**Vivante Homeowners Association**

**GENERAL RULES**

**The Vivante Homeowners Association is designed to create a smooth method of operation for the community and its owners. The cooperation of the homeowners and tenants is requested in following the rules, which are designed to protect the rights of unit owners in our community.**

# PURPOSE

1. To protect the investment of each unit owner.
2. To maintain Vivante Community as a quality place to live.
3. To maintain a desirable environment throughout the community.
4. To ensure all persons shall be treated fairly and equally without regard to race, color, religion, sex, familial status, disability, national origin, or source of income.

# MANAGEMENT CONTACT INFORMATION

|  |  |
| --- | --- |
| Mountainwest Property Management |  |
| P. O. Box 158 |  |
| Midvale, Utah 84047 | *Find us on Facebook!* |
| Office: (801) 253-3700 | *Search “Vivante” and answer security question.* |
|  |  |
| Email: Imanage\_slc@yahoo.com |

# HOA MONTHLY FEE

1. $200.00 monthly HOA fee is due on the first day of each month and considered late after the tenth day of each month.
2. A late fee of $25.00 shall be assessed on payments received after the 10th.
3. There is a drop/mailbox located on the front of the Clubhouse for your convenience. You can also mail your payment directly to the Management Company.
4. Payment must be payable to: Vivante HOA (not Mountainwest Management)
5. Payments are first applied to any Attorney fees, fines, late charges, and then to the monthly HOA fee.

# FINES

Fines for violation of the General Rules shall be:

|  |  |  |
| --- | --- | --- |
| First Offense | Written Notice | *see exceptions below* |
| Second Offense | $50.00 |  |
| Third Offense | $75.00 |  |
| Thereafter | $100.00 | Up to $500.00 per month |
| Violation of Rules by Rental Units | *see Rental Units section* |  |
| Violation of Smoking, Pool, and Harassment Rules | start Progressive Fines at $50.00 | Zero Tolerance |
| Violation of Pet Registration Rule | $100.00 | Zero Tolerance |

# REPORTING VIOLATIONS

To report a rule violation, complete the following steps:

1. Send a letter or email to the Management Company and/or HOA Board.
2. Identify the unit # of the offender.
3. Supply photo/video evidence as necessary.

# SMOKING PROHIBITION

1. Per Utah Code Annotated 57-8-7 (a) and (b), smoking is not allowed in Vivante HOA units and common areas, including decks, stairways, patios, breezeways, and clubhouse facilities.
2. All smoking must be done 25 feet away from all buildings.
3. Cigarette butts must be extinguished and properly disposed of in garbage dumpsters/totes.

# COMMUNITY REGISTRATION

1. All unit owners are required to complete and submit Registration paperwork for all pets and vehicles in the community.
2. Forms are located here: <http://www.vivantehoa.com/documents.html>
3. All paperwork and any required supplemental information can be faxed, emailed, or mailed to the Management Company, or placed in the mailbox at the Clubhouse.
4. Registration paperwork must be submitted within 5 business days of unit occupation or obtaining of a new vehicle or animal.

# RENTAL UNITS

All owners must have written approval from the Management Company before leasing or renting out their Vivante unit(s). The following procedures must be followed every time:

1. The unit OWNER is required to have a West Valley City business license to have a rental unit. A copy of the business license must be provided to the Management Company.
2. All rental unit OWNERS are required to provide to the Management Company a statement signed by the OWNER and TENANT(S) stating the TENANT(S) have received a copy of the General Rules and agree to abide by them. Statement must include the TENANTS names, telephone numbers, and email addresses. This documentation must be done prior to the TENANT occupying the unit.
3. The unit OWNER must complete and submit the Community Registration paperwork for all new TENANTS within 5 business days of the TENANTS occupying the unit, or obtaining of a new vehicle or animal. Failure to do so will result in a $200.00 fine, assessed to the OWNER.
4. Violation of Vivante HOA General Rules by TENANTS will be fined as such:

|  |  |
| --- | --- |
| First Offense | Written Notice |
| Second Offense | $50.00 |
| Third Offense | $150.00 |
| Thereafter | Up to $500.00 per month |

