days from the date of submission to the Board. Plans must show how all materials are to be used. Plans will be evaluated on an individual basis, considering any unique circumstances of the lot plan. Approval of any landscaping does not signify that similar plans for another unit would be approved. Each request will be evaluated on an individual basis. Specific guidelines developed by the Board will include the following:

- a. Underground utilities, as well as irrigation lines, must be marked before digging. It is the responsibility of the homeowner to call 811.
- b. Placement of shrubs and trees must be such that they will not cause a problem when full-grown. They may not be planted too close to the house, fences, sidewalks or driveways. Enough room must be allowed for spread of the mature plant. Planted trees and/or shrubs must not result in an overhang that impedes the removal of snow or lawn clippings from the sidewalk. Planted trees and/or shrubs must not be allowed to block emergency egress from any window; a two-foot cut back is required and inspected for.
- c. All landscaping, including patio plants and other non-original items added to the exterior of a unit, must be installed and maintained so as to not impede or hinder mowing or snow removal.
- d. Fruit trees are not allowed.
- e. Trees and shrubs with shallow root systems that propagate suckers (i.e. willows or sumac) or have serious disease or maintenance problems are not allowed.
- f. Climbing vines that attach to the brick exterior are not allowed. Existing vines must be removed. Flowering vines on trellises are permitted.

- g. Annual or perennial flowers, including bulbs, are allowed if included in beds, but must be maintained by the homeowner. Areas marked for annual or perennial flowers may be specified as “Annuals” and/or “Perennials” on a proposed plan.
- h. Ground cover will be approved as a bed cover if it is a type that can be kept within bed borders.
- i. The homeowner bears responsibility for the maintenance of any shrubs, trees and flowers planted on individual lots. The Association’s responsibility for maintenance of trees and shrubs on Common Areas does not require replacement of dead shrubs and trees and may be limited to removal. Debris on private property must be hauled away by the homeowner. All tree replacements require approval.
- j. The removal or trimming of trees by owners on the common grounds, without Board approval, is expressly prohibited.  
The Board reserves the right to levy a fine for such violation.
- k. Planting on the common grounds is prohibited, unless specifically approved by the Board. The use of chemical weed killer along the pond banks is not permitted, nor is any clear cutting. The Board reserves the right to levy a fine for such violations.

## **Leasing:**

- 22. In addition to restrictions in the Governing Documents referencing leasing or renting a unit:
  - a. The unit and its garage must be leased together, in their entirety and cannot be subleased.
  - b. Each time a unit is leased or rented, or whenever a rental period is extended or renewed, the owners must provide the following information in writing to the Association no later than seven days prior to the commencement of the lease and must contain the following information:
    - (1) A copy of the rental/lease agreement. Financial information (rent) can be blacked out.
    - (2) The name and phone number of the renter and all occupants.
    - (3) Proof of rental license from the City of Plymouth.
  - c. It is the owner’s responsibility to supply a copy of the Governing Documents and the Rules and Regulations to the renter and to ensure that the renter, occupants, and guests comply with all Association regulations.

- d. No Airbnb or similar short-term vacation rentals are permitted for a unit; a 1-year lease/rental is required per our Governing Documents.

## **Outdoor Furniture/Equipment:**

23. Furniture items such as lawn chairs and picnic tables must be placed so as to not interfere with lawn care.
24. No permanent recreational equipment may be erected or affixed to any portion of your home or yard including but not limited to, basketball hoops, volleyball net standards, swing sets, gym sets, or other play equipment.
25. Small wading pools may be used on your lawn, but only if they are removed on a daily basis and do not interfere with lawn care. Lawn damage caused by wading pools is the responsibility of the homeowner.
26. Sandboxes are not allowed on lawns or grassy areas.
27. Personal property, except for lawn furniture and grills, may not be stored outside your home or garage, on or beneath your deck, or on your patio. This includes, but is not limited to bicycles, garbage containers, motorcycles, and snowmobiles, all of which must be stored in your home or garage. If your lawn furniture and grills are covered, tarps/covers should be brown, black or tan. Only one grill at a time may be visible outside your unit.
28. Hot tubs are not permitted.

## **Pets/Animals:**

29. All pets must be properly controlled in accordance with the leash laws and ordinances of the City of Plymouth. The complete ordinance can be viewed at the [www.plymouthmn.gov](http://www.plymouthmn.gov) website under Departments » Public Safety » Police » Regulations & Enforcement » Animal Control. Residents are advised to call the City of Plymouth directly to correct statutory pet violations; call the main number at 763-509-5000 and ask for a Community Service Officer. Violations of association only rules and regulations, that are enforced by the board, may be submitted anonymously. Any association only rule violation complaint should be submitted with photo, video, or audio recordings; this is a new requirement based on the prevalence of smart phones. Association only rules are identified where appropriate in the subparagraphs below.

