

## **Purpose**

The 111 Coburn Association is established to “maintain, operate and administer the property’s improvements, facilities, private roads, open space, and other common land, and use thereof,” [DCR: Introduction].

The primary purpose of a Homeowners Association (HOA) is to protect the quality of the living environment and home values by maintaining architectural standards and setting rules of conduct.

Coburn Woods is supported with your monthly homeowners association fees. The 111 Coburn Association Board of Directors is in charge of the ongoing operation and management of our community.

111 Coburn Association is a non-profit corporation.

## **111 Coburn Association Governance Structure**

111 Coburn Association, Inc. (“Coburn Woods”) is a homeowners’ association incorporated under the laws of New Hampshire. Coburn Woods has three governing documents.

### **Articles of Association**

The Articles of Association establish the association and its purpose and its general management and financial powers regarding the property (filed with the state September 12, 1973).

### **Declaration of Covenants and Restrictions**

- The Amended Declaration of Covenants and Restrictions (“DCR”), filed June 1, 2011, establishes the basic rights and responsibilities of Coburn Woods and the Unit Owners, including maintenance responsibilities, assessment responsibilities, use of the property and units, insurance, membership and voting rights, and property rights and obligations.
- The DCR also establishes the Board of Directors (“Board”) as the governing body of Coburn Woods, and empowers it to adopt an annual budget (operating and reserve), and to “adopt and amend rules and regulations concerning the use of the Property, Common Area, Units and various parts thereof,” (6.1 and 7.5).
- The DCR may be amended by a two-thirds ( $\frac{2}{3}$ ) vote of the total membership of Coburn Woods (147 votes).

### **Bylaws**

- The Amended Bylaws (“Bylaws”), as of June 1, 2011, establishes the structure, membership, and responsibilities and powers of the Board, including the responsibility to “adopt and enforce rules and regulations governing the use of the property and the personal conduct of the members and their guests thereon,” (IV, 8.6).
- The Bylaws may be amended by a two-thirds ( $\frac{2}{3}$ ) vote of the total membership of Coburn Woods (147 votes).

## **Rules Handbook**

- The Rules Handbook (Revised 2023) contains the rules and restrictions adopted by the Board to implement the DCR (6.1) and Bylaws (IV, 8).
- If a conflict exists between any Rule and either the Bylaws or DCR, the DCR and/or Bylaws shall prevail.
- The Rules may be amended by majority vote of the Board.
- The Board is responsible for enforcing the Rules and maintaining their documentation.
- These current Rules were adopted by the Board June 2021, and supersede all previous rules and regulations issued by the Association.
- NOTE: All City of Nashua rules, laws, housing codes, and ordinances also apply in Coburn Woods.

## **General and Contact Information:**

1. The 111 Coburn Association is a self-managed homeowners association, operated with the members' monthly Association fees and assessments.
2. The Board of Directors is in charge of the ongoing operation and management of the community. The Board has seven members elected by the homeowners.
3. The Board meets twice each month, once in open meeting and once in closed session. Homeowners are invited to attend the monthly open meeting, ask questions, and give feedback to the Board.
4. The Coburn Woods Buildium Website, (<http://www.coburnwoods.com>) is the official source of information about the Association and the community.  
To access the Coburn Woods Buildium site, click on "Resources" and then "Homeowner Log In" in the drop down menu.
5. Copies of the Declaration, the By-Laws, these Rules, the Architectural Rules and the various forms described within this document can be found under "Documents" on the page immediately after logging in.
6. To contact the Coburn Woods Office and the Office Manager:  
Mail:  
111 Coburn Association, Inc.  
111 Coburn Avenue  
Nashua, NH 03063  
Phone: 603-864-0110  
Email: [cw111office@gmail.com](mailto:cw111office@gmail.com)

Note: All different and possible names for Coburn Woods in this document refer to the 111 Coburn Association, Inc.

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## Definitions

- Resident: any person living in Coburn Woods, including homeowners and tenants residing in any rental unit.
- Homeowner/Unit Owner: the person owning the title to a unit in Coburn Woods.
- Association: 111 Coburn Association.
- Board: the Board of Directors of 111 Coburn Association.
- Common Property: the property known as “Coburn Woods” outside the boundaries of any unit. (Note: all driveways, walkways, and parking spaces are part of the common property.)

