

GAZEBO HILL SUBDIVISION

RULES,

REGULATIONS

&

ENFORCEMENT PROCEDURES

TABLE OF CONTENTS FOR
RULES, REGULATIONS & ENFORCEMENT PROCEDURES
FOR
GAZEBO HILL SUBDIVISION

	<u>Page</u>
I. INTRODUCTION	1
II. ASSOCIATION CONTACTS.....	1
III. ASSOCIATION DOCUMENTS	1
IV. RULES AND REGULATIONS	1
A. PARKING.....	1
B. ANIMALS/PETS.....	2
C. NOISE LEVELS.....	2
D. ALTERATIONS, ADDITIONS, IMPROVEMENTS.....	3
E. SIGNS.....	3
F. RUMMAGE SALES	3
G. PARK AND OUTLOT AREAS	3
H. SOLICITATION.....	3
I. ANTENNAS	3
V. INFORMATIONAL MATTERS	3
A. ASSESSMENTS.....	3
VI. ENFORCEMENT AND VIOLATION PENALTIES	4
A. VIOLATIONS MAY BE REPORTED BY AN OWNER TO:.....	4
B. A VIOLATION REPORTED TO THE BOARD MUST BE IN WRITING AND MUST CONTAIN THE FOLLOWING:.....	4

RULES, REGULATIONS & ENFORCEMENT PROCEDURES

FOR

GAZEBO HILL SUBDIVISION

I. INTRODUCTION

The following are the Rules and Regulations for Gazebo Hill Subdivision (the “Subdivision”). The Subdivision includes the subdivision plats for Gazebo Hill Subdivision, Gazebo Hill II, and Gazebo Hill III. These Rules and Regulations are promulgated by the Board of Directors (the “Board”) of the Gazebo Hill Homeowners Association, Inc. (the “Association”). The Board may amend or repeal the Rules and Regulations. These Rules and Regulations supplement the Declaration of Restrictive Covenants (the “Declaration”). If there is a conflict between the Declaration and the Rules and Regulations, the Declaration shall prevail. When the term “Owner” is used in these Rules and Regulations, it shall include any person or entity that owns a lot in the Subdivision and such Owner’s family members, guests, invitees, tenants, agents and employees, all of whom the Owner is responsible for compliance with the Rules and Regulations. Comments about the contents of these Rules and Regulations and complaints about the violation of these Rules and Regulations shall be in writing to the President of the Association or the Board of Directors.

II. ASSOCIATION CONTACTS

President	Michael C. Williams Telephone: 262-512-0424 Email: Michael_C_Williams@wied.uscourts.gov
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Secretary	Marcia Schwager Telephone: 262-242-2993 Email: mkschwager@sbcglobal.net
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III. ASSOCIATION DOCUMENTS

Copies of the Rules and Regulations are available on the Association’s website at www.gazebohill.org.

IV. RULES AND REGULATIONS

A. PARKING

1. No motorized vehicles of any kind are allowed on the outlots and park areas.

2. All recreational vehicles must be stored indoors. Recreational vehicles include, but are not limited to, motorcycles, mopeds, snowmobiles, all terrain vehicles, boats, jetskis, campers, and trailers.

3. Cooking and sleeping in vehicles is prohibited.

4. All vehicles that are parked outdoors must be licensed and in operating condition.

5. The Association may, without notice to any Owner, have vehicles that violate these Rules towed or transported to a vehicle storage facility. In such event, towing and storage expenses incurred by the Associated shall be assessed against the offending Owner even if the vehicle belongs to a guest or tenant of the Owner.

B. ANIMALS/PETS

1. No animals, livestock, poultry or exotic animals of any kind shall be raised, bred, or kept in the Subdivision except for fish kept in an aquarium and caged pet birds no larger than a parakeet which must be kept in the Owner's home at all times.

2. Dogs, cats or other customary household pets only may be kept in a home in a reasonable number in conformance with state and municipal requirements. Owners shall take reasonable precautions to prevent their pets from being a nuisance or danger to others.

3. All dogs and cats, if required by the City of Mequon, must be licensed.

4. Pet owners shall immediately clean up any excrement and shall carry an implement for pickup at all times when walking their pets.