- a. The owner or keeper of a pet is responsible for cleaning up after that pet immediately including soiling in the pet owner's yard (an association rule) and in any other location within Association boundaries - including city streets and city cul-de-sacs and association pathways and association property. Waste from pet cleanup must be disposed of in the garbage container at the residence of the pet owner.
  - b. All damages to common grounds – lawns, structures, trees or shrubs - caused by a pet are the responsibility of the owner. This includes lawn burnout from animal wastes, holes dug in lawns, and damage from chewing or scratching on walls, shrubs or trees. All such damage must be promptly repaired with materials of the same quality, at the pet owner's expense. This is an association rule. In the event a pet owner fails to make such repairs, the Board shall have the right to make the repairs and assess the cost of such repairs to the pet owner.
  - c. No animals, rabbits, fowl or poultry of any kind shall be raised, bred or kept in or on any part of the Common Area.
30. Household pets, at present size or projected mature size, may not be taller than 20 inches. This measurement is taken at the highest point of the shoulders, right behind the base of the neck. Complaints submitted to the board, regarding violation of this association rule, will trigger a deadline for the owner to produce documentation from a veterinarian for a height measurement or from a physician for companion animal designation. Any Animal found to be oversized and non-exempt shall be kenneled outside association property. The association cannot stop pet owners (resident or non-resident) from walking over-sized animals on city streets and cul-de-sacs.
  31. Household pets shall not be kept, bred or maintained for any commercial purposes.
  32. Households are limited to two allowed animals - two dogs, or two cats, or one dog and one cat.
  33. Dogs shall be leashed at all times when outdoors; the association requires this even on the owner's property; the City of Plymouth requires it everywhere outside the owner's property.
  34. When being walked, dogs must be on a leash no longer than 6 feet per City of Plymouth regulations. This includes retractable leashes which must be locked at 6 feet or less.
  35. When requested, companion status for dogs must be verified by a physician and submitted to the board of directors.



36. No kennels, cages, animal houses, invisible fences, or dog runs of any kind may be constructed or placed on any lot or on any part of the Common Area.
37. Dog barking, baying, howling, or crying is defined by the City of Plymouth as disturbing the peace and quiet; the ordinance details include "... any noise by any Animal which can be heard by any person...from a location outside of the building or premises where the Animal is being kept... over at least a five-minute period of time..." Residents are advised to call the City of Plymouth directly to correct statutory pet violations; call the main number at 763-509-5000 and ask for a Community Service Officer. Need proof? Use the camera on a smart phone to prove your location outside a noisy unit and use the microphone to prove duration of the Animal disturbance. Most smart phones come with a record app (Voice Memos on the iPhone) that can record 5 minutes of barking.
38. The above rules also apply to service, helper, and companion dogs.
39. Feeding geese is prohibited by the City of Plymouth and CPHA.

### **Screen Porches/Fences/Attachments/Lights:**

40. Screened porches must be removed no later than October 30<sup>th</sup> each year. The Board reserves the right to remove any porch and charge the homeowner for any costs incurred in the removal and for any repairs to the exterior of the house due to, or related to, a screened porch.
41. Removal or addition to privacy fences requires written Board and fence neighbor approval.
42. Awnings, outside electric shades, and outside decorative burglar bars are not allowed. Banners should not be permanently attached to the home. Consideration must be given not to disturb your neighbors when installing wind chimes or other devices that produce noise, especially close to bedroom windows.
43. If the homeowner installs a utility meter cover (using a CPHA approved construction plan), it must be painted in the approved color and maintained by the owner(s).
44. Installation of a new storm door requires prior Board approval of design, color and material.
45. Light bulbs in exterior fixtures must not exceed 60 watts.
46. Landscape lighting must not impede standard mowing or snow removal operations. The Association is not responsible for damage to these fixtures.

47. Outdoor clotheslines, clothes or laundry are not allowed to be hung outside any unit.

### **Signage:**

48. Signs of any kind are prohibited on any unit, lot or CPHA property. “For Sale” signs may be displayed during an actual Open House event. Security system signs provided by security companies are permitted.

### **Satellite dishes:**

49. Satellite dishes less than one meter in diameter are allowed and must be installed in accordance with Association guidelines. A Cimarron Ponds Satellite Dish Installation Guideline Form is available online at our [www.cimarronponds.org](http://www.cimarronponds.org) website. No other antennas of any kind, including TV, CB, or ham radio antennas, may be attached to the exterior of any building or placed within the boundaries of any unit. Satellite dishes must be professionally installed in a manner which does not cause damage to any portion of the building. To the extent feasible wires, cables or conduits must be professionally installed with minimum visibility from the exterior of the Unit. Any Owner who installs a satellite dish must remove it and repair any damage to the building upon termination of their ownership. Mounting brackets, that are sealed to the roof, may be left in place to maintain water tight integrity.