## Section 1. Homeowner's Responsibilities

### A. General Responsibility

All homeowners, residents, and guests must understand and comply with these Rules and the Association's governing documents.

### B. Occupancy and Usage

All units may be used only for private, residential use. Occupancy is limited to two (2) persons per bedroom plus one (1) additional person.

#### 1. Lease and/or Rental

A homeowner may lease the unit for private, residential use. The homeowner must notify the Association of the lease in writing, and provide a copy of the lease agreement to the Association. The homeowner must provide a copy of these Rules, the Declarations, and the Bylaws to the lessee(s), and provide a copy of the Acknowledgement Form signed by the homeowner and the lessee(s) to the Association. The homeowner is responsible for informing any lessee(s) of relevant Association information, including any changes in these rules.

2. The homeowner is responsible for any fines or fees incurred by the lessee(s).

#### 3. Prohibited Usage

A homeowner may not use or allow a unit to be used for any form of nursery, day care, early childhood education or similar activity.

4. A homeowner intending to sell the unit must notify the office, which will schedule an inspection to ensure the unit is in compliance and is being advertised correctly and will not mislead the new owner in any way.

### C. Exterior Maintenance

Homeowners must maintain their units in compliance with these Rules and the Architectural Standards.

#### 1. Maintenance Items: include but are not limited to:

- a. Siding: repair of rotted, peeled and/or loose boards.
- b. Paint on doors, window trim, and siding.
- c. Roof and gutters: maintenance and repair as needed, free of debris, including moss, pine needles, and branches.
- d. Windows and screens: cleaning and maintenance as needed, and be free of defects.
- e. Carport floor and ceiling and/or garage doors: maintenance as needed.
- f. Entryway, steps, decks, railing, lighting and house numbers: maintenance and repair as needed.

#### 2. Notice(s) and Timeline(s)

- a. The Board may, at any time, notify the homeowner in writing of any maintenance item(s) needing attention.
- b. The homeowner must make arrangements to rectify the item(s) and notify the Board of the arrangements within fourteen (14) days of receiving the notice.

- c. The homeowner should rectify any items that do not require construction within the fourteen (14) day period.
- d. The board will allow a reasonable amount of time for scheduling and completion of any construction work required to rectify the item(s).

3. Compliance Review(s)

The Board will establish a compliance review process to assess all units for compliance with these Rules and the Architectural Standards. Any such review will be limited to the exterior of the unit, including the carport and any decks or patios. The Board will issue a written report to the homeowner of any violations, which must include sufficient information to identify the location and nature of any item(s) not in compliance and the deadline for compliance.

4. Special Plumbing Considerations

The homeowner is responsible for all issues and/or concerns with plumbing from the water meter pit to and inside the unit, including under the unit, and, in the case of sewer lines, from the unit to the connection with the main sewer line in the street. The homeowner is responsible for contracting with and paying a reputable, qualified plumber to repair any issue/concern. If the homeowner believes the problem is due to conditions outside the unit, such as tree roots or broken pipes, the homeowner should notify the Association in writing and provide video documentation of the blockage. The Association, in its sole discretion, may review any plumbing repair for cost sharing on a case-by-case basis.

C. Exterior Modifications

1. Board Approval and Architectural Modification Agreement

A homeowner must secure Board approval of any modification to the exterior of the unit, using the Architectural Modification Agreement (AMA) form (on the Coburn Woods Building website). The Board will issue a work permit, including the expected start date, to the homeowner. A homeowner who cancels a modification after receiving approval must notify the Board of the cancellation.

2. Approved Modifications

Complete details on exterior standards and modifications are in the Architectural Standards. In addition the following modifications require approval:

HVAC installations

Satellite Dish

Note: Plastic coverings or awnings on windows or the carport opening are not allowed.

3. Normal maintenance, repairs or replacements do not require an AMA, such as replacing or painting siding, doors, windows, or deck railings with no change in size or color.

4. Effect on Assessment

Any modification that increases the square footage or the footprint of the unit will likely result in an increase of the homeowner's assessment, effective on January 1 of the year following the modification.

5. Construction Materials – Storage and Coverings

The homeowner may use the carport for temporary storage of construction materials and/or debris. The homeowner should indicate the expected time for such use on the AMA form. Any tarp used during construction/repair must be black, brown or grey.

