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FOR: SCOTT LEE

**GARDEN SOUTH HOME OWNERS ASSOCIATION LEE  
COMMUNITY RULES AND REGULATIONS  
FOR  
ALL UNITS OF GARDEN SOUTH CONDOS  
PHASES ONE THROUGH NINE**

**Introduction:**

These rules are established as a basis for a successful community and an enjoyable lifestyle. Condominium living is different from living in a "typical neighborhood". Here in Gardens South, the residents share "Common areas and facilities" and, because of this sharing, community rules are not only essential, they are a necessity. Rules are promulgated by the Association for the benefit of the members and for the protection of their property. Owners are responsible for compliance therefore; residents are encouraged to assist in the enforcement of Association rules by admonishing violators to comply and for reporting any violations in writing to Management.

These rules have been established under the authority of Garden South Declaration and By Laws to assure the maximum use of the facilities for the benefit of the community as a whole. Exceptions will only be considered in keeping with that spirit.

**Rules and Regulations:**

1. Residents are required to ensure that their guest's park only in the "extra" uncovered parking stalls or in the owners covered parking stall. Double parking or parking in a "No Parking Zone" is strictly prohibited. No resident or guest shall park in other residents assigned spaces. Violators will be towed at the owner's expense. The Association may remove any vehicles that are improperly parked and impose an assessment of charges to owners and occupants who violate, or whose invitees violate such rules. Any charges so assessed shall be special assessments.
2. Vehicles, that are inoperable, shall not be permitted to park or be stored within any portion of the condominium facilities unless otherwise permitted by the Association.
3. Major vehicle repairs shall not be permitted in any parking area or common areas.
4. Owners shall comply with Article 33. Lease of Units of the Declaration of Covenants Conditions and Restrictions. Owners will be held liable when renters or occupants are in violation of the rules governing the Association.
5. All garbage and refuse is to be deposited with care into the dumpsters. The refuse contractors typically will not hand pick items off of the ground therefore it is necessary to place all garbage inside the dumpster.
6. Littering in common areas and limited common areas is prohibited. Items will not be left or stored outside of the Unit's designated storage locker. Stairways, balconies, carports and other common areas cannot be used as storage areas.

7. Any activity by any owner, occupant or guest, which is a nuisance to any other owner, occupant, or guest is prohibited. No owner shall make or permit noises that will disturb other occupants or do or permit anything to be done which will interfere with the rights, comfort or convenience of others. After 10:00 P.M., any resident should report excessive noise to local authorities. Owners or occupants causing such noise will be subject to a fine as outlined in the fine and suspension policy.
8. No radio, stereo, broadcast or loudspeaker units and no amplifiers of any kind shall be placed upon or outside, or be directed to the outside of any unit.
9. External laundering and drying of clothing or other items is prohibited.
10. Each unit shall have window covers. Only curtains, drapes, shades, shutters and blinds may be installed as window coverings and all such window coverings shall be approved in advance by the Board. No window shall be covered by paint, foil, sheets or similar items.
11. No structure or building of a temporary character, including a tent or shack, shall be placed upon the condominium or used unless the Board approves the proposed use.
12. No external items such as, but not limited to, television and radio antennas, satellite dishes, flag poles, clotheslines, wiring, insulation, air conditioning equipment, water softening equipment, fences, awnings, ornamental screens, porch or patio enclosures, sunshades, lighting fixtures will be allowed.
13. No exterior changes whatsoever shall be commenced, erected, maintained, made or done without prior written approval of the Board or any committee established by the Board for that purpose.
14. No owner or occupant shall engage in any activity within the condominium in violation of any law, ordinance, statute, rule or regulation of any local, county, state or federal body.
15. If the need for maintenance or repair is caused through the willful or negligent act of an owner, family members, guests, lessees, licensees or invitee's, the cost of such repair shall be paid by such owner.
16. No person is allowed upon the roof of the units, carports, clubhouse, storage units, walls, fences or gates unless approved by management for proper repairs or maintenance.
17. Persons under the age of 16 are not permitted in common areas after 10:00 P.M., unless accompanied by an adult resident.
18. Garage sales are prohibited unless organized for and available to the entire complex and approved in advance by the Board of Directors.

