



## Shadowbrook Homeowners Association

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### Rules and Regulations July 1<sup>st</sup>, 2012

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- 1) Preamble. The Board of Directors of the Shadowbrook Homeowners Association (Association) as defined in Exhibit D, pursuant to Article X, Section 12 of the Declaration of Covenants, Conditions, Restrictions, Easements and Liens (Declaration), hereby establish the following Rules and Regulations (R & R) to the Association's Governing Documents adding but not limited to: Architectural Standards, Parking Policy, Collection Policy, Storage Policy, Electronic Signature, Violation/Fine Process and other operating standards as needed.

It should be noted that the Rules and Regulations do not replace the Declaration or By-Laws which the Board uses as its primary governing documents. Both of these documents remain in force. In the case of conflict between the wording of this document and either the Declaration or By-Laws, the Declaration will prevail followed by the By-Laws then these Rules and Regulations. **This version, dated 7/1/2012 supersedes the all previous versions.**

- 2) Purpose. The purpose of these Rules and Regulations is to provide definite community standards for the behavior necessary for an effective and harmonious community. The rules are also intended to promote quiet enjoyment, protect real estate values, and promote the health and safety of the homeowners and residents.

This set of Rules and Regulations has been distributed to all homeowners/occupants in accordance with the Association Declaration and Bylaws. Interpretation of the Rules and Regulations is the responsibility of the Board of Directors.

- 3) Definitions. The terms and phrases used in these rules and regulations shall have the same meaning as given in the above-described Declaration, Bylaws for the Association, or if not defined therein, the meaning given to these terms by common law.
- 4) Members. The Rules and Regulations shall apply to all property owners, their residents, family members, tenants, occupants, agents, visitors and shall be enforced by the Board of Directors in accordance with all Governing Documents.
- 5) Amendments. The Rules and Regulations may be modified, repealed or amended at any time by a resolution of the Board of Directors when deemed necessary in the best interest of homeowners/residents of the Association.
- 6) Use of Ponding Areas. (reserved for future use if necessary)

- 7) Architectural Controls.

- a) **Specific Rules.**

- i) **Architectural Approval Process.** All exterior modifications to Lots and/or homes within the Association are subject to the process listed as Exhibit A in these R & R.
- ii) **Fences.** The minimum standard for fencing within Shadowbrook shall be a vinyl coated chain link fence. To note, all fences and fencing material are required to be approved by the Architectural Review Committee prior to installation.
- iii) **Clothes Lines:** No clothes lines shall be permitted.
- iv) **Storage Tanks:** No permanent storage tanks of any kind shall be erected, placed or permitted.
- v) **Trailers.** Pursuant to Article VIII, Section 5: Storage. No trailers of any form may be stored on a Lot unless the trailer is unable to be seen from any street.
- vi) **Storage:** The Association will determine parking and storage regulations the same as the Brooklyn Park City Code (currently section 72.10).
- vii) **Storage Sheds:** The Association has set strict limits on the type and material used in constructing a storage shed on a property within the Shadowbrook Development. These restrictions are:
  - 1) The storage shed cannot be larger than 168 (one hundred sixty eight) square feet;
  - 2) The storage shed must sit on a cement slab;
  - 3) The storage shed must be framed construction;
  - 4) The storage shed must have siding that matches the existing home;
  - 5) The storage shed must have roofing materials that match the existing home.

8) Administrative Procedures

**a) Association Assessments.**

- i) If a Homeowner change occurs during the January 1 – December 31 time frame on a lot:
  - (1) That HAS paid its annual assessment no further action will be done, and no refunds will be issued

**b) Board of Directors Budget Spending Authority**

- i) Pursuant to the unanimously approved Motion July 20, 2008, the Board has “Bottom Line Budget Authority.”
  - (1) This means that the Board has authority to spend the budgeted money for each calendar year at their discretion as long as they do not exceed the “bottom line” or total budget amount.