D. Exterior Usage

1. Carports

- a. Homeowners must maintain open carports in a neat and orderly manner.
- b. Homeowners must park any vehicle completely inside the carport.
- c. Homeowners should use the storage closet(s) provided for most storage. If additional storage is needed the homeowner may submit an Architectural Modification Agreement to propose additional storage.

2. Lighting

- a. Homeowners may install exterior lighting as follows:
  - One approved fixture on a deck or patio.
  - Two approved fixtures inside a carport.
  - A matched pair of approved fixtures on either side of an enclosed garage.
  - Maximum lumens of 800 or its equivalent.
  - Maximum of two bulbs per fixture.
  - Placement should illuminate only the immediate area of the unit and avoid disturbing other residents.
  - Any motion sensor light must turn off in three (3) minutes, and should be set to not respond to wind or small animals.
- b. Homeowners may not leave exterior lights on continuously.

3. Decks and/or Patios

- a. Homeowners must maintain any deck and/or patio in a neat and orderly manner.
- b. Homeowners may use a storage box up to 36 inches tall. The box may be gray, brown or black.
- c. Homeowners may store items under a deck provided they do not make a visible impact.
- d. Homeowners may cover deck or patio items with a gray, brown or black tarp.

4. Decorations

- a. Homeowners should keep exterior and yard decorations to a minimum and in good taste as defined in these rules.
- b. Homeowners may display an flag of less than six (6) feet in length and in good condition.
- c. Homeowners may display a welcome sign, wreath, or floral arrangement adjacent to or on the front door of the unit.
- d. Homeowners may display seasonal holiday decorations for a reasonable time prior to and after the holiday.
- e. Homeowners may display political signs and/or banners during elections and campaign periods, only within twelve (12) feet of the perimeter of the unit, and provided they are not offensive as defined in these rules. Homeowners must remove all political signs within two (2) weeks of the election and/or close of voting.

5. Propane Tank Enclosure
  - a. Propane tank enclosures must comply with Nashua Building Codes and the Coburn Architectural Standards.
  - b. Homeowners must maintain clear access to the propane tank enclosure to ensure delivery.
6. Firewood and/or Wood Pellets
  - a. Homeowners may store a maximum of five (5) cords of firewood stacked on a rack, frame or pallet, provided the stack is not readily viewable by most neighbors. Homeowners may cover stacked firewood with a gray, brown or black tarp.
  - b. Homeowners may store stacked firewood in the carport as long as the vehicle can be parked completely in the carport.
  - c. Homeowners may store a maximum of one (1) pallet of wood pellets in the carport as long as the vehicle can be parked completely in the carport.
7. Fire Hazard Considerations
  - a. Homeowners may use a charcoal, propane or pellet grill, a charcoal or propane smoker, or propane heater or table appliance on or adjacent the unit's rear deck or patio, or adjacent the carport. The homeowner is responsible for ensuring the safety of such usage, and will be held responsible for any damage to any unit or the common property caused by such usage.
  - b. Homeowners may not use an outdoor fire pit, chimera, kerosene heater, ~~tiki torch~~, or outdoor wood-burning fireplace at any time. Homeowners may use a tiki torch only if it is securely fastened to the deck railing.

#### D. Insurance

Homeowners must obtain and maintain homeowner's insurance that provides minimum liability coverage as well as fire and casualty ("All-Risk") coverage.

#### E. Assessments and Fees

##### 1. Payment Schedule

Homeowners must pay the monthly assessment on or before the first day of each month.

##### 2. Late payment

Any payment received after the 11th of the month will incur a \$15.00 late fee and a collection fee of one percent (1%) of the balance due.

##### 3. Collection Options

- a. The Board will initiate collection action against any homeowner whose account is sixty (60) days past due, including but not limited to: recording a lien, filing a lawsuit in a court of competent jurisdiction, notifying the first mortgage holder, commencement of foreclosure proceedings, or any other action for relief provided by the Declarations or Bylaws of 111 Coburn Association or the laws of the State of New Hampshire.
- b. The Board will add a penalty equal to the Bank charge for any returned check.

- c. A resident whose payment is returned for Non-sufficient Funds twice within a six-month period, must pay by a guaranteed payment, such as money order, cashier or bank check, for the subsequent six (6) months.
  - d. The Board may suspend or terminate the amenities and privileges, including parking of any homeowner with a past-due balance.
4. Collection Costs  
The homeowner will be held responsible for all collection and legal costs, including reasonable attorney fees and costs.
  5. Payment Application  
The Board will apply any payment to the oldest balance first. The Board will stop the collection action only when payment is approved by the financial institution.

