

## Association Rules and Regulations – 2021~2022 Update

The Board of Directors unanimously adopted and published the following Rules and Regulations in accordance with The Planned Community Act, ORS Chapter 94.630 and Bylaws Article VIII, Section 1, and CC&R Section 2.1 (d). This update is the result of a collaborative review of Architectural Control Committee rule change recommendations former ACC Chair made to the Board in 2018, review of ACC records from March 2010 to August 2021, guidance from HOA attorney, City of Eugene, and changes to State, and County Statutes. Throughout 2021, the Board adopted and approved the policy changes, and delayed complete rollout until completion of the Parking and Fine and Fees policy approved in 2022.

The updated Rules and Regulations replace all previous versions adopted by the Board of Directors on December 10, 2015. The updated documents include the following:

- ACC Change Request Form & Change Request Criteria
- Home and Yard Maintenance Rules & Regulations
- Rental Property Policy & Disputes between Neighbors Policy
- Common Areas, Park, Playground and Open Spaces Rules & Regulations
- Pets, Rodent Control and Wildlife Feeding Policy
- Parking Rules, Vehicle Storage and Maintenance Policy
- Rules and Regulations – Supplemental Information

Current and updated Resolutions adopted by the Board of Directors are as follows.

- Fines and Fees Schedule\*
- Conflict of Documents Policy
- Recordkeeping and Inspection Policy
- Publication of Homeowner Names Policy
- Revenue Ruling 70-604 Election – Excess Income (Provided by Ryan Ihde, CPA, April 2021)

\*Fines and Fee Schedules adopted September 29, 2014, and November 16, 2017 now combined into one document.

### Board of Directors:

Robert Rose, President  
Calla Taylor, Vice President  
Amy Hanna, Secretary  
Cindy Waldahl, Treasurer  
Janet Mann, Member at Large  
Other Contributors:  
Katelyn Chaffin, former Treasurer  
ACC Members, current and former

### City of Eugene Resources:

Travis Hargitt, Ops. Mgr. Parking Advisor  
Matt Morrison, Public Works  
Matt Rivers, Urban Forestry  
Matt Denberg, Planning, Building & Permits  
Astells Andrew, Code Compliance  
Ken Green, Code Enforcement  
Michael R. Harrison, Residential Plan Review  
Jamie Buchholz, Code Compliance - Rodents

**Approvals recorded by Amy Hanna, Secretary**



**ARCHITECTURAL CONTROL COMMITTEE (ACC)  
APPLICATION FOR ALTERATIONS TO AN IMPROVED LOT**

Please refer to the Architectural Change Request Criteria (ACRC) and Declaration of Covenants, Conditions and Restrictions (CC&R) Sections 6 and 9 for guidance before altering an improved lot or common area. Homeowners are required to submit this form prior to the start of construction, installations or modifications to home or property.

Briefly describe the change requested below. If your request is for a structural alteration to your property, we require a detailed map of your lot, including home footprint, sidewalks, deck and patios, showing the location of the proposed alteration.

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Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Within 48-hours, the ACC will provide an acknowledgment of receipt of the ACC Form to the Homeowner. CC&R’S Section 6.2 allows the ACC members to take up to 45-days to provide a determination for the request.

Any “approval” is subject to the Owner and its agents releasing the ACC and the HOA from any liability for noncompliance with the ACC Guidelines, Declaration, Bylaws or any applicable law in connection with the plans and specifications approved herein. To the extent any part of the plans and specifications approved herein are inconsistent with any part of the ACC Guidelines, Declaration, Bylaws or any applicable law, the ACC and the HOA do not waive or release any enforcement rights or claims.

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For ACC or Board use only.  
Date received: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date Denied: \_\_\_\_\_  
Name of Board or Committee Member: \_\_\_\_\_  
Signature of Member: \_\_\_\_\_ Date: \_\_\_\_\_

## Architectural Change Request Criteria

The architectural review process is a vital part in guiding homeowners to obtain approval for modifications or installations they want to make to their property per the Associations Declaration of CC&R's Sections 6, 6.1 (amended) and Section 9. Use Restrictions. All homeowners are responsible for following the Rules & Regulations and City of Eugene building codes for structures such as patio covers, decks, sheds, utilities, and other items. **Modifications that require Owner to submit an ACC Change Request Form for review listed below. If you have a change not noted below, contact the ACC.**

### **1. Modification to Home, Driveway, Building Extension, or Fence**

**a. Replacing the roof:** Materials limited to asphalt shingles in colors that harmonize with the aesthetics of the property and community. In case of emergency repairs, contact the Board for verbal approval.