# POOL/EXERCISE AREAS

Pool and exercise area rules are posted in those areas. Zero tolerance of any of these rules is in force, including but not limited to:

1. No food or drink (except water) in the pool, on the pool deck, or in the gym.
2. All food and drink must be kept at the picnic area outside the pool fence.
3. Water is acceptable in the pool and gym areas and must be in a non-breakable container with a lid.
4. All safety rules must be followed.
5. Pool/exercise areas are for use by residents only.
6. Street Clothes are not allowed to be used in the swimming pool, must wear proper swim attire.

# PETS

1. Residents are allowed a **total** of two (2) pets (dogs and/or cats).
2. No pets over 30 pounds are allowed in the community.
3. All pets must be on a leash when outside your unit.
4. Pet owners are required to clean up all pet waste.
5. No pet is to be left unattended outside or tied to a door, bush/tree, or railing.
6. Pets may not defecate on the balconies/patios.
7. Per West Valley City Ordinance, all pets must be licensed.
8. All pets must be registered with the HOA and Management Company. Failure to comply will result in a fine of $100.00.
9. Nuisance or noisy pets are not allowed, and subject to removal from the community.
10. Breeding/raising of pets is not allowed.
11. Rental unit owners should use discretion when allowing tenants to have pets, as pets are a consistent community issue.
12. Prohibited Breeds, as defined in the Vivante Pet Resolution from February 2020:
    1. Doberman Pincher
    2. Rottweiler
    3. Pit Bull Terrier
    4. Chow Chow
    5. Mastiff
    6. German Shepherd
    7. Great Dane

# VEHICLES AND PARKING

1. Residents are allowed two personal vehicles and must be registered with the Management Company.
2. Parking permits are required to legally park in the community; there is a charge for the permits.
3. You may apply for permission to have more than two vehicles on the premises. Extra vehicles require purchasing a $20.00 permit, plus $10.00 per month while the vehicle is on the premises.
4. Lost or damaged permits must be replaced; cost is $20.00 each.
5. The parking permit must be displayed in the vehicle and visible at all times.
6. No trailers, campers, boats, or recreational vehicles are allowed to be parked in the community except for occasional circumstances, limited to one (1) day.
7. Car repairs are not allowed in or around the community, except for an emergency situation and then only for 48 hours before it must be towed. The vehicle shall be towed at your expense if you do not comply.
8. Any fluids that are leaking or spilled from your vehicle must be immediately cleaned and properly disposed.
9. Emergency vehicles are to have 24 hour access to each community residence.
10. Residents must park in their assigned stall.
11. Street parking is prohibited in the townhomes.
12. Parking on sidewalks and in no-parking/red zones is prohibited.
13. Loitering is not permitted anywhere in the community.
14. If you receive a parking/vehicle violation citation, you are required to contact Mountainwest Property Management. If you receive a second citation, the vehicle will be in jeopardy of being towed at your expense.

# CLUBHOUSE

1. Clubhouse use is by reservation only and requires a $50.00 fee. All association fees/fines must be current to use the Clubhouse facilities.
2. To make a reservation, contact Mountainwest Property Management no less than 2 weeks prior to the desired use date.
3. A $150.00 refundable deposit is required in advance. The use fee and deposit must be separate payments.
4. All trash and other personal belongings must be removed immediately after use. Clubhouse must be left clean and damage-free to receive your deposit back.
5. OWNER(S) are responsible for conduct or damage caused by residents or guests.
6. Pets, smoking, and/or alcohol are not allowed in the Clubhouse.
7. All minors must be accompanied by a parent or guardian.
8. Clubhouse reservation does not include the pool.