F. Guests

Homeowners and residents are responsible for the actions of their guests.

## Section 2. Vehicles

A. Registration

All vehicles on Coburn Woods property must be registered/licensed and inspected, and must be on file with the Association and display the Coburn Woods registration parking sticker (available by contacting the office).

B. Approved/Prohibited Vehicles

1. Approved vehicles include cars, sport-utility or similar vehicles, light-duty trucks, motorcycles, and electric or hybrid bicycles.
2. A homeowner may use a child-sized motorized or battery-operated ride-on vehicle only on paved areas within the unit's cluster. The homeowner must provide adult supervision of the use of such vehicles.
3. Snowmobiles and all-terrain vehicles may not be used anywhere in Coburn Woods.

C. Vehicle Parking

1. Each homeowner is assigned two (2) parking spaces: one is the unit's carport or garage and the second is usually next to **or near** the unit as marked in the Coburn Woods Parking Map (Note: in a limited number of cases the second parking spot is the "driveway" immediately outside the carport/garage). A resident may not park a vehicle in any "visitor" parking space on a regular basis, unless the Board has specifically approved such a temporary situation.
2. A homeowner may apply to lease a third parking space. The Board will establish the fee for such lease(s) annually. The Board may grant a one-year lease for a third parking space if it determines such space(s) is available. The Board may renew such lease(s) on a year-by-year basis. Third car parking permits will not be issued to reserve personal "guest" parking spots.  
(NOTE: a resident may park a motorcycle with another vehicle either within the carport or garage or in the assigned second parking space, without requiring a third parking space permit.)



3. Residents may not park a motorhome, camper, all-terrain-vehicle, snowmobile, trailer, boat, or vehicle exceeding one-ton gross weight, overnight anywhere in Coburn Woods.
4. During winter snow removal, residents must use the parking spaces designated on the Coburn Woods Snow Removal Parking Map (on the Buildium website).
5. A resident may cover a vehicle if necessary with a gray, brown or black tarp.
6. The Board may authorize the towing of any vehicle parked in violation of these rules, at the homeowner's expense, without further notice to the homeowner or resident.

#### D. Vehicle Repair

Homeowners and residents may not conduct any repair of any vehicle anywhere on Coburn Woods property, including within the carport or garage of any unit. This prohibition specifically and expressly applies to draining and/or changing motor oil.

#### E. Speed Limit/Driving

1. The speed limit in Coburn Woods is fifteen (15) miles per hour for all vehicles.
2. The Board may fine any individual exceeding the speed limit according to the fine schedule in these Rules (Section 7). Speeding fines will apply to the first and any subsequent occurrences.
3. The Association is not responsible for any damage to any vehicle caused by speed bumps or other speed control measures on Coburn Woods roads.
4. The operator of any vehicle that damages Association property will be held accountable for the cost of any repairs to the damaged property.

### **Section 3. Pets**

#### A. Animals Permitted

Residents may keep and maintain a pet, including a dog, cat, bird, or other small mammal or animal that lives indoors. Residents may not keep any pet that lives outdoors.

#### B. Leash Requirements

1. Residents must maintain physical control of their dog(s) outside the home, using a non-retractable leash no longer than six (6) feet. Residents may not rely on any type of electronic collar, leash and/or fence.
2. Residents may not use any pet run, line, chain or other structure outside the unit.
3. Residents may not tie their pet outside anywhere on the common property.
4. The Association may notify Nashua Animal Control of any pet found not properly secured in violation of these rules.

#### C. Pet Waste

Residents must pick up all waste left by their pet. Waste receptacles are available at regular intervals along the main road.

#### D. Residents who consistently fail to comply with these rules may be fined according to the attached schedule (Section 7).

#### **Section 4. Common Property**

A. Definition: the property known as “Coburn Woods” outside the boundaries of any unit.  
(Note: all driveways, walkways, and parking spaces are part of the common property.)

B. Usage and Maintenance

The Association maintains the common property for the enjoyment and use of the residents.

1. Except as provided in this section any changes to the common property require the written approval of the Association.
2. The Association may hold any resident responsible for damage due to negligence or misuse of the common property and charge the homeowner for the cost of any maintenance, repair or replacement required due to such negligence or misuse.