**b. Painting structures:** Paint colors should harmonize with the surrounding homes. Exterior color of the home must also apply to storage sheds, and patio colors if natural wood is painted. If owner is repainting the body, trim, shutters and door of the home the same or closely related color approval is not required. If making a significant or complete color change, submit samples of new paint colors with your request.

**c. Building Extensions:** All extensions, structures or additions, including awnings, patio covers, porch, decks, sheds require ACC approval and if permits are required, must follow these guidelines.

i. Permits. Before applying for a building permit from the City, the ACC must approve your plan to make changes. After ACC approval and receipt of building permit information, construction can begin. The homeowner is responsible for knowing what changes require a permit.

ii. Setback Requirements. All buildings or structures must comply with the City of Eugene Fences & Accessory Structures Guideline located at [www.eugene-or.gov](http://www.eugene-or.gov) Document Center.

**d. Fencing and Gates:** All fences around a homeowner's property must be wire fencing with green slats. Owners may change obstructed view slats to privacy slats (slats with wings on the side) with approval of adjacent homeowners and the ACC. Fencing from the side yard can be extended to edge of garage.

**e. Driveway Extensions:** Any driveway extension must be made of concrete and insure that a vehicle does not extend over the sidewalk or street curb. City code restricts the width of driveway in front yards.

i. Materials. Any box contained inside the driveway must be made of steel or concrete and designed to handle the weight of a vehicle.

ii. Hydrants, Cable, Telephone, and Electrical Junction Boxes. Driveways must remain at least one (1) foot away from these connections.

iii. Water Valves and Meters: These items may be located inside a driveway, as long as, they are accessible through an approved box listed above.

### **2. Modifications to Landscape - Yards, Lawn, Flower Beds, Trees**

**a. Lawn Removal/Replacement:** Removal of lawn to reseed or re sod yard does not require approval unless owner intends to reduce the size of the lawn (grass area) to increase area for flowerbeds, or change grass type. Depending on the lot size/layout of the property, at least 60% of the front yard must be lawn.

**b. Backyard Accessories:** Adding play equipment, above ground pools, trampolines, garden boxes, BBQ or alternative ground cover such as sand, rubber mats, bark, AstroTurf does not need ACC approval.

**c. Shrubs and invasive plants or grass:** Adding or replacing plants in one's yard does not require ACC approval, unless the plant or grass is an invasive species (i.e., wisteria, bamboo, ivy, periwinkle, berry vines, clover or poa annua). The information for invasive plants will require descriptions and drawings of how the plant will be contained within its designed growing area. Even with ACC/Board approval, if the plant spreads beyond its designed growing area, the homeowner will be solely responsible for any costs with removal of the plantings and restoration of the affected area, regardless of the property effected.

**d. Planting Trees:** This section pertains to trees that typically grow more than ten (10) feet in height or have a diameter larger than eight (8) inches. Planting new trees only require approval for location.

**e. Removing Trees:** This section pertains to removal of trees with a diameter eight (8) inches or larger. Preapproval is required in writing by the ACC/BOD to remove trees, including tall arborvitae to ensure safe removal of the branches, trunk & stump/roots. Trees with a diameter less than eight (8) inches do not need preapproval; however, owner must ensure stump/roots is safely removed. The cost of the removal will be the responsibility of the homeowner, unless the Association decides otherwise.

**f. Flag Poles:** Ground mounted flag poles that do not exceed 25 ft. in height do not require a permit; however, ACC approval is required for location only prior to installation.

### **3. Exterior Devices**

**a. Satellite Dishes/Antennas:** Installation of satellite dishes (located at the rear side or back of the home) do not need to be pre-approved, but need to be installed by a professional/licensed service company. Wiring must run in such a way as to minimize being seen, and painted to match home if possible.

**b. Security Devices:** Security cameras that record footage in the immediate vicinity of your home, including the nearby street or common area do not require ACC/Board approval. See HOA Rules and Regulations.

**c. Air Conditioning Units and Solar Panels:** Exterior portable window air-conditioning units or similar devices that protrude beyond the window casing must have approval in writing from the ACC/Board prior to installation. Solar panels need ACC/Board approval to ensure the panels are installed in a way that harmonizes with the home and surrounding area. A licensed professional service company must install solar panels, especially if placed on roof of the home.

### **4. Other Modifications or Installations.**

Review Rules and Regulations for other modifications or installations not listed. Contact the ACC for guidance regarding light posts, external lighting, wiring, antennas, signage, and decorations.