**c) Delinquent Payment of Assessments Fine Process**

- (1) Fines are issued 31 days after initial invoice was sent
- (2) *Initial Fine is \$25 (Twenty Five US Dollars)*

**d) Delinquent Payment of Assessments Accelerated Fine Process**

- (1) These fines are Pursuant to Article X, Section 1.2, Sanctions and Remedies, Part C
- (2) Accelerated fines are issued 91 days after initial notice if full payment has not been made
- (3) *Accelerated Fines are \$25.00 (Twenty Five US Dollars) per Quarter until balance is paid in full*
- (4) Accelerated Fines are in addition to any previous charges and will have no maximum charge

**e) Assessment of Legal/Collection/Lien Fees**

- (1) These fines are Pursuant to Article X, Section 1.2, Sanctions and Remedies, Part C
- (2) Delinquent members shall be responsible for all legal fees incurred by the Association for collection of these funds and/or the administration of this process.
- (3) Mechanical Liens will be placed on delinquent members property and recorded with Hennepin County
- (4) Delinquent members will be charged a minimum \$92.00 (Ninety Two US Dollars) to pay for both the filing and potential removal of the aforementioned mechanical lien placed by the Association at the time the lien is filed.

**f) Violation Reporting Process**

All violations of the Governing Documents shall be resolved by the process listed as Exhibit B in these R & R after a formal written complaint is filed to the Board by a Member.

- i) Owner(s) contacted by Board Member(s)
- ii) 10 days are allowed to resolve the violation
  - (1) In which time the homeowner may request a meeting with the Board
    - (a) This meeting will also include the Member filing the written complaint

**g) Landscaping Requirement Timelines.** The required, five (5) two-inch (2”) minimum caliper, non-public nuisance trees and a fully seeded (with satisfactory growth) or sod yard pursuant to Article 6, Section(s) 9 & 19 of the Declaration and the unanimously approved motion July 20, 2008 must be completed as follows:

- i) 30 days after occupancy of homeowners and/or approved renter.
- ii) 90 days after completion of home
  - 1. -The board considers completion once all permits have been signed-off as completed
  - 2. -In the event that move-in or completion of a home takes place during a Minnesota “non-growing season” (roughly October through March) the weather permitting deadline for all landscaping requirements is June 1<sup>st</sup> of the following year.

- h) **Workers Compensation.** Any person(s) doing work for/with the Association is considered an independent provider of such services and must carry his/her own Workers Compensation Insurance coverage. In no circumstance, will these individuals be considered an employee of the Association.
- i) **Electronic Signatures.** All residents, pending their consent, may opt to have all Association communications including, but not limited to: meeting notices, agenda, agenda materials, voting rights, Association invoices and special assessments, sent to them via electronic format. In the event of a vote, a returned email shall constitute a valid/signed vote. This request should be made to the Secretary of the Board.
- j) **Cars Parking.** In conjunction with Brooklyn Park city codes: 72.08—All Night, 72.09—Hour Limitation, 72.12—For Sale or Washing and 152.262—Additional Standards for Accessory Uses, it is unlawful, except for a physician on an emergency call, to park a vehicle on a street between the hours of 2:00 a.m. and 5:00 a.m. of any day from October 15 in one calendar year until April 15 in the following calendar year. It is unlawful to park a vehicle on a street in the city for a period longer than 24 consecutive hours. It is unlawful to park a vehicle upon a roadway for the principal purpose of displaying the vehicle for sale, washing, greasing or repairing the vehicle except repairs necessitated by an emergency.

Certain permitted accessory uses have characteristics that require regulation by the city to assure compatibility with other residential properties and neighborhoods. The following accessory uses must comply with all sections of the City Code, this section of the chapter, and the following established regulations for the use:

(A) *Motor and recreational vehicle and equipment sales.*

- 1) The vehicle(s) must have current registration plates.
- 2) The vehicle(s) must be licensed to a resident of the property.
- 3) The vehicle(s) must comply with the parking requirements in all applicable sections of the City Code and this chapter.
- 4) No more than two vehicle and equipment sales may be permitted per parcel per calendar year.

