

DIGBY HEIGHTS RULES AND REGULATIONS

These Digby Heights Rules and Regulation are adopted by the Board of Directors of Digby Heights Homeowners Association pursuant to (1) Section 8.2 of the Declaration of Reservations, Restrictive Covenants and Easements recorded under Skagit County Auditor's File Number 200904150064, (2) Article VII, Section 1(a) of the Bylaws of the Association, and (3) RCW 64.38.020.

The purpose of these Rules is to facilitate the implementation and enforcement of various aspects of the Declaration and Bylaws, and to otherwise preserve and enhance the appearance, operation, safety, aesthetics, and property values of Digby Heights. An attractive, well-maintained community helps maximize property values and everyone's enjoyment of the community. Compliance with the Governing Documents is the most constructive method of protecting our investment and maintaining harmony among members of the Association. Violations of the Governing Documents may result in fines and/or other legal action.

Section 1. Definitions.

In addition to any other definitions set forth elsewhere in these Rules, capitalized terms used in these Rules have the meanings set forth in this Section 1. Capitalized terms not otherwise defined in these Rules have the same meaning as in the Declaration.

"ACC" means the Architectural Control Committee appointed by the Board.

"Association" means Digby Heights Homeowners Association.

"Association Manager" means the any professional management company engaged by the Association Board from time to time assist with management of the Association and the Digby Heights development.

"Board" means the Association Board of Directors.

"Bylaws" means the Bylaws of the Association, including as amended from time to time.

"Declaration" means the Declaration of Reservations, Restrictive Covenants and Easements recorded under Skagit County Auditor's File Number 200904150064, including as amended to date and from time to time.

"Design Guidelines and Procedures" means the Design Guidelines & Procedures attached as Appendix B.

"Enforcement Procedures" means the Enforcement Procedures attached as Appendix A.

“Governing Documents” means the Declaration, the Association Bylaws and these Rules.

“Lot” means any platted residential lot per the any of the plats for Digby Heights Phase I, II or III, as recorded under Skagit County Auditor’s File Numbers 200904150063, 201109190087 and 201109190088.

“Parking and Planter Strips” means and refers to the portion of land between the back of the street curb and the sidewalk.

“Rules” means these Digby Heights Rules and Regulations, including the Enforcement Procedures attached as Appendix A and the Design Guidelines and Procedures attached as Appendix B, and including as amended from time to time.

Section 2. General Matters.

Each Owner is responsible for complying with the Governing Documents, including maintaining his or her Lot and all Structures and landscaping on such Lot, including the exterior of his or her home, the fence, driveway, front yard, parking strip, and back yard, in good order and repair and free of debris.

Owners are responsible for the conduct of all members of their family or household and for the conduct of their tenants, guests and invitees on their Lots and any common area. Each Owner and tenant is jointly and individually financially responsible for any damage done to property of other Owners or common areas by all members of their family or household, their tenants, and their guests. Both the Owner and a non-owner violator may be fined for violation of the Governing Documents. Fines levied against a Lot and its Owner shall be collectible as any assessment, and are subject to the Association’s collection policy.

It is the responsibility of the Owner to notify the Board in writing, either by email or mail, if emergency circumstances exist which prevent compliance with the Declaration or these Rules.

Section 3. Enforcement Procedures.

The Board has authority to enforce the Governing Documents with fines for violations and with legal action for damages, or injunctive relief, or both. The Board delegates initial enforcement authority to the Association Manager.

Owners are encourage to first attempt to resolve any issues about violations of the Governing Documents directly with the other Owner or resident that is violating the Governing Documents. Any Owner that wishes to report a potential violation of the Governing Documents must submit a written complaint to the Association Manager that describes the violation in reasonable detail, including the date and time of any violation that is not ongoing or continuing in nature. The complaint may be submitted by email. Enforcement action can also be initiated based upon the observations or direct knowledge of a Board member, the Association Manager or a member of the ACC.

Enforcement of the Governing Documents by the Board and/or the Association Manager shall be in accordance with the Enforcement Procedures set forth in Appendix A to these Rules.

Section 4. Fine Schedule.

The following schedules of fines shall apply to violations of the Governing Documents. All violations, other than violations of the Design Guidelines & Procedures, are subject to the following schedule of fines.

First Violation/Warning – No fine (not applicable to violations of the Design Guidelines and Procedures).

Second Violation – \$100 per violation, per occurrence, per day it continues.