**The Board of Directors approved and adopted the updated Architectural Change Request Criteria policy. This update replaces all previous versions in circulation prior to September 2021.**

**Approval recorded by Amy Hanna, Secretary.**

## Home and Yard Maintenance Rules and Regulations

In order to help preserve the appearance, respectability, and value of the financial investment of the homes in our community, the following rules and regulations set minimum standards regarding the exterior maintenance of the homes, yard and driveways. The Architectural Control Committee (ACC) is responsible to ensure a uniform and consistent enforcement of the policy within the Association. Any rules not enforced by the ACC will remain under the responsibility of the Board of Directors.

### Definitions and Guidelines:

1. “Crane Fly” is a slender, two-winged fly with very long legs. It is similar in appearance to large mosquitoes but does not bite. Crane lay their larvae in grass and it will destroy the yard if left untreated.
  2. The “growing season” defined as the period of year or season during which grass, shrubs, trees, flowers, etc., grow best. The growing season is typically March through October.
  3. The “non-growing season” is defined as the period of time between the first frost of one winter and the last damaging frost of winter. The non-growing season is typically November through February.
  4. A “lawn” is defined as the area planted with grass, which is maintained at a low, even height. At least 60% of the front yard must be lawn. The rest of the yard can be flowerbeds, a fountain or pond.
  5. The “yard” is defined as the space or grounds surrounding a building. This means the visible area on a Lot, including, but not limited to, the foundation plantings, all grass areas, planting beds, trees, flowers, ground cover (bark nuggets or woodchips as mulch), fence, and the driveway area.
  6. A “weed” is a plant that is not valued where it is growing. It usually has vigorous growth that tends to overgrow or choke out plants that are more desirable.
- A. Lawn and Plant Care during the Growing and Non-Growing Season
1. Lawns must be mowed on a regular basis with the lawn height not to exceed six inches. Removal of weeds must be on a regular basis. Do not leave or dump debris from yards onto common areas. Owners who fail to maintain the front lawn and plants will be given a seven (7) day warning. If after seven (7) days, the lawn is not brought up to standards, the Board of Directors will hire a lawn care service to mow, edge, and cut back weeds from your front yard, and the fees for performing the work will be applied to the owner’s account per the Associations Fine and Fee Policy.
  2. No part of the lawn can run onto paved surfaces such as sidewalks, curbs and common areas.
  3. Weeds along curbs, sidewalks and driveways must be controlled (removed) on a regular basis.
  4. Water lawns, plants, shrubs and trees on a regular basis unless drought conditions are declared.
  5. Remove lawn clippings, leaves and other plant or tree debris from yard and areas along curbs, sidewalk or street after work is performed. Owners are also responsible for leaf removal in the fall.
  6. Apply Crane fly control treatment to yard/lawns at least twice yearly, and anytime you see activity. Insecticide application is most effective between April 1 and April 15 and in October.
  7. Regular fertilizing and moss control applications recommended, but not enforced.
  8. Backyard maintenance is required. The City of Eugene requires backyards be maintained so that yard vegetation is not a fire hazard. Should excessive overgrowth in a backyard invade neighboring yards or become visible from the street and/or deemed as a fire hazard by the ACC, a complaint will be filed with the City of Eugene if the owner does not comply with the Associations policy.
  9. Non-Growing Season, mow lawns, edge and remove yard debris as needed and as weather permits.
  10. Driveways, parking rules, vehicle storage and maintenance, see Parking, and Fines and Fee policy.
- B. Plants, Shrubs and Trees
1. Adding or replacing plants in one’s yard does not require ACC/Board approval, unless the plant is an invasive species. Guidelines for planting outlined in the ACC Change Request Criteria document.
  2. All dead plants, shrubs and trees, including stump must be removed in a timely manner.