19. No owner or occupant shall use or permit to be brought into the units any flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or articles deemed extra hazardous to life, limb or property. No unit owner or tenant shall permit any thing to be done or kept in his/her unit or on the common elements which will result in the cancellation of insurance on the buildings or contents thereof or which would be in violation of any public law, ordinance or regulation.
20. All interior maintenance, decoration, plumbing fixtures, heating/air conditioning equipment, dishwashers, disposals, ranges, hot water heaters including cracks, settling of sheet rock etc., is the responsibility of the owner of the unit.
21. No owner or occupant shall do any painting on the exterior of the units or the fences, walls, garages, storage areas, or carports without written consent of the Board of Directors. Maintenance of deck flooring is the responsibility of the owner.
22. Complaints regarding the management of the units or grounds or regarding actions of other owners must be presented in writing to the Board of Directors.)
23. External faucets shall not be left running for any unreasonable or unnecessary length of time.
24. Any owner wishing to plant trees or shrubs outside of their patio area must obtain written permission from the Board of Directors. Care and maintenance of these items will be the responsibility of the owner.
25. No B-B Guns, Pellet guns, Air Rifles, Bow & Arrow or any type of weapon or firearm will be discharged on the premises.
26. One dog, (not to weight in excess of 20 pounds), two domestic cats, or additional or other household pets approved by the Board of Directors may be kept by owners within a unit provided such pets are not raised, bred, kept or maintained for any commercial purpose. All animals permitted shall be kept on a leash and all fecal matter shall be immediately cleaned up.
27. All owners and residents will be required to register their pet(s) by completing the Pet Registration form and returning it to the Board of Directors.
28. The Board of Directors has the authority to enforce all activities in the common and limited common areas, which create problems for homeowners.

**See Attached:**

- A. Pet/Animal rules & Pet Registration, B. Parking Rules, C. Driving & Vehicle Rules and E. Pool Rules.**

**Please read the Association penalties for violation of these rules.**

**A. Pet Animal Rules**

1. Pet guidelines coincide with the City Code of St. George, Utah ordinances for pets or animals. Below is a summary of the ordinances for all pets and pet owners. They will be governed by Ordinance 81-11-2, Section 6-2-1 to Section 6-2-20 of the City Code of St. George, Utah. Copies can be obtained at any animal shelter.
2. No pet may be kept that poses, threatens to pose, or in the reasonable judgment of the Board of Directors may pose or create any unreasonable risk or harm to the Community or create a nuisance, or any pet which is dangerous or known to have dangerous propensities. The Board of Directors has determined that the following pets may be considered dangerous or a possible nuisance:
  - a. Doberman pincers
  - b. Pit Bulls
  - c. Any snake
  - d. Any dog weighing in excess of 20 pounds at maturity.
3. Sec. 6-2-5 License required. All dogs must be licensed each year to a person 18 years or older.
4. Sec. 6-2-8(2) Dogs running at large. It is unlawful for the owner or person have charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged of the dog regardless of whether or not he knows that the dog is running at large shall be liable for a violation of the dog regardless of whether or not he knows that the dog is running at large. (Prior code 100-1-10). All pets and/or animals must be under the owner's control at all times
5. Section 6-2-8(6) Attacks by dogs-owner liability-destruction authorized when:
  - a. Attacking dogs.

It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hooved protected wildlife or to attack domestic foul. "Worry" as used in this section means to harass by tearing, biting or shaking with the teeth.
6. Sec. 6-2-9 Nuisance Act designated – penalties; (A) Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance, as defined below, shall be in violation of this title and subject to the penalties provided in this title. (B) The following shall be deemed a nuisance:
  1. Any animal which:
    - A. Causes damages to the property of anyone other than its owner.
    - B. Is a vicious animal as defined in this title and kept contrary to Section 6-2-8(7) below,
    - C. Causes unreasonable fouling of the air by odors,
    - D. Causes unsanitary conditions in enclosures or surroundings.