Third Violation – \$150 per violation, per occurrence, per day it continues.

Fourth & Subsequent Violations – \$200 per violation, per occurrence, per day it continues.

Violations of the Design Guidelines & Procedures are subject to the following schedule of fines.

First Violation – \$100 per violation, per occurrence, per day it continues.

Second Violation – \$150 per violation, per occurrence, per day it continues.

Third & Subsequent Violations – \$200 per violation, per occurrence, per day it continues.

All fines shall be levied in accordance with the Enforcement Procedures set forth in Appendix A to these Rules.

Section 5. Design Guidelines & Procedures.

No Structure shall be erected, placed or altered on any Lot until building plans with respect to exterior design, materials and specifications, and color schemes have been approved in writing by the ACC pursuant to the Design Guidelines & Procedures attached as Appendix B hereto, or that vary from what was approved by the ACC.

Section 6. Lots, Houses and other Structures.

6.1 *Air Conditioners.* Window units may be installed in the rear of the home only. Noise from any window AC window unit cannot interfere with the use and enjoyment of any neighboring Lots.

6.2 *Back Yards.* The back yard shall be kept free of weeds and/or stored items which may because of their size, number, type, or location be an eyesore to neighboring properties. Items stored in back yards shall be maintained in good repair.

6.3 *Basketball Hoops.* When not in use basketball hoops must be stored either in the garage or backyard (not visible from the front of the house). Equipment must be kept in good working condition. No basketball hoop shall be installed on any part of the home. Basketball hoops

must not impede on any sidewalk. From Memorial Day through Labor Day, basketball hoops may be left in the front of the house as long as they do not block any sidewalk or roadway.

6.4 *Bird Feeders and houses, and Bug Catchers.* Bird feeders and houses, and bug catchers may be installed in the backyard only, and must not exceed 18 inches above the fence height. If you wish to have a bird feeder, it is recommended that you buy one that is squirrel-proof and/or offers a seed-catcher feature. This will alleviate bird seed waste, deter squirrels and other rodents. Any bird feeder that becomes a nuisance, either by attracting too many birds or by attracting rodents, must be removed.

6.5 *Burglar Bars on Windows and Doors.* Burglar bars and security doors are prohibited.

6.6 *Clotheslines.* No exterior clotheslines, washing, rugs, clothing, apparel or any other article shall be hung from the exterior of any Structure or on a Lot so as to be visible from the street and roadways adjoining the Lot.

6.7 *Exterior Maintenance.* The exterior of all buildings and other Structures shall be maintained in good repair and free of moss, mold, or mildew. Broken windows and/or garage doors or structures in disrepair, incomplete improvements, or any other visual defects that may cause property devaluation are prohibited. Peeling paint and excessive and/or uneven paint or stain fading is prohibited. Any damage to a building or other Structures must be repaired or replaced within 30 days, unless the ACC approves a longer period in writing.

6.8 *Fences.* Fences shall be maintained in good repair. Periodic pressure washing and re-staining must be completed with ACC approved stain type and color. At no time shall anything be mounted upon any fencing belonging to the Association.

6.9 *Flags.* Owners may display a flag under the following guidelines: Homeowners may only display national, state or seasonal flags (including sports flags) of an appropriate size, not to exceed 3 feet by 6 feet by means of a staff (pole) no more than 6 feet in length. The staff (pole) should be attached at an incline to the wall or column on the front and/or back of the home. No more than one flag should be attached to the front and the back of each home. Homeowners displaying the flag of the United States of America should ensure the flag is in good condition and, when displaying a flag in this manner that the union (stars) should be presented in the upper left corner of the viewer. For further information, refer to the United States Flag Code (4 US Code Section 1, et seq.) for guidelines on properly displaying the flag. Permanent freestanding flagpoles on homeowner properties within Digby Heights are prohibited. Seasonal flags need to change with the season.

6.10 *Front Porch.* Front porches shall be maintained free of toys, shoes, bicycles, etc. Any furniture placed on front porches shall be outdoor furniture and maintained in good condition. Outdoor furniture of a temporary or portable nature are not allowed on front porches. No accumulation of garbage, waste, paper, boxes, garbage cans, appliances, or other inappropriate

items shall be placed or stored on decks or patios. Flowers and seasonal decorations may be placed on the porch.