- k) **Animals.** In conjunction with Brooklyn Park city codes: 92.03—Restraint, 92.05—Animal Noise, 92.06—Public Nuisances and 92.07—Animal Defecation, no person shall permit an animal to be at large in this city, but must keep such animal under restraint at all times. No person having custody or control of any animal shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place or upon any private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having custody or control of any animal permit the same at any time to be on any street, public park, school ground or any public place without being effectively restrained by chain or leash not exceeding eight feet in length.

It is unlawful to keep any animal or bird which by causing frequent or long continued noise unreasonably annoys or disturbs the peace, quiet, comfort, or repose of any ordinary person or persons in the vicinity.

The keeping of an animal that annoys other persons is a public nuisance and is unlawful. Any animal which damages property, plantings, or structures, or which deposits fecal matter on public or private property of others or which scratches or bites persons while at large, or which habitually barks, cries, or mews, or which chases or approaches persons on public streets or sidewalks in a threatening manner, after the owner has been notified of such acts pursuant to § 92.08 hereof, is declared to be a nuisance. Upon the receipt of a written complaint of such annoyance signed by the occupants of two or more neighboring properties, the Animal Control Officer must notify the owner of such animal that the nuisance must be abated within 48 hours. Failure to obey such notice is a penal offense.

Any person being the owner of or having charge of any animal not confined to that person's property must immediately remove any feces deposited on public or private property. Any such person must have in their possession a means to collect and dispose of all fecal matter in a proper manner. A person convicted of a violation of this provision is guilty of a penal offense.

A person being the owner of or having charge of any animal must keep their premises free from an unreasonable accumulation of fecal matter. A person convicted of a violation of this provision is guilty of a penal offense.

l) **Public Nuisance.** In conjunction with Brooklyn Park city code: Chapter 94, whoever, by act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance:

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any number of members of the public; or

(B) Permits real property under the person's control to be used to maintain a public nuisance or rents the same, knowing it will be so used.

*REFUSE.* All solid waste products or those wastes having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk, or other such substances which may become a nuisance.

m) **Lot Maintenance.** In conjunction with Brooklyn Park city code: Chapter 97, it is the purpose of this Rule to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments that add diversity and a richness to the quality of life. There are reasonable expectations regarding the maintenance of vegetation because vegetation that is not maintained may threaten public health, safety, and order, and may decrease adjacent property values. It is also in the public's interest to encourage diverse landscaping and garden treatments, particularly those that restore native vegetation, which requires less moisture and places a lower demand on the public's water resources.

*NOXIOUS WEED.* Any plant which is identified by the State Commissioner of Agriculture as a noxious weed or secondary noxious weed pursuant to M.S. § 18.77, Subd. 8.

*WEED.* Any noxious weed, buffalobur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quackgrass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included with the landscape plan. Vegetation that does not comply with this plan are weeds.

It is the duty of every owner or occupant of property including property abutting any public street or alley to cause the grass and weeds to be kept cut to the center of such platted street or alley, including the public boulevard. If the grass or weeds in such a place are eight inches or more in height it is prima facie evidence of a violation of this Rule.