- E. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge control, custody or possession of such animal remove any such defecation to a proper trash receptacle,
  - F. Barks, shines, howls or makes other disturbing noises in an excessive, continuous or untimely fashion,
  - G. Moles or harasses passerby or chases passing vehicles.
  - H. Attacks other domestic animals,
  - I. Otherwise acts so as to constitute a nuisance or public nuisance for any reason designated in Section 8-4-2 of this code.
2. Any animals which, by virtue of the number maintained, are offensive or dangerous to the public health, welfare or safety.
  7. If a pet, animal, bird, reptile, or other pet is raised or kept in any unit or common area in violation of this section of the City Code of St. George, Utah ordinance 81-11-2 (we must be notified by at least two residents or one resident and one contractor or employee of a contractor hired by the Association), the unit owner shall be charged after receiving one written warning:
    - A. First Offense: \$50.00
    - B. Second Offense: \$75.00
    - C. Third Offense: 100.00
    - D. After Fourth Offense: Pet will be permanently removed from project.
  8. Should the Board be required to take legal action against any person violating any of these rules, the Board is entitled to recover all attorneys' fees and costs associated with such action.
  9. No birds or animals shall be kept or harbored in the community unless the same in each instance is expressly permitted in writing by Management. NO DOGS WILL BE PERMITTED in any of the public portions of the Community unless carried or on a leash. The owner shall indemnify management and hold it harmless against any loss or liability of any kind or character whatsoever arising from or growing out of having any bird or animal in the Community.
  10. Pets in the clubhouse, swimming pool area, or any community facility are prohibited.
  7. If a pet, animal, bird, reptile, or other pet is raised or kept in any unit or common area in violation of this section of the City Code of St. George, Utah ordinance 81-11-2 (we must be notified by at least two residents or one resident and one contractor or employee of a contractor or employee of a contractor hired by the Association), the unit owner shall be charged after receiving one written warning:

**B. Parking Rules**

1. No parking in "no parking" areas. Violators will be towed at owner's expense. Residents shall park in their assigned carport. Two parking areas per unit are allowed and designated as follows: one (1) assigned carport (covered parking stall) and one (1) uncovered parking stall only. All cars, trucks, etc. shall be parked in carports, garages, or designated areas.
2. Parking of recreational vehicles (boats, any trailers, motor homes, etc.) is not allowed in the complex. Vehicles in violation will be towed at owner's expense and/or owner will be fined.
3. Vehicles not in operation for over one week and derelict vehicles parked in common areas or driveways are prohibited and will be towed away at owner's expense.
4. Unlicensed and unregistered vehicles will be towed at owner's expense.
5. Double parking in carports is prohibited.
6. An owner or resident must not permit his guests, tenants or member of his family to use carports or garages owned by others.
7. The following procedure and guidelines will apply to the Board of Directors and Management Company in the enforcement of the parking rules of Garden South. Before towing any vehicle for any reason other than an emergency, the following will occur:

A written notice will be posted on the vehicle by management. With the exception of parking near "tow away" zone signs. The vehicle may be towed at the owner's expense. Removal of the notice will not prevent towing.

8. In addition, a service charge for Management's time may be assessed using the following manner.
  - A. First Offense: A written warning will be delivered.
  - B. Second Offense: A \$50.00 charge will be assessed to the owner of the unit.
  - C. Third and Subsequent Offenses: A \$100.00 service charge will be assessed to the owner of the unit.
  - D. In addition, a late fee of \$10.00 per month will be assessed on all unpaid fines.
9. You may appeal any complaint or service charge involving parking violations, by submitting in writing a request for a hearing to the Association Manager within five days of receiving a complaint or written notice.

**C. Driving and Vehicle Rules**

1. Driving motor-powered vehicles (mini-bikes, motorcycles, go-carts, cars, etc.) on sidewalks or landscaped areas is prohibited. All drivers of motorized vehicles must have a valid driver's license.
2. Driving at speeds in excess of 10 mph is prohibited.
3. Driving recklessly is prohibited.
4. Driving around, through Garden South for other than entry or exit from the community is prohibited.
5. Anyone violating these rules will be subject to a fine as outlined in the fine and suspension portion of these rules.
6. Car painting on the property is prohibited.
7. No draining of car fluids allowed on the property. No dumping of vehicle fluids in storm drains. Residents are not to leave containers of vehicle fluids in carports. If antifreeze is spilled, it should be immediately cleaned up.

Only minor car repairs allowed on property. Any car on a jack should be attended by an adult at all times.