## West Eugene Village Homeowners Association, Inc.

3. Trees that typically grow more than ten (10) feet in height or have a diameter larger than eight (8) inches only require approval for location.
  4. Removal of trees with a diameter eight (8) inches or larger require preapproval in writing by the ACC/BOD to ensure safe removal of the branches, trunk & stump/roots. Trees with a diameter less than eight (8) inches do not need preapproval; however, owner must ensure stump is safely removed.
- C. Trash Receptacles
1. All trash, recycle and yard waste containers shall be placed in the garage or behind the fence so as not be visible from any street except on trash pick-up day. If containers can be seen from the street after pick-up day, they are not out of view. CC&R Section 9.5.
- D. Signage
1. No sign can be visible to the public view on or from any portion of a lot or home, except "Home/Lot for Sale/Lease or Rent" signs unless written approval is first obtained from the ACC or Board. Per Declaration Section 9.11, one sign permitted per lot, not to exceed 18" X 24" in size. Sign is defined as a commercial or private sign, or a message board made of wood, poster board, plastic or metal.
  2. Preapproved signs include temporary Garage Sale, Open House, or Estate Sale signs permitted at the entrances and owners yard as long as they are removed at the end of the day of the event.
  3. Placards and garden flags – a limit of two small compact garden flags (10.5" X 15" or 12" X 18") or small placards (10 x 8 inches or 9" X 11" or less) or combination of are exceptions to the policy. Elections – garden flags with campaigns candidate name can be posted during elections.
- E. Satellite Dishes/Antennas/AC Units
1. Installation of satellite dishes (located at the rear side or back of the home) do not need to be pre-approved, but need to be installed by a professional/licensed service company. Wiring must run in such a way as to minimize being seen, and painted to match home if possible.
  2. Exterior portable window air-conditioning or similar devices that protrude beyond the window casing must get approval in writing from the ACC prior to installation. CC&R Section 9.13.
- F. Pets and Other Animal Policies
1. Only domestic pets (three dogs and/or cats) permitted in the Association. CC&R Section 9.4 (amended) and City of Eugene Animal Regulations, Chapter 4.
  2. Per City of Eugene Animal Regulations, Chapter 4.330, all dogs must be leashed at all times unless within a fenced yard. In order to prevent noxious or offensive odors and conditions in backyards, owners are required to remove pet waste on a regular basis. Pet owners walking dogs in the common areas are required to carry waste bags and keep dogs off other resident's yards.
  3. If a dog barks continuously for 15 minutes or more, call Animal Services at 541-687-4060, or call Eugene Police Department's non-emergency line at 541-682-5111. Report incident to ACC.
- G. Exterior Changes – ACC/Board Approvals
1. Modifications to home, driveway, building or fence extensions are outlined in the Architectural Change Request Criteria (ACRC) policy, Section 1. Modifications to landscape, yards, flower beds and trees are outlined Section 2, and Exterior Devices are listed under Section 3.
  2. Homeowners are responsible for obtaining the proper permits from the City of Eugene before initiating exterior changes.

**The Board of Directors approved and adopted the updated Home and Yard Maintenance policy. This update replaces all previous versions in circulation prior to August 2021.**

**Approval recorded by Amy Hanna, Secretary**



## **Rental Property Policy**

Homeowners are responsible for maintaining, keeping in good order and repair, the interior and exterior of their home, yard, and fences within lot lines. Homeowners are also responsible for the occupancy of the home including tenants if the home is rented.

Owners are permitted to transition their home to a rental property as long as they and their tenants comply with the provisions set forth in the Declaration of Covenants, Conditions, and Restrictions (CC&R's) of West Eugene Village Homeowners Association, Inc. For the benefit of all residents, the following information is provided:

CC&R Section 9.3 “no Owner shall be permitted to lease his Home for transient or hotel purposes. No Owner may rent less than his entire Home. Any lease agreement shall be required to provide that the terms of the lease shall be subject in all respects to the provisions of this Declaration, the By-Laws and rules and regulations of the Association and the Oregon-Landlord Tenant law, that any failure by the lessee to comply with the terms of such documents shall be a default under the lease. The Board of Directors, at its sole discretion, may require termination of the tenancy in the event of any such breach by the tenant. All leases shall be required to be in writing. Any such lessee shall be entitled to the use and enjoyment of the Common Area, provided an Owner may not sever the right to the use and enjoyment of the Common Area from the right to occupy his Lot and the improvements thereon by means of lease or otherwise. For purposes of this Section, the term "lease" includes, without limitation, a month-to-month rental arrangement. Other than the foregoing, there is no restriction on the right of any Owner to lease his Home.”

What this paragraph means is that an owner may rent his or her home as a single-family dwelling. The home may not be rented to a group of people as in a co-op, boarding home, with multiple-tenancy, as a hostel, or student housing. Homeowners are responsible for ensuring that the tenant receives and agrees to the CC&R's and that any lease or month-to-month rental agreement can be terminated for events that are not in compliance with the Associations Bylaws, Declaration of CC&R's or Rules and Regulations.

If a Management Company or Real Estate Agency is used to oversee the rental agreement, the Owner is still responsible for ensuring that the Management Company or Real Estate Agency understands the Bylaws, Declaration of CC&R's, and Rules and Regulations. The homeowner is responsible for any fines or fees assessed for violation of the Association's policies. This is especially important when it comes to parking, lawn/yard care, use of the dwelling, and pet restrictions.