C. Prohibited activities on the Common Property

1. Residents may not obstruct, damage beyond normal use, or dispose of waste on the common property.
2. Residents may not store any item on common property unless otherwise permitted by these rules.
3. Residents may not use tobacco products of any kind, including vaping, e-cigarettes, cigars, pipes or cigarettes in the common amenity areas.
4. Residents may not discharge any firearms or projectile weapons on the common property.
5. Residents may not use Class-C fireworks of any kind on Coburn Woods property. A resident seeing or hearing fireworks should call the Nashua Fire or Police Department. A police report of fireworks will trigger an automatic violation of this rule, with a fine equal to the City Ordinance Fine of \$1,000.00.

D. Landscaping

1. Homeowners may plant shrubs and flowers in the area within twelve (12) feet adjacent to their unit, without specific Association approval. Homeowners are responsible for the upkeep and maintenance of all such plantings. The responsibility for upkeep and maintenance will transfer to the new owner if the unit is sold. Association will remove any such plantings that are not properly maintained.
2. Homeowners may maintain an outdoor storage box (grey, brown, or black only) immediately adjacent to the unit for storage of outdoor children’s toys. (Toys that do not fit in the storage box should be stored next to the storage box or in the carport/ garage.)
3. Homeowners may use freestanding umbrellas, hammocks, or shade screens. Such items must not be attached to any part of the unit or to any trees, and may not interfere with or obstruct any use of the common property.
4. Residents may not use or maintain any clothes lines, tents, or playground structures or equipment.

E. Trees

1. Homeowners may remove small plants or trees that do not exceed three (3) inches in diameter at six (6) inches above the ground within twelve (12) feet of their unit.
2. Homeowners may request removal or trimming of any tree(s) by the Association through a work order request.
3. The Association may fine any homeowner who removes any tree(s) without written authorization \$250.00 dollars per tree.

E. Ponds

1. Residents may catch-and-release fish in Coburn Woods ponds.
2. Residents may not ice skate on Coburn Woods ponds in the winter.
3. The Association prohibits any other activities on the ponds.

F. Noise

Coburn Woods “Quiet Hours” are from 10:00 p.m. to 8:00 a.m., Sunday through Thursday, and 11:00 p.m. to 8:00 a.m., Friday and Saturday. Residents should contact the Nashua Police Department about excessive noise. The fine for violating “Quiet Hours” is \$75.00 per occurrence.

G. Littering

Residents may not litter on any part of the common property.

H. Signs and Solicitation

1. Signs

A homeowner may not post a “For Sale” sign. A homeowner may post an “Open House” sign) for up to one (1) hour before the event until thirty (30) minutes after the event.

2. Solicitations

The Association prohibits all types of solicitation for funds, contributions, or sales on Coburn Woods property without specific written approval by the Board.

3. Political Activities

The Association prohibits all types of campaigning for candidates for political office on Coburn Woods property.

J. Offensive Conduct and/or Language

Residents must not use or exhibit unwelcome conduct (whether verbal, physical or visual, regardless of language) that denigrates or shows hostility or aversion towards an individual, such as references to intimate body parts or genitals, sexual or excretory acts or functions, profane or obscene words or terms, violence, illegal activities, intoxicants, drugs or drug culture, gangs, hatred or bigotry on the basis of race, ethnicity, religion, gender or gender identity, or sexual orientation/identity, and other words or terms deemed appropriate by the State of New Hampshire, City of Nashua, or Federal guidelines.

K. Association Employees and Crew

Residents may not stop or otherwise interfere with any Association employee or vendor during the operation of equipment or activities related to the function and operation of Coburn Woods, except in the case of an emergency. The Board is the supervisor of the crew, and manager of any vendor contracts. Residents with a question or concern about the actions of an employee or vendor should contact the Association by phone or email (contact information is at the beginning of these Rules).

