

Proposed Changes to the Fox View Estates Land and Homeowners Association Covenants, Conditions, and Restrictions (CCRs) and Administrative Rule Definition - Post Legal Review

The subcommittee has four proposals for review and to get in front of the HOA. Each proposal will be voted on as an individual vote when voting occurs:

1. Proposed administrative rule defining Recreational Vehicles
2. Proposed Covenant, Conditions and Restrictions (CCR) amendments:
 - a. Section 6 – summary of proposed language:
 - i. Rename title of section from Motor Vehicles to Common Roadway Usage.
 - ii. Minor grammar edits; and
 - iii. Move “inoperable motor vehicles/junk vehicles for 72 hours” to Section 7.
 - b. Section 7 – summary of proposed language:
 - i. Rename title of section from Recreational Vehicle Use to Vehicle Use and Storage.
 - ii. Insert language from Section 6, “inoperable vehicles/junk vehicles for 72 hours” from Section 6; and,
 - iii. Add new language to allow for one (1) recreational vehicle allowed to be stored on the lot year-round.
 - c. Section 21 Enforcement
 - i. Grammatical edit
 - ii. Add new language for violations

Proposed by the work group with edits per the attorney to the board:

Proposed Administrative Rule defining Recreational Vehicle:

Definition of “all other types of Recreational Vehicles” in Section 7 RECREATIONAL VEHICLES. “All other types of Recreational Vehicles” as used in Section 7 RECREATIONAL VEHICLES of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall include trailered boats, trailers carrying items such as snowmobiles, motorcycles, ATV’s or personal watercraft, travel trailers including a pop-up tent trailer, camping trailers, fifth wheel trailers, park trailers, toy haulers, truck campers where camper is off the truck, or class A, B, or C motorhomes and vehicles and related equipment regularly used for non-commuter outdoor recreation activities.

Proposed CCRs by the work group with edits per the attorney to the board to read as follows:

Section 6. ~~MOTOR VEHICLES:~~ COMMON ROADWAY USAGE

To protect the road surfaces, no trucks or vehicles with a rating of more than one and one-half (1 ½) ton are allowed with the exception of commercial and construction vehicles in the ordinary course of business making deliveries or otherwise providing services. No cars, trucks, trailers, or other motor vehicles shall be parked, stored, or in any manner kept or placed on any roadway subject to use by all members of the Association hereinafter described, within the above-described property. Exceptions may include parking of less than 24 hours by visitors or service/emergency vehicles. ~~No motor vehicle which cannot be moved under its own power may be left on said property or on any parcel or lot, other than in a garage, for more than seventy two (72) hours, or left on any road within said property. Scrap or junk vehicles, or any parts thereof, shall not be placed or stored on said property or on any parcel or lot. (Amended and Moved to Section 7). It is the intent that personal vehicles be parked inside the garage. (Eliminate) A maximum of three (3) personal vehicles may be parked in paved/gravel on-site parking (Moved to Section 7).~~

Section 7. ~~RECREATIONAL VEHICLE USE:~~ VEHICLE USE AND STORAGE

Street bikes, road bikes, and golf carts are permitted as are garden tractors, snow blowers and lawn care equipment. No vehicles, snowmobiles, all-terrain vehicles, go-carts, dune buggies and all other types of recreational vehicles shall be operated or used on the property or on any parcel or lot, in any matter that creates a nuisance or annoyance to any owner or resident in any manner that violates State law. ATV's must stay on paved streets. **(ADD:** Mountain bikes must stay on designated roads and trails. All street bikes, road bikes, snowmobiles, all-terrain vehicles, go-carts, and dune buggies must be stored in a garage or outbuilding.) All

(ADD New Language starting new paragraph Replace previous

sentence with: Recreational vehicles as defined in Section 7 of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall be stored in a garage or out-building with the following exception: (1) One single Recreational Vehicle of any type defined in the administrative rules may be located on the property upon a gravel, paved or concrete pad as inconspicuously as possible year-round. Except for recreational vehicles, **[Insert from Section 6:** no motor vehicle, which cannot be moved under its own power, may be left on said property or on any parcel or lot, other than in a garage, for more than seventy two (72) hours or left on any road within said property. Scrap or junk vehicles, or any parts thereof, shall not be placed or stored on said property or on any parcel or lot. It is the intent that personal vehicles be parked inside the garage. A maximum of three (3) personal vehicles may be parked in paved/gravel on- site parking.]

Section 21. ENFORCEMENT

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any of the same, either to restrain violation or to recover damages. Failure by the Association to enforce any covenant, condition, or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The Association, every owner of any parcel or lot, and every person having any right, title or interest in any portion of the above described property, shall have the right to enforce these restrictions. **(ADD New language:** Violations concerning recreational vehicles on property are subject to an initial \$250.00 fine plus \$25.00 per day while the violation continues. Only the initial warning will be issued in writing.

The membership of the HOA agrees that these covenants may be specifically enforced in a court of competent jurisdiction, with the member in violation being liable for any legal costs and fees incurred in obtaining compliance herewith.)