Exhibit A

# Shadowbrook Homeowners Association

## Exterior Home Modification Approval Process

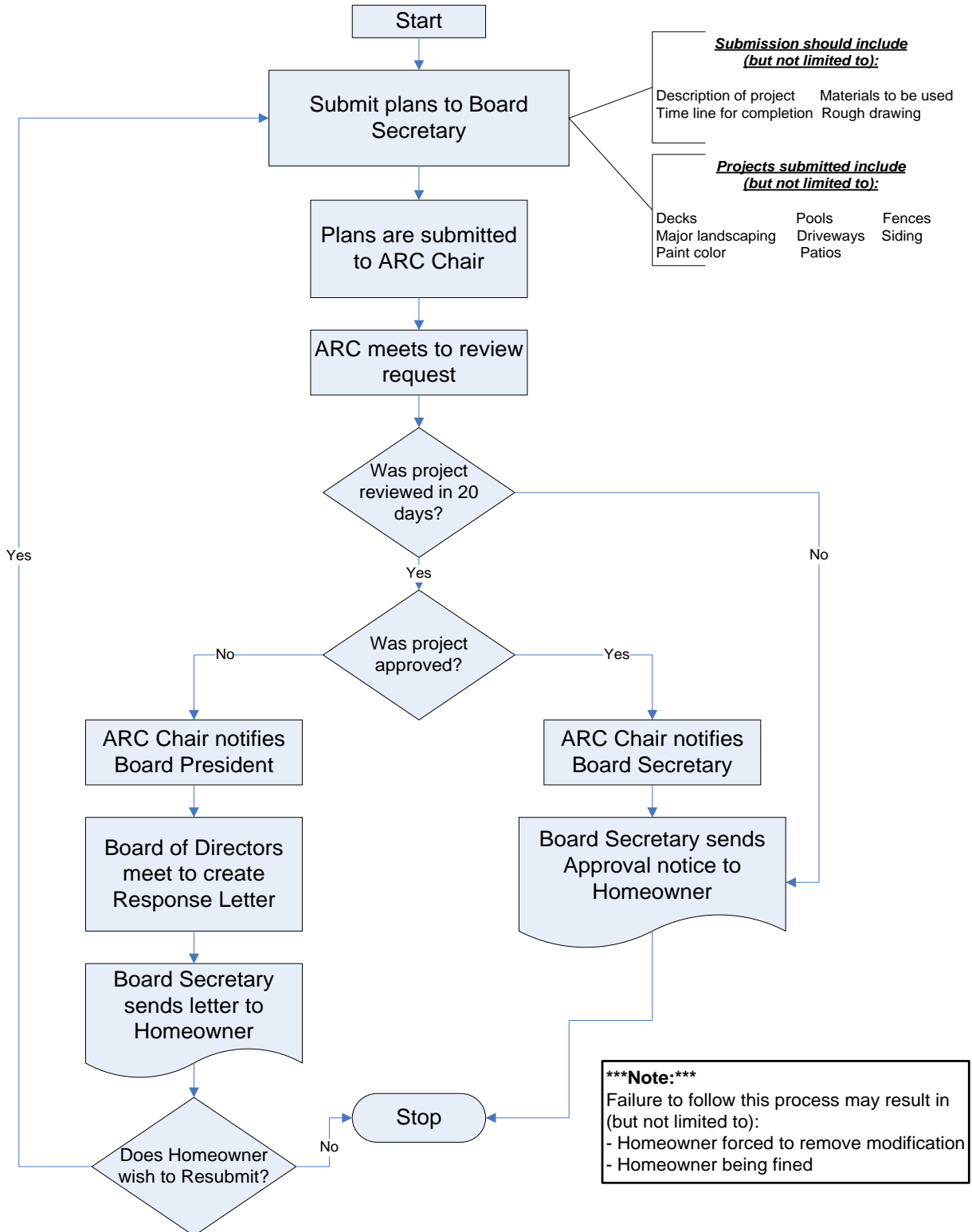
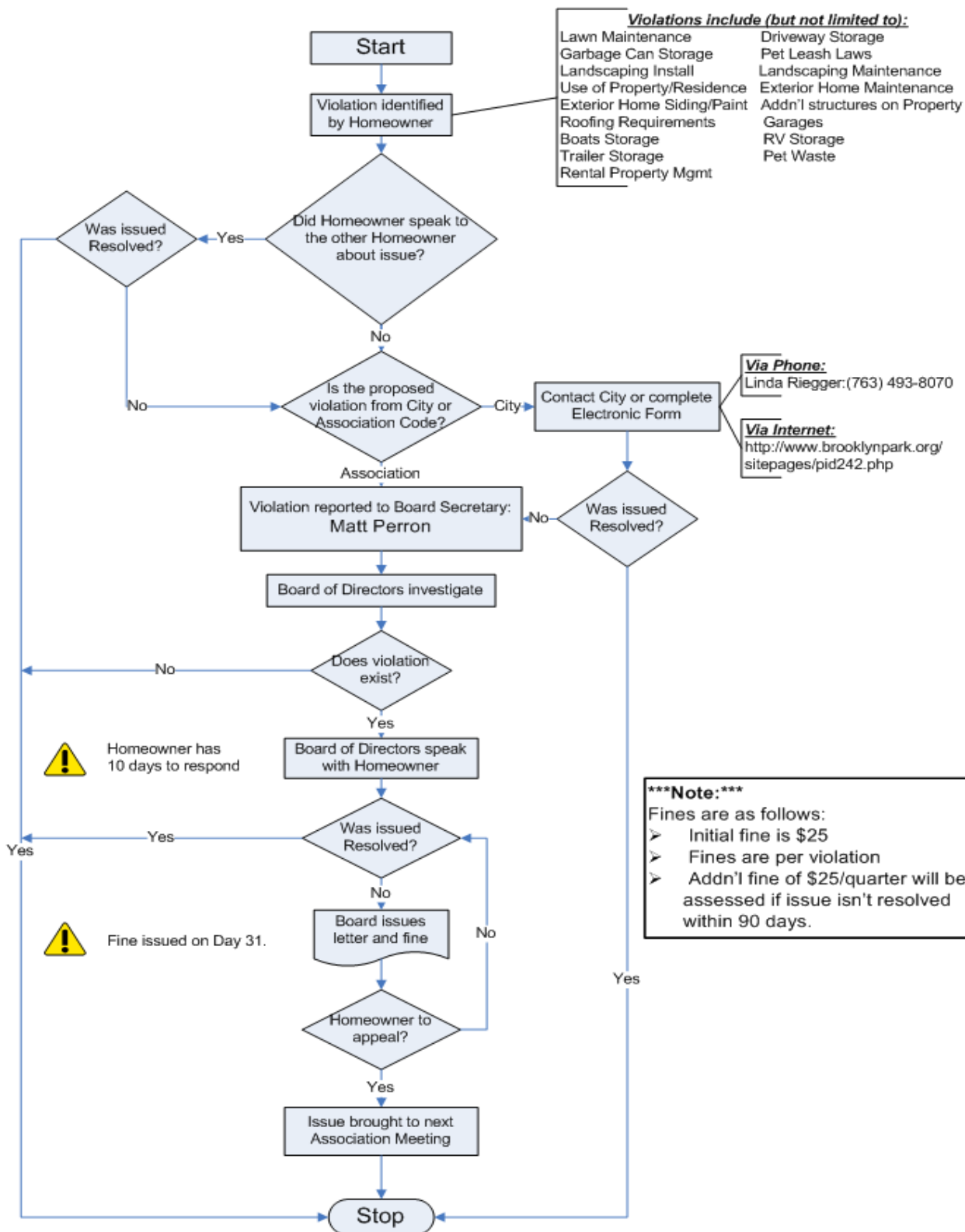


Exhibit B

# Shadowbrook Homeowners Association

## Violation and Fine Assessment Process



**Exhibit C**

**LEGAL DESCRIPTION OF PROPERTY**

Lots 1 through 9, inclusive, Block 1;  
Lots 1 through 16, inclusive, Block 2;  
Lots 1 through 10, inclusive, Block 3;  
Lots 1 through 4, inclusive, Block 4;  
Lots 1 through 12, inclusive, Block 5;  
Lots 1 through 28, inclusive, Block 6;  
Lots 1 through 15, inclusive, Block 7;  
All in Shadowbrook, Hennepin County, Minnesota.