6.11 *Garage sales.* Community garage sales are planned by the Board and held twice a year, in the spring and fall. Individual garage sales, moving sales, rummage sales, etc., are not permitted at any other time than during this planned event, unless approved by the Board.

6.12 *Lawn Care and Groundcover.* If grass is used as a groundcover, any dead or bare areas should be repaired by over seeding or replaced with sod. Yards should not have any bare areas. Weeds and crabgrass are not permitted. Insects and/or diseases on trees, shrubs, and grass should be treated to prevent infestation of surrounding areas. Groundcover may not encroach upon sidewalks. It should completely cover the yard area to maintain a neat, even appearance and to prevent soil erosion.

6.13 *Paved surfaces.* All paved surfaces must be kept clean of debris and/or moss or mildew growth. Driveways, walks, and facilities designed for access shall be used exclusively for normal ingress and egress and no obstructions shall be placed therein unless permitted by the Board or by these Rules and Regulations.

6.14 *Roofs and Gutters.* All roofs and gutters must be maintained in a clean, moss-free, and leaf-free condition. Roofs and gutters must be well maintained and serviceable.

6.15 *Seasonal and Holiday Decorations.* All seasonal and holiday decorations and/or holiday lights can be put up no more than 30 days prior to the holiday, and must be taken down from the homeowner's property within 30 days following the season and/or holiday. Any other type of seasonal and/or holiday decorations, including, but not limited to, decorated trees, snow sculptures, religious, and seasonal, must be removed within 30 days following the season or holiday. String lights on the front of the house are considered seasonal.

6.16 *Security Lights.* Security lights anywhere on the Lot (including the home or any other Structure) shall not shine into or upon any neighboring Lots.

6.17 *Signs.* Homeowners may display a security sign in their front yard. One For Sale or For Rent/Lease sign may be placed in the front yard, or in the front window. No signs of any kind may be placed in the parking strips. Directional signs for an open house may be placed on the common area, but not in the mulch beds, from Friday evening to Sunday evening, as well as on holidays, without written consent. When the home is sold or rented, all signs must be removed immediately. Homeowners are responsible for removing For Sale, For Rent or directional signs.

- Door signs must be limited to signs that are minimally visible from the street, congruent with the overall color scheme of the home, and no larger than forty (40) square inches.
- Vendor/contractor signs are not permitted in the community.

- Homeowners may display one political sign in their front yard no larger than eighteen (18) inches by twenty four (24) inches, no more than sixty (60) days prior to any primary or general election, and the sign must be removed no more than seven (7) days after the election has occurred.
- Approval for any other sign should be requested through the ACC. Any signs approved for display must be removed within 24 hours after they have served their purpose. This applies to signs in individual yards as well as signs in the common area.
- The board reserves the right to request removal of any sign that does not meet with the overall community aesthetic. No signs shall be handwritten, computer printed, or temporary in nature.

6.18 *Storage.* The following items are not permitted to be stored on the front porch, front yard, driveway, behind shrubs or bushes, or exposed side yards of any lot, such as, but not limited to:

- ATVs
- Firewood;
- Sheds, boxes, and storage containers;
- Toys, bicycles, skateboards, and any recreation/exercise/sporting equipment (such as balls, bats, basketball hoops, and ski equipment);
- Building and landscaping materials (such as lumber, building tools, mulch, soil, etc.), or tools; except as allowed for in the RESIDENTIAL DESIGN GUIDELINES document.
- Pet houses and pet accessories;
- Household furniture and appliances;
- Clothing and shoes;
- Barbeque grill;
- Gardening and yard equipment, such as brooms, rakes, garden tools, shovels, machinery, lawnmowers, etc.;
- Empty flower pots and containers;
- Batteries, tires, tools, and carwash supplies;
- And any other items that are deemed an eyesore by the Board.

6.19 *Temporary structure.* No tent, shack, garage, barn, or other outbuilding of a temporary character shall be installed or placed on any Lot for use as a residence. Temporary

gazebo's or picnic canopies are allowed in the backyard only, during the summer months or during special celebratory occasions throughout the year and must not be placed within 5 feet of any fence line.

6.20 *Trash and Recycling.* Trash pickup is every Wednesday. Recycling is every other Wednesday. Trash and recyclables should be properly secured and placed on the curb in front of your home no earlier than the evening before collection. You must remove your trash cans and recycling bin the same day as pickup. Containers must be stored with limited visibility from the street such as the side yard setback, or behind foliage/fence, or behind a backyard fence if possible. All bins must be kept closed and any debris that does not fit in the bins may not be stored out in the open.