### **Storage:**

50. Storage buildings, sheds, or structures of any kind whether attached or detached, temporary or permanent, are not allowed.
51. No explosive devices of any kind are permitted on the property.

### **No Drones:**

52. For the safety and privacy of all residents and to protect the improvements made by the association, no drones, unmanned aerial vehicles (UAV), or similar remote or radio controlled aerial devices shall be allowed anywhere outside of an owner’s residence. Any devices found in the common areas will be confiscated by the Association and deemed abandoned by the owner.

### **No Smoking (Facilities and Common Grounds):**

53. For the safety of the property and the health of all residents of Cimarron Ponds, no smoking of cigarettes, pipes, cigars, or any other tobacco product, electronic cigarettes, personal vapor devices, or electronic nicotine delivery devices shall be permitted anywhere on common grounds or association facilities. The

smoking of illegal substances is also not permitted within units per city, state, or federal regulations. "Smoking" shall include the inhaling, exhaling, burning, or carrying of any such lighted or heated prohibited product or substance anywhere on common grounds or association facilities.

### **No Indoor Crop or Plant Cultivation:**

54. For the safety and integrity of the Common Elements and structures and for the purpose of preventing the accumulation of moisture and the growth and spread of mold or mildew (which may cause damage to the Common Elements) no Resident or Owner shall be permitted to use a Unit, or any portion of a Unit, for the cultivation or growing of any plant, crop, or vegetation, including marijuana (whether or not it's intended use is for medical purposes).
55. No Resident or Owner shall be permitted to install or maintain hydroponic watering devices, heating devices, or lighting devices intended to aid or facilitate the cultivation or growing of any plant, crop, or vegetation. The foregoing paragraphs are intended to prohibit the cultivation and growth of crops within a unit, including marijuana.

### **Violation of Rules, Regulations. Governing Documents:**

56. **Violation of Applicable Law or Governing Documents or Rules and Regulations of Cimarron Ponds Homeowners Association.**

In the event of a violation of any of the provisions of the Governing Documents of the Association or its Rules and Regulations, by any homeowner, occupant, tenant, or guest in, the Board of Directors may take the following actions:

- a. Give written notice of such violation to the owner. Notice shall be by mail or by personal service. Such notice shall advise the owner that if the violation is not remedied within a time frame specified by the Board, a fine will be imposed against the property as set forth below.
- b. In the event the violation is not fully remedied within the timeline specified by the Board, a fine will be levied against the violating property in the amount of thirty-five dollars (\$35.00) per day commencing on the date the violation is verified by the Board, and continuing each day until the violation is fully remedied and proof of remedy is provided to the Board. Such fine shall be payable on the first day of the month, and shall be subject to the same late payment penalties as any other late payment made to the Association.

- c. If written notice of a violation has been given, and the violation has been fully remedied, and there is a reoccurrence of the same violation it shall be considered a new violation and shall result in a fine of seventy dollars (\$70.00) per day being levied per violation without further notice.
- d. In the case of a leased or rental property, the homeowner is responsible for the enforcement of the Rules and Regulations and thus, responsible for the fines levied against the tenant. The Association shall notify the homeowner of any violations of any tenant or occupant and the homeowner shall be responsible to remedy any such violations.
- e. In the event a violation affects the health or safety of the residents of Cimarron Ponds, the Board reserves the right to immediately remedy the violation without notice to the property owner. In such event, the owner must pay the actual cost of the remedy in addition to the amount of the daily fine from the date the violation is verified by the Board. The minimum fine imposed in such cases involving health or safety risks shall be one hundred dollars (\$100.00).

57. Homeowners and tenants must comply with all ordinances, laws, rules and regulations of the City of Plymouth and the State of Minnesota.

58. "CPHA Resolution Process" enumerated or stated below:

### **CPHA Resolution Process**

The Board's **Resolution Process** for breach of any of these Rules and Regulations includes the following steps:

1<sup>st</sup> The Board will make itself available to homeowners to discuss a complaint or a violation of the Rules and Regulations, in an attempt to resolve the situation.

2<sup>nd</sup> If unresolved after a discussion with the homeowner, the Board will issue a written notice of the violation and a statement of the subsequent actions to be taken in the event that the violation is not remedied within the timeframe specified by the Board.

3<sup>rd</sup> Homeowner will have ten (10) days from receipt of a violation letter to request, in writing a hearing before the Board. At this hearing, if you request one, you may explain your situation and present any reasons as to why you feel you should not be fined or subjected to any other discipline and/or remedies which are allowed under the Association's Governing Documents, including its Rules and Regulations.

4<sup>th</sup> The Board will take whatever actions are necessary to remedy the violation, including but not limited to, making repairs, towing vehicles, etc. and billing the costs to the homeowner, as well as issuing fines, payable monthly until the issue is resolved.