**Section 5. Services**

A. Trash and Recycling

1. Residents must place trash and recycling at the end of their driveway by 8:00 a.m., on the scheduled days (normally Wednesday for trash and Thursday for recycling). Residents must not place trash or recycling out the night before the scheduled pickup. In the event of snow or other emergency, pickup may be delayed.
2. Residents must place trash in sealed plastic bags of reasonable weight and should place the sealed bags in a barrel/container no larger than thirty (30) gallons. Residents may place large items, including styrofoam, (Note: Nashua does not recycle styrofoam) directly in the trash barrel/container. (Note: A container with a lid is not required, at the same time the fine for loose trash is \$50.00 per occurrence.)
3. Residents must place recycling material directly in the barrel/container no larger than thirty (30) gallons. Residents may not use plastic bags for recycling. Recycling material must be free of any food, liquids, or grease (City of Nashua Recycling Center: <https://www.nashuanh.gov/433/Nashua-Recycling-Center>. Residents should flatten all cardboard boxes. Any unflattened cardboard or recycling in plastic bags will not be picked up.
4. Residents must take in the trash/recycling barrel/container after pickup, by the end of the scheduled day.

B. Snowplowing: the Association will plow if snowfall exceeds two (2) inches.

1. Residents must use only the parking spaces designated on the snowplowing maps (available on Buildium).
2. Vehicles parked in driveways will prevent complete clearing of the driveway. The crew will remove only the snow behind such vehicles and the resident will be responsible for clearing any remaining snow. Note: Snow removal priority in Coburn Woods is: first, clear the main road and keep it open; second, clear the cluster roads; third, clean up and clear driveways when it is safe to do so.
3. Residents are responsible for sanding/salting walkways and porches adjacent to their unit. (The Association provides sand/salt in each cluster for this purpose.)

## Section 6. Amenities

### A. Amenities Key

Each unit is entitled to one amenities key fob. A homeowner may purchase a second amenities key fob for \$25.00. A homeowner will be charged \$25.00 to replace a lost amenities key fob.

### B. Clubhouse

1. A resident may rent the Clubhouse for a private function for a fee and security deposit as provided on the Clubhouse Reservation Form. Rental of the clubhouse does not include use of the swimming pool or exclusive use of the poolside deck.
2. Residents renting the clubhouse and their guests must comply with the Clubhouse Rules as defined on the Reservation Form.

### C. Athletic Courts

1. Residents and up to three (3) guests may use the Athletic courts for playing tennis or pickleball or basketball. A resident over the age of eighteen (18) must accompany children under the age of twelve (12) playing tennis or pickleball or basketball.
2. The Athletic courts are open from 8:00 a.m. to 10:00 p.m.
3. Residents may not bring any animals or glass containers inside the enclosure.
4. Residents may not use bicycles, skateboards or other sports equipment inside the enclosure.

### D. Swimming Pools

1. Residents and guests use the swimming pools at their own risk. There is no lifeguard on duty.
2. Pools are open from 8:00 a.m. to 10:00 p.m.
3. Residents and up to four (4) guests may use the pool when it is open. A resident over the age of eighteen (18) must accompany any guests.
4. Residents and their guests must use the approved key fob to enter the pool by the gate. The gate is locked at all times. No person may climb the fence to enter the pool.
5. Persons under the age of fifteen (15) must be accompanied by a person over the age of eighteen (18).
6. Residents and guests must comply with all posted swimming pool rules. Parents and/or guardians are ultimately responsible for their child's behavior while in the pool enclosure:
  - a. No one with any communicable disease may enter the pool.
  - b. No one may spit into the pool or throw anything into the pool that may contaminate it or endanger the safety of others.
  - c. No food or drink in the pool or within four (4) feet of the edge of the pool.
  - d. Glass is forbidden in the pool enclosure.
  - e. No diving allowed.
  - f. Animals are not allowed in the pool enclosure.
  - g. All trash must be disposed of properly.
  - h. No smoking inside the fenced pool area.

- i. Loud noise, running, and excessive rough-housing is not permitted.
  - j. Swimmers must replace the safety line, as required by Nashua city regulations.
  - k. No loitering at or in the area of the pools before or after pool hours.
7. Residents may not reserve or “hold” any space or furniture in the pool enclosure for a person who is not present.
  8. The Association may terminate access to the pool by any person failing to comply with the Pool Rules.

E. Playground and Fitness Area

1. Residents and guests may use the Playground and Fitness Area at their own risk. A resident over the age of eighteen (18) must accompany children under the age of twelve (12) using the Playground and Fitness Area.
2. The Playground and Fitness Area are open from 8:00 a.m. to 10:00 p.m.
3. Residents and their guests must use the approved key fob to enter the Playground and Fitness Area by the gate. The gate is locked at all times. No person may climb the fence to enter the Playground and Fitness Area.
  - a. No person may bring any animal into the Playground and Fitness Area.
  - b. All Playground and Fitness Area users must properly dispose of their trash.
  - c. No person may smoke inside the Playground and Fitness Area.
  - d. Persons using the Playground and Fitness Area must refrain from running, rough-housing or making loud noises.
  - e. No person may loiter at or around the Playground and Fitness Area before or after open hours.
4. The Association may terminate access to the Playground and Fitness Area by any person failing to comply with the Rules.