**The Board of Directors approved and adopted the Rental Property Policy. This update replaces all previous versions in circulation prior to August 2021.**

**Approval recorded by Amy Hanna, Secretary**

## Common Area Rules for Park, Playground and Open Spaces

The following rules shall apply to all park and playground property, landscaped areas and open spaces such as the wetlands adjacent to the park, area around mailboxes, streets, and interior walkways within the Association. The ACC is responsible for enforcing HOA rules and regulations. Any rules not enforced by the ACC will remain under the responsibility of the Board of Directors.

1. Park, Open Space Area and Playground Areas
  - a. The park is open from 8:00 a.m. to civil dusk (1-hour after sunset).
  - b. The ACC or Board of Directors can restrict access to the park, playground, or open space area during regular open hours upon finding that such restriction is necessary for the preservation of the health, welfare and safety of the residents or guests of West Eugene Village. Upon such a determination, the gates at park entry points will be closed with appropriate signage indicating access is prohibited.
  - c. The Board can suspend the right to use of the park and playground per Bylaws Article VIII (b).
  - d. No trash or debris of any kind shall be left or placed in common areas, open spaces, or the park.
2. Park Safety and Supervision of Children
  - a. Children ages 10 and under must have adult supervision within in the park, playground or open areas in the back of the park. ORS 163.545 Child neglect may apply if a person having custody or control of a child under age 10 leaves the child unattended in or at any place for such period of time as may be likely to endanger the health and welfare of such child.
  - b. The attending adult(s) is responsible to ensure children safely use the climbing structures and that they are responsible for any child's actions that result in damage or injury.
  - c. Residents who observe inappropriate behavior in the park and open areas or feel threatened by activities in the park should call the police and file a report concerning trespass, illegal or threatening behavior taking place in our community. Then notify the Board of the incident.
3. Park Property
  - a. Vandalism and/or graffiti in any form are violations of park rules.
  - b. Ashes, cold coals, wood chips or food waste must be cleaned out of grills after use and placed in the ash/coal bucket provided.
  - c. Sand needs to stay in the sandbox and not contaminated in any manner.
  - d. Removing plant, breaking tree limbs or harming shrubs is a violation of park rules.
4. Beverages, Food and Tobacco or Marijuana Products
  - a. The consumption of alcohol is permissible within City and State regulations.
  - b. No glass containers permitted anywhere in the park or playground.
  - c. BBQ or heating of food items over flames or coals must be done in a grill.
  - d. No sale of food or other items permitted in the park, playground, or open space areas.
  - e. No smoking of any kind permitted in the park.
  - f. Visitors are responsible for cleanup and removal of waste products.
5. General Activities
  - a. Amplified sound systems must have the written permission of the ACC.
  - b. Picnic canopies and umbrellas are the only temporary structures allowed in the park.
  - c. Music producing equipment must be at a low enough volume so neighbors are not disturbed.





- d. The park is for family use. No commercial or illegal activity permitted in the park.
  - e. Batting practice and hitting golf balls not permitted.
  - f. No fireworks, paintball guns, slingshots or firearms permitted in the park.
6. Pets and Service Animals
    - a. No pets allowed in the park, playground or open spaces within the park. Per ADA guidelines, Service Animals may enter the park as long as they qualify as a service animal and stay with the owner unless performing a task the animal was trained to perform.
    - b. Dogs in common areas other than the park and playground must be on a leash at all times, even when playing in owners front yard. Owners are responsible for picking up dog waste and keeping their dogs out of other resident's yards and flowerbeds.
  7. Parking and Traffic
    - a. Visitors to the park and open space along the entrances must not block access to the mailboxes, block driveways to adjacent homes or park on the sidewalk or in the no parking zone.
    - b. Drivers should exercise caution when traveling on Olympic Circle near the park as pedestrians may be entering the park from the street.
    - c. Reckless Driving is not permitted and defined as a person operating a vehicle within the private property of the Association in a manner that endangers or would be likely to endanger the safety of any person or property. Examples include speeding, improper turning onto streets or driving on sidewalks, and failing to stop at stop signs. Report reckless driving to the police, then notify ACC.
  8. Lost and Found
    - a. Items left in the park should be reported to the ACC or Board along with phone number residents can contact to retrieve the lost item(s). If item are not claimed within 30 days, the items may be discarded or donated to a charity if appropriate.
  9. Signage in Common Areas
    - a. Temporary Garage Sale, Open House, or Estate Sale signs permitted at the entrances and owners yard as long as they are removed at the end of the day of the event. This approval is per CC&R 9.11.
    - b. With the exception of Lost Pet fliers, all fliers in the common areas must have prior approval by the Board before posting. Lost Pet fliers permitted only at mailbox areas and removed within 7 days.
  10. Emergency Situations or Suspected Criminal Activity
    - a. Emergent threats to life or property, call 911 immediately.
    - b. Suspected criminal activity, call 911 or call the Police's non-emergency line at 541-682-5111.