Rules and Regulations adopted 7-13-2005

To all Garden South Home Owners:

At our regular monthly Board meeting, the Board passed an Amendment to the Rules and Regulations for Garden South pertaining to rentals and renters in the development. It includes the following:

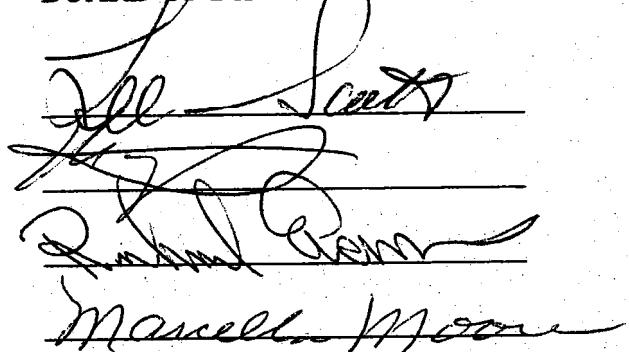
- 1) Anyone purchasing a unit in Garden South must live in that unit for at least one year.
- 2) After the first year, units may be rented with the Board's approval.
- 3) Board's approval will only be given if rentals do not exceed 25% of the total units in Garden South.
- 4) If rentals exceed the 25% agreed upon by the Board, the Board will establish a waiting list in order of request made.

We feel as a Board that this policy will enhance the quality of life at Garden South for all who live here, will increase property values, and will help resolve many of the problems we have had in the past.

Thank you for your attention and compliance in this regard.

Sincerely,

GARDEN SOUTH HOMEOWNERS  
BOARD OF DIRECTORS



### D. Pool & Clubhouse Rules

These rules are, in reality, the guidelines from four sources.

1. Common sense
2. Feed back
3. Experience
4. Complaints

The intent of the clubhouse rules is to make the facility enjoyable to all.

#### THE POOL AREA IS:

An area available to all residents for relaxing enjoyment and investment pride. A part of your home, in effect, owned by you – an enjoyable retreat.

#### THE POOL AREA IS NOT:

A community owned and sponsored babysitting facility.  
A place to drop off your children or guests.  
A place to release your frustrations.

#### POOL RULES

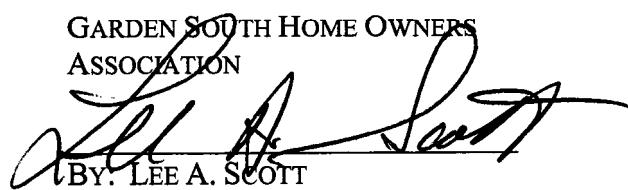
1. No one will be allowed in the pool area without a pool key. Pool keys are to be issued to adult residents only. The pool supervisor has the authority and responsibility to revoke privileges of those who do not have a pool key in their possession while using the pool.
2. The resident is responsible to convey to their guests the pool rules and will be responsible and accountable for their guest's conduct. If for any reason the homeowner or his/her guests does not comply with these rules, he/she will have all pool privileges revoked for a period of 3 months.
3. Each owner or tenant shall be responsible for any damage caused to the clubhouse; it's contents or the pool area by owner, family, tenants or guests. The owner shall pay for such damage.
4. No one under the age of 12 will be allowed in the pool or the pool area without a supervising adult age 18 or older.
5. Items prohibited in the pool area are: bicycles, wheeled items, Styrofoam articles, toys, cups, coolers, glassware, bottles, ashtrays and all alcoholic beverages. No food or drink will be allowed in the pool area.

6. Conduct prohibited at the pool: spitting, spouting or blowing nose in the pool, running and horseplay on the pool deck area. Using the pool while suffering from an apparent skin disease, sore or inflamed eyes, cough, cold, nasal or ear discharges, or any communicable or infectious diseases. Using foul or offensive language. Due to shallow water, no diving is permitted.
7. Acceptable attire is mandatory and conforms to conventional swimwear. (swimming trunks or swimming suits, no cut-offs)
8. Babies must wear tight fitting plastic pants under or over their swimsuits.
9. No animals in the pool or in the pool area at any time.
10. A resident for 10 or more guests may reserve the pool and a \$50.00 deposit is required. Your deposit will be returned to you minus any cost for damage or extra cleaning. Reserving pool does not entitle one to exclusive use.

**POOL HOURS ARE AS POSTED AT THE POOL**

We hereby certify the adoption of the foregoing by vote of the Board of Directors of the Association as of the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

GARDEN SOUTH HOME OWNERS  
ASSOCIATION



BY: LEE A. SCOTT  
IT'S PRESIDENT

STATE OF UTAH, )  
: ss.  
County of Washington )

On the 20 day of <sup>July</sup> 2005, personally appeared before me  
Lee A. Scott, who being by me duly sworn did say that he is the President of the  
Board of Directors for Garden South Home Owners Association and that he executed the  
foregoing Rules and Regulations in behalf of said Association, being authorized and  
empowered to do so by the CC&R's of GARDEN SOUTH HOME OWNERS ASSOCIATION.

Marsha Kay Dennis  
NOTARY PUBLIC