**Section 7. Violations, Complaints and Fines**

A. Reporting Violations and Complaints

1. The Board is responsible for enforcing these rules and the other governing documents and assessing any fines in connection with such enforcement.
2. Any resident may report an alleged violation of these rules or the other governing documents, in writing, to the Coburn Woods office. The written report must include the name and unit number of the resident making the report, the date, time and place of the alleged violation, the name(s) of the alleged violators, and a description of the alleged violation. The Board must keep the name and unit number of any resident reporting an alleged violation confidential.
3. Any resident observing a potential violation of state, county, city or federal laws should contact the appropriate law enforcement agency.

## B. Responding to Alleged Violations

### 1. Board Notification

The Coburn Woods office will notify the Board president of the report of the alleged violation.

### 2. Investigation of Report

The Board president or a designated board member may investigate the report of the alleged violation.

### 3. Notice and/or Warning

a. The Coburn Woods office will notify the homeowner/resident of the violation with a written warning and a request to remedy the violation before the stated compliance date.

b. If the violation is not remedied, the Board will review the report along with any investigation, and if warranted, authorize a written notice of violation to the homeowner, citing the violation, the amount of the fine, and the date by which the homeowner must comply and pay the fine.

### 4. Hearing

A homeowner may request a hearing before the Board of Directors on the alleged violation at the next scheduled Board meeting.

a. The homeowner must be present at the hearing and may also have a representative present on the homeowner's behalf, at the homeowner's sole expense.

b. The homeowner will have the opportunity to present relevant evidence, ask questions and make a personal statement at the hearing. The hearing officer may limit repetitive or non-relevant evidence.

c. The homeowner may challenge the presence of any Board member and request they be disqualified from the hearing, unless the removal prevents a quorum.

d. The homeowner may request that the violation be decided by a third-party arbitrator, provided the homeowner pays all expenses of the arbitration, including any costs incurred by the Board to conduct the arbitration.

## C. Fines and Fees

### 1. Collection and Payments

a. Safety violation: the violation must cease immediately on written notice and payment of the fine is due within seven (7) days of the notice.

b. Correctable condition: the condition must be corrected with fourteen (14) days of the written notice, unless the notice specifies a shorter time period for correction. Payment of the fine is due within fourteen (14) days of the written notice. If a violation is corrected and a subsequent violation occurs, the Board may treat the situation as a continuing violation according to the Fine Schedule below.

c. Per occurrence violation: payment of the fine is due within fourteen (14) of the written notice.

d. Continuing violation: if a homeowner fails to correct a violation or a resident continues to act in violation of these rules the Board will continue to increase the fine according to the schedule below, without further notice to the homeowner or resident. If the violation continues the Board may terminate services and/or attach a lien on the unit.

2. Attorney's Fees

The Board will assess any costs and reasonable attorney fees incurred in connection with collecting any fines or delinquent assessments against the homeowner, whether or not such collection activities result in any legal action commencing or continuing to judgment.

3. Fines Schedule

Correctable Condition Violation	First Fine	Additional Fine
- Unit exterior	\$25.00	Increase fine by \$25.00 per week
- Unit maintenance	\$25.00	Increase fine by \$25.00 per week
- Exterior lighting	\$25.00	Increase fine by \$25.00 per week
- Vehicles	\$25.00	Increase fine by \$25.00 per week
- Other correctable conditions	\$25.00	Increase fine by \$25.00 per week
<b>Per-occurrence Violations</b>		
- Parking	\$25.00	Increase fine by \$25.00 per week
- Pets	\$50.00	Increase fine to \$100.00 per week
- Littering	\$25.00	Increase fine by \$25.00 per week
- Damage to Common Property	\$25.00	Increase fine by \$25.00 per week
- Safety	\$25.00	Increase fine by \$25.00 per week
- Speeding	\$50.00	Increase fine by \$50.00 per week
- Quiet Hours violation	\$75.00	No initial warning
- Other per-occurrence violations	\$25.00	Increase fine by \$25.00 per week



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