**The Board of Directors approved and adopted the updated Common Area Rules for Park, Playground and Open Spaces. This update replaces all previous versions in circulation prior to August 2021.**

**Approval recorded by Amy Hanna, Secretary**

## Domestic Pets, Rodents and the Feeding of Wildlife Policy

**Domestic Pets** – Only domestic pets (three dogs and/or cats) are permitted in the Association. For other animal restrictions, see CC&R Section 9.4 (Amended), HOA Rules for Home and Yard Policy, Section F., and City of Eugene Animal Regulations, Chapter 4. The most common references listed below.

### City of Eugene, Code Chapter 4, Animal Regulations, Sections 4.330 to 4.500.

- **Code 4.330** covers dog leash requirements, barking dog that persistently barks or howls and thereby unreasonable deprives a person of peace and quiet. Dogs must be leashed at all times unless within a fenced yard. To prevent noxious or offensive odors and conditions in backyards, owners are required to remove pet waste on a regular basis. Pet owners walking dogs in the common areas must carry waste bags and keep dogs off other resident's yards. See Code 4.465.
- **Code 4.430 Continuous annoyance** – any animal that cause annoyance, alarm or disturbance for more than 15 minutes at any time of day or night, be it repeated barking whining, screeching, howling or other sounds which can be heard beyond the boundary of the owner's property.
- **Code 4.465 Dog Waste Matter.** It is unlawful for a dog owner to allow dogs, except for Seeing Eye dogs, to deposit solid waste matter on any improved property other than that of the dog owner.

**Eugene & Lane County Animal Control**, call 541-687-4060 and/or 541-682-3645 to report barking, continuous annoyances, animal neglect, dog waste or other nuisances. If the nuisance occurs after hours, contact the non-emergency Eugene Police Department at 541-682-5111. Report incident to the Police Department, then notify ACC members.

## Rodents and the Feeding of Wildlife Ordinance

In 2018, the City of Eugene adopted Council Ordinance No. 20598, Council Bill 5189, amendments to sections 6.005, and 6.015 of the Code, and added a new section 6.020. The amendments cover rodent control, feeding domestic pets, and prohibiting the feeding of wildlife. Per CC&R's Section 9.22, the Board will comply with City Rules & Regulations not covered in the CC&R's, and report violations.

**Feed.** To place, deposit, distribute, store, or scatter food, garbage, or any other attractant so as to constitute a lure, attraction, or enticement for wildlife.

**6.015 Rodent Control** - No owner or person in charge of property shall allow conditions to exist thereon or therein, which attract or are likely to attract, feed, or harbor rats or mice. Conditions prohibited include, but not limited to: open compost piles, accumulated garbage, recycling or animal waste not stored in containers, animal feed not stored in building, structure or rodent-proof container and, overgrown vegetation that is used for habitation by rodents. All food for animals, including domestic animals (dogs and cats) shall be stored in building, structure, or rodent-proof container.

**6.020 Wildlife – Feeding Prohibited.** No person shall feed wildlife within the City.

Within West Eugene Village, HOA, Inc., residents have documented sightings for raccoons, wild turkeys, squirrels, rats and mice. **HOA Policy** - If you have a birdfeeder, it must have a plate on bottom to prevent feed from dropping on the ground. Feeding of squirrels is prohibited due to damage to fences, flowerbeds, spread of diseases, and using bread and/or peanuts attract rodents. Domestic pets - do not leave pet food on porch, patio, driveways, etc. Pet food left unattended attracts rats and other wildlife. ~ 10/12/2020.

## **Parking Rules, Vehicle Storage, and Maintenance Policy**

The primary reason for Parking Rules is to ensure the safe passage of emergency vehicles along the streets within the Association and to prevent vehicles from parking in such a manner that creates a safety hazard, obstructs driveways, mailboxes, sidewalks, walkways, intersections, entrances, and fire hydrants, or become unsightly if they are inoperable. The rules apply to vehicles stored in driveways or on the streets.