6.21 *Trees and Shrubs.* Homeowners are responsible for maintaining the trees, shrubs, and groundcovers on their property. This responsibility includes watering, fertilizing, pruning, and replacing dead trees and shrubs as required.

Special attention should be paid to ensure that trees, shrubs, and lawn are pruned and trimmed so they do not overhang the sidewalks in front of the house. Branches must be pruned so they do not exceed the owner's property lot line.

6.22 *Wetlands, Forested Buffer and Retention Pond.* There is no dumping allowed or disturbance to the vegetation in the Wetlands within the development, and the retention pond. Admittance to the wetland areas and retention pond is restricted to the City of Mount Vernon or Association appointed and authorized contractors. Severe fines and penalties may be enforced resulting from violation of this rule, according to the association's fine schedule.

6.23 *Window Coverings.* Covering windows with towels, sheets, blankets, flags, newspaper, cardboard, foil (or other reflective materials) is prohibited. All window coverings facing the front of the house must be a neutral color. Any privacy film on windows must not be opaque and must be a neutral color. Any other objects in or on windows that face the front of the house must exclude primary, bright, or harsh colors. No stickers or decals shall be placed on any window that faces the front of the house. Windows that open must be screened. This section applies to all windows on a home including those on any garage doors. Window coverings must be consistent on all garage doors.

6.24 *Yard Maintenance.* Each Owner is required to maintain their yard in a manner consistent with the standards of the Association. These standards include: Front and side yard areas visible from the street, including the area between the sidewalk and the street, shall be maintained free of all unsightly conditions, such as accumulated leaves, tires, weeds, trash, garbage, litter, toys, etc. Any major projects for landscaping maintenance, repair, replacement and/or renovation must be completed within 30 days.

- Front yard landscaping must be well maintained, including weed removal, mowing, fertilizing and watering (subject to governmental restrictions on watering). If the lawn contains clover, it shall be kept mowed to such a height to prevent it from blooming. All bark and rock material shall be adequately contained in appropriate areas to prevent it from spreading to sidewalks, streets, and/or lawn areas. Any landscaping damage

must be repaired or replaced within 30 days, unless the ACC approves a longer period in writing.

- Dead bushes/shrubs must be replaced with ones of similar size to what was originally planted.
- Flowers may be added to front and side yard landscaping.

Storage of debris, lawnmowers, mechanical equipment, tools, or discarded items in front or side yards visible from the street is prohibited. All other items, such as buckets, coolers, yard tools, etc. must be stored in areas not visible from the street. Hoses not hung up or stored in any other container must be neatly stored by the spigot.

6.25. *Parking and Planter Strips.* Owners are responsible for mowing, watering and otherwise maintaining the Parking and Planter Strips that are a part of or abut their Lots. Owner responsibility includes any trees and bushes located in the Parking and Planter Strips. Grass in the Parking and Planter Strips must remain and may not be replaced with other material.

Section 7. Vehicles.

7.1 *Vehicles General.* All vehicles must be operable and must have current registration. Parking or storing any inoperable vehicle is prohibited in any area other than the Owner's garage.

7.2 *Vehicle Repairs.* No repairs or service to any vehicle will be permitted in or about any area open to public view; provided, however, that emergency repairs that can be performed within forty-eight hours are permitted. Toxic fluids from vehicles, such as anti-freeze or oil, may not be dumped on the property or discharged into the sewer or drainage system. Owners of vehicles leaking fluids of any kind are responsible for cleanup of any fluids leaked on the street.

7.3 *Vehicle Parking.*

- Driveways. Vehicles parked in driveways must not extrude into the sidewalk.
- Fire lanes. Parking in front of a red curb is prohibited.
- Designated parking. No parking is allowed on sidewalks, grass, gravel, or in barked areas.
- Storing vehicles. Vehicles may not be parked on the street for more than 48 hours without prior approval from the City and the Board. Vehicles may not be stored in side yard setbacks.

7.4 *Speeding.* Speeding and unsafe driving is prohibited.

7.5 *Commercial Vehicles.* Commercial vehicles (more than 2 axles/more than 1 rear tire) shall not be parked overnight on any street within the plat. Passenger vehicles, pickup

trucks, and vans or trucks with single rear axles and single rear tires shall not be considered commercial vehicles even if marked with a business logo or sign. Commercial vehicles parked overnight on a Lot must be screened from view from any street.