# NOISE

1. Loud, rowdy, excessive noise or behavior, including but not limited to slamming doors, running and jumping in the units and on the stairs, is not acceptable within the boundaries of the community.
2. Noise level from car stereos must be reduced when driving through the community.
3. Musical instruments, radios, televisions, stereos, etc. shall be played at reasonable volumes and times.
4. Music/Noise should not be heard outside the confines of an individual unit.
5. In keeping with West Valley City ordinance, quiet hours are in effect Monday – Friday, 10:00pm – 7:00 am and Saturday – Sunday and holidays, 10:00pm – 7:30am.
6. Residents reserve the right to contact local authorities regarding excessive noise after 10:00pm.

# REMODELING/REPAIR/REPLACEMENT

1. Except in an emergency situation, in-unit remodeling, repairs, and/or replacements are only permitted Monday thru Friday, 9:00am – 5:00pm. This work is not permitted on weekends or holidays.
2. At least 24 hours prior to starting the work, unit owners are required to inform neighbors via written notice of potential noise and water interruptions, as well as a schedule of the work being done.
3. All equipment required for such work is limited to the parking lot or on the unit’s patio/balcony. Equipment is not to be used or stored in stairwells, breezeways, or sidewalks.

# GARBAGE

1. All garbage/trash must be placed in the dumpsters/totes.
2. Cigarette butts are considered garbage and must be extinguished before proper disposal.
3. Residents are not allowed to place garbage/trash in any other areas of the community.
4. Totes are not to be left on the streets after Waste Management has collected.
5. Large items, such as major appliances, furniture, mattresses, etc., are not allowed in or around the dumpsters.
6. Boxes of any size must be broken down and flattened before placing in the dumpsters.

# SIGNS/FLYERS/NOTICES

1. Signs, Flyers, Notices of any kind may not be placed within the community without the permission of the Management Company.
2. Report any tampering or vandalism to the existing community signs to the Management Company.

# HARASSMENT

Harassment, interference with the duties of, threats real or implied, or intimidation of any Management Company employee, HOA Board Member, Community Manager, Service Person,

Inspector, etc. will not be tolerated.

# BUSINESS USE

No commercial trade or business may be conducted in or from any Unit unless:

1. The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the outside of the residence;
2. The business activity conforms to all zoning requirements for the Project;
3. The business activity does not involve persons coming onto the Project who do not reside in the Project or door-to-door solicitation of residents of the Project;
4. The business activity is consistent with the residential character of the Project and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Project, as may be determined in the sole discretion of the Management Committee.

# BALCONIES/PATIOS/PORCHES/OUTDOOR SPACES

1. These areas, including spaces under and around stairways and areas outside of balconies/patios/porches, are not to be used as storage areas.
2. Bicycles are not to be kept in the open and visible in these areas.
3. Toys, furniture, and other personal items may not be left unattended in the common areas.
4. Cooking grills are allowed. However, due to fire hazard, charcoal grills are strictly prohibited in the condos.

# LANDSCAPING/GROUNDS CARE

1. Shrubs, trees, and general landscaping are not to be tampered with or altered by anyone other than the groundskeepers appointed by the Management Company.
2. The landscaped area around the ground floor units is not to be used as a playground.
3. Recreational activities may not damage or alter landscaping.

# RECREATIONAL ACTIVITIES/SPORTS

1. Skateboards of any variety are not permitted in the community complex.
2. Riding of any unlicensed motorized vehicle is not permitted in the community complex.

# DECORATIONS

1. Decorations visible to others in the community should be seasonally appropriate.
2. Decorations may not inhibit neighbors, cause damage to landscaping, or detract from the overall aesthetic of the community.
3. Decorations may not be placed on landscaping in the condos. Townhouse owners must seek permission from Management Committee if decorations are to be displayed on landscaping in the front yard.

# MISCELLANEOUS

1. If you have a special situation, circumstances, or need regarding payment of HOA fees, parking, etc., please contact Management Company.
2. The General Rules may be amended, added to or changed as deemed necessary by the Vivante HOA Board and Management Company.