The updated parking rules are the result of a collaborative review of our streets and signage by the City of Eugene's Operations Manager/Parksmart Advisor who provided guidance on applicable sections of Eugene Code, Chapter 5, Traffic Laws to enforce within the Association. Under CC&R Section 9.22, the Board of Directors adopted the City parking code, and our private streets will be treated as a "parking facility or lot" under City Code 5.240 (3).

Responsibility for administering and enforcing the Parking and Vehicle Policy Rules and Regulations is that of the Architectural Control Committee (ACC). Rules not enforced by the ACC remain under the responsibility of the Board of Directors.

The parking and vehicle policy, rules and regulations promulgated per Bylaws Article VIII, Section 1. (a). and Declaration CC&R's Section 6.1. The definitions and terms used herein are described below.

### **Definitions and Terms:**

1. "Coming and Going Rule" means bringing in a recreational vehicle into the Association to load and unload for vacations, holiday or sporting events from time to time for 48 hours (2 nights) or less.
2. "Inoperable vehicle" means a vehicle that does not or cannot move under its own power due to a mechanical issue, flat tires, dead battery, etc., and is stored on the street or driveway.
3. "Properties" shall refer to the West Eugene Village Homeowners Association, Inc.
4. "Recreational vehicle" means motor home, van or truck-camper, tent trailer, 3 or 4-wheelers, off road bikes, snowmobile, and boat and trailers used for recreation or camping.
5. "Speeding" is driving in excess of fifteen (15) miles per hour, and includes observations of a reckless and endangerment during the operation of a vehicle. The speed limit applies to all motor vehicles, including motor scooters, motorcycles, automobiles, and trucks.
6. "Tow Away Zone" refers to that space adjacent to the curb of a street, pathway, or portion thereof, on which parking has been prohibited, and which is designated as a "Tow Away Zone" by signs and/or markings. The "No Parking" areas are part of the tow away zones.
7. "Motor Vehicle" or "Motorized Device" are considered synonymous and means every vehicle that is self-propelled.
8. "Guest parking" means temporary and should not last longer than 48-hours without approval.
9. "Regular Family Use" is vehicles operational, registered, and used at least weekly by family members.
10. "Curb" refers to the extreme edge of the roadway along the sidewalk.
11. "Obstructing Streets" except as authorized by the Board no resident or guest shall obstruct the free movement of vehicles or pedestrians using the streets. No person shall put up barriers, park, or stand a vehicle in such a manner or location that it causes a hazard or an obstruction on the street.
12. "Unauthorized Vehicle" means a vehicle not owned or operated by a resident or guest of the property and parked on the HOA's streets. Examples: people visiting other neighborhoods and parking inside the HOA, or a resident storing a vehicle for a non-resident. Unauthorized vehicles will be towed.

### **Rules and Regulations**

A. Parking Rules – Pursuant to Declaration CC&R's Sections 2.1(a), (d), 9.1, 9.7, 9.8, and 9.10, the following rules shall apply to all vehicles operating within the Properties:



## West Eugene Village Homeowners Association, Inc.

1. Automobile parking in front of garages, in the driveways, on sidewalks or obstruction or barrier to any access, which would interfere with any other member's use, is strictly prohibited.
2. Sidewalks or Curbs - The operator of a motor vehicle blocking a sidewalk so that a wheel chair or stroller cannot freely pass without going onto the curb or road will be fined and/or towed.
3. Parking of boats, trailers, inoperable vehicles, motorcycles, or any other type of motor vehicles not operated in regular family use must be kept only within the confines of an enclosed garage. Not operated in regular family use refers to a vehicle that is parked on the street for seven (7) days or more or parked in the driveway for ten (10) days or more without moving.
4. Vehicles parking near driveways other than their own must allow at least three (3) feet clearance from front of vehicle to the edge of neighbor's driveway.
5. Parking Area or Zone means the side of the street that has a sidewalk. The "No Parking" area or zone is the side of the street that does not have a sidewalk.
6. Residents need to park in their garage and in their driveway. Street parking can be used when garage spaces are filled, and driveway parking is filled. Residents are allowed only one (1) street parking space. Guests of residents may also use street parking on a temporary basis.
7. "Restricted parking areas," means all intersections, streets, sidewalks, fire hydrants, and driveways. In cases of an emergency, construction, or delivery, vehicles may park briefly while loading or unloading passengers, cargo or materials. Parking within fifteen (15) feet of a fire hydrant or within ten (10) feet of a stop sign is prohibited.
8. Parking or driving on sidewalks and curbs is not permitted except to cross over to enter a driveway.
9. Parking is permitted for recreational vehicles subject to the "Coming and Going Rule".
10. Inoperable vehicles cannot remain more than 48-hours (2 nights) on the streets or stored in the driveway for more than ten (10) days without approval from the ACC or Board of Directors.
11. Stored vehicle refers to a vehicle that is parked on the street for seven (7) days or more without movement or a vehicle parked in the driveway for ten (10) days or more without movement. Exception to the time limit requires approval in writing from the ACC or Board of Directors.