7.6 *Recreational Vehicles.* Boats, campers, motorhomes or similar recreational vehicles, or any type of trailer shall not be parked on any Lot or stored within the development for a period in excess of twenty-four hours (for loading/unloading), unless it is entirely even with or behind the front wall of the garage and the vehicle is screened from view from any street.

7.7 *Screened from View.* Screened from view shall mean behind a six-foot tall solid fence.

7.8 *Visitors.* Visitors to an owner shall not park their recreation vehicle in the street, but may park in the Owner's driveway of the Lot for not more than fourteen consecutive days, nor more than thirty days total within any twelve-month period. No more than one such vehicle can be parked on a Lot at a time and it may not extrude onto the sidewalk.

Section 8. Pets.

8.1 Pets may not unreasonably interfere with the use and enjoyment of any other Owner.

8.2 Pets (cats and dogs) must be secured/contained in some manner at all times either behind a door or gate, on a leash or in the arms of an Owner or occupant, enclosed in a crate, or some other manner so as to control the movement of the animal. Pets may not be left unattended.

8.3 Residents keeping a pet are jointly and individually responsible for any damage which their pet may do to common elements and facilities or to the property of another Owner. Damage done by a pet to the property of another Owner is a matter strictly between the pet owner and the person whose property is damaged.

8.4 Pet owners shall immediately clean up and remove any defecation or waste created by their pet in any area of the development except a fenced backyard of the pet owner's Lot.

8.5 There shall be no breeding of animals for commercial use on any Lot.

8.6 No pet food, treats, or other edible items shall be left outside for longer than it takes for the animal to immediately consume the item. Pet food that is left out attracts rodents and other nuisance animals.

8.7 The Board may require the removal of any animal which the Board, in exercise of reasonable discretion, finds to be disturbing other homeowners unreasonably or if the Owner continues to violate these Rules or the Declaration concerning pets, and may exercise the authority for specific animals even though other animals are permitted to remain.

8.8 All pets must be licensed. The City of Mount Vernon requires all cats and dogs to be licensed. Contact the Mount Vernon police department for more information and to register your pet(s). See the Mount Vernon animal control website for more information regarding city laws <http://www.mountvernonwa.gov/index.aspx?NID=343>

8.9. See also Section 14.16 of the Declaration.

Section 9. Rentals.

9.1 All leases or rental agreements made for any Lot shall be in writing and be specifically subject to the Declarations and these Rules, as amended from time to time.

9.2 Owners renting or leasing a Lot or home on their Lot must provide their tenants with a copy of the Declaration and these Rules. Owner will be notified of a tenant's failure to comply with the rules and will be held financially responsible for the violations of the Declaration or these Rules by tenants, and for obtaining compliance.

9.3 Owners shall provide the names, telephone numbers, and vehicle information for all occupants of their Lot to the Property Manager.

9.4 Owners renting or leasing their Lot or home on their Lot are responsible for screening potential tenants and ensuring that the proper insurance coverages are in place for the homeowner and the tenant.

Section 10. Noise and Other Offensive Activities.

10.1 Quiet hours are from 10:00 p.m. to 8:00 a.m. seven days a week. Please take extra care to keep the noise level down during this period. No noxious or offensive activity shall be carried on upon any lot which may become an annoyance or nuisance to the neighborhood.

10.2 The conduct of visitors anywhere within the community is the responsibility of the lot owner.

10.3 Littering is prohibited.

10.4 No flammable liquids or dangerous chemicals are to be stored on decks, patios, or other storage areas.

10.5 Unsightly items must be hidden from view where they will not be seen from any Lot or street or road. Unsightly items include but are not limited to the following: garbage and trash, bicycles, recreational gear, outdoor maintenance equipment, boxes, firewood, swimming pools, ladders, etc.

10.6 Business and Commercial Use. No visible or audible trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any lot nor shall any good, construction equipment, materials or supplies used in connection with any trades, service or business be placed outside on any Lot at any time excepting the right of any home builder to construct residences on any Lot any time and to store construction equipment on said Lot in the normal course of construction. Home occupation use of a residence may be allowed if municipal regulations permits such use; provided, however, the home occupation use shall in no way affect the appearance of the residential Structure and/or garage, shall be fully enclosed without outside storage and shall not create noise, vibration, smoke, dust, odors, heat, light or glare beyond which is acceptable in a residential area.