### B. Reckless Driving and Endangerment

1. Vehicular traffic on the Properties will be limited to fifteen (15) miles per hour as a safety precaution.
2. Operation of a vehicle in a reckless and endangering manner, such as excessive speed or erratic maneuvers, is not permitted. Driving on sidewalks or curbs is considered reckless driving.
3. Report all other violations of Parking and Vehicle Policy Rules to a member of the Board or ACC.

### C. Automotive Repair

1. Pursuant to CC&R's Section 9.2, no commercial activities may be carried on in a home or in any common areas without the consent of the Association, except activities related to rental or sale of Lots. Prohibited activities include automotive services, repair, or restoration of vehicles.
2. Painting of vehicles within the properties anywhere is prohibited.
3. Minor automotive maintenance is permitted if performed inside the confines of the Owner/residents garage and not in the driveway or streets. Emergency assistance to add fuel, change a flat tire or jumpstarting a vehicle is not considered maintenance.

D. Any exceptions to Association Rules and Regulations will need prior approval by the Board or ACC.

**The Board of Directors approved and adopted the updated Parking policy. This update replaces all previous versions in circulation prior to September 2021. Update – 8/18/2022, Board of Directors approved removing Chapter 5 information previously appearing on page 3, to a separate document.**

**Approval recorded by Amy Hanna, Secretary**

## **Rules and Regulations – Supplemental Information**

The Board of Directors uses the references below as guidelines regarding HOA policies.

### **Enforceability of Rules and Regulations**

#### **ORS 94.777 Compliance with Bylaws and other restrictions required; effect of noncompliance.**

“Each owner shall comply with the bylaws and with the administrative rules and regulations adopted pursuant thereto, and with the covenants, conditions, and restrictions in the declaration or in the deed to the lot. Failure to comply therewith shall be grounds for an action maintainable by the homeowners association or by an aggrieved owner.”

Actions taken by the Association can result in fines and/or temporary loss of property rights.

### **Property Rights**

Property Rights subject to the following provision in Bylaws Article VIII (b) and CC&R Section 2.1 (b) wherein the Association may suspend the voting rights and/or right to use of recreational facilities by an Owner for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed 60 days for any infraction of its published rules and regulation.

### **Easements Policy**

Easements CC&R Section 8 – An easement over, upon, and across all parts of the Properties is granted and reserved to the Association to the extent reasonably required to perform maintenance to protect or preserve the value of the Properties and Homes thereon. Residents who bar or deny representatives working on behalf of the Association access to maintenance areas (streetlights, catch basins, signage or signposts, irrigation control valves, utility box areas, mailboxes, walkways or fences) may be fined for interference.

### **City of Eugene & Lane County Rules and Regulations**

Per CC&R’s Use Restrictions, Section 9.22 “When these covenants do not cover a situation, the rules and regulations of the City of Eugene shall be applied.” If there are conflicting rules showing a difference in requirements, “the Board shall govern in determining which rule is the strictest.” Examples of Eugene Codes used as guidelines in HOA policies include the following.

- Eugene Code, Chapter 5, Traffic Laws
- Eugene Code, 7.375, Sidewalks
- Eugene Code 4.330, Animal Regulations
- Eugene Ordinance No. 20598, sections 6.005, 6.015, 6.020, Feeding Wildlife & Rodent Control
- City of Eugene Form #RB-428, No Permit Required publication, updated December 2018
- Lane County Residential Specialty Code R105.2, Work Exempt from Permit, Rev 8/14/2018
- City of Eugene Form #LU-254, Fences & Accessory Structures, updated July 2020
- Eugene Code 4.934, and 4.670, Eugene Police Department - Fireworks Enforcement
- Eugene Code, Chapter 9, Section 9.5350, Home Occupation Standards
- Eugene Code, Chapter 9, “Dwelling – a building, or portion thereof, designed and used as a residence for occupancy by 1 family. This includes both building constructed on-site and manufactured homes.”