5. All pets outside the confines of the Owner's lot shall be restricted on a leash by a person capable of controlling the animal.

C. NOISE LEVELS

1. All Owners have a right to quiet and privacy without disturbance by loud noise, obnoxious behavior or harassment from neighboring Owners or park and outlot areas, especially at night (after 10:00 p.m.) and weekend mornings (before 9:00 a.m.).

2. Radios, televisions or other speaker systems used either indoors or outdoors should be kept at a level that will not disturb neighbors.

D. ALTERATIONS, ADDITIONS, IMPROVEMENTS

No alteration of any building, or any additions or improvements thereto, shall be made by any Owner without the prior written consent of the Architectural Control Committee.

E. SIGNS

No Owner shall display, hang, store or use any sign outside his home, which may be visible from the outside of his home without prior written permission of the Architectural Control Committee. This includes the use of "For Sale" and "For Rent" signs. "Open for Inspection" signs may be displayed temporarily during an open house.

F. RUMMAGE SALES

Rummage sales may be permitted subject to the requirements set forth in the Declaration of Restrictions.

G. PARK AND OUTLOT AREAS

No picking of any flowers, shrubs, bushes or trees is allowed on the park and outlot areas. Dumping of any kind including, but not limited to yard waste, refuse or garbage, is prohibited on the park and outlot areas.

H. SOLICITATION

No solicitation is allowed in the Subdivision without the prior written consent of the Board except that fundraising for non-profit organizations of which an Owner or an Owner's family member is a member.

By way of example and not limitation, this includes Boy Scouts, Girl Scouts, Brownies, Daisies.

I. ANTENNAS

No exposed or exterior radio or television transmission or receiving antennas shall be erected, placed, or maintained on any structure, except that one (1) 18" satellite dish may be placed on any dwelling. This rule does not apply to the extent it conflicts with any applicable laws.

V. **INFORMATIONAL MATTERS**

A. ASSESSMENTS

1. Each Owner is assessed an annual fee based on the budget needs of the Association. The Association depends on timely receipt of these assessments

to function properly. Late payments or non-payment of assessments can be a serious problem for the Association.

2. All annual Association dues are due on January 1 of each year. Any other assessments are due as set forth in the assessment notice, but in no event later than 30 days after issuance of the notice.

3. To minimize cash flow problems and encourage compliance, liens will be filed against Owners and lots that become 90 days delinquent in assessment payments. In addition, the responsible Owner will be charged Twenty-five Dollars (\$25.00) for administrative costs associated with late payments, plus twelve percent (12%) compound interest on all unpaid assessments and actual attorneys fees.

VI. ENFORCEMENT AND VIOLATION PENALTIES

A. VIOLATIONS MAY BE REPORTED BY AN OWNER TO:

1. The appropriate law enforcement agency (Mequon Police Department, Sheriff's Department) if the violation is an infraction of an ordinance or any other law.

2. In writing to the President of the Association or another member of the Board.

B. A VIOLATION REPORTED TO THE BOARD MUST BE IN WRITING AND MUST CONTAIN THE FOLLOWING:

1. Name of offender and address, if known.

2. Violation observed and brief description thereof.

3. Time and place of occurrence or, if a continuing violation, the time or times of observance of the occurrence.

4. Name, address and telephone number of the reporting Owner.

C. UPON RECEIPT OF A COMPLAINT, THE BOARD SHALL ATTEMPT TO RESOLVE THE MATTER BY:

1. Obtaining voluntary payment of an appropriate fine as per the Penalties Section of these rules, and/or

2. Obtaining voluntary correction of the violation, and/or

3. Any other solution to which the complainant, the alleged offender and/or Board agree.

D. IF THE BOARD IS UNABLE TO RESOLVE THE MATTER, THE MATTER SHALL BE SUBMITTED TO THE GRIEVANCE COMMITTEE.

E. GRIEVANCE COMMITTEE RULES AND PROCEDURES.

1. The Grievance Committee (the "Committee") shall consist of a member of the Board of Directors, who will act as the Chairperson, and six (6) members at large of the Association who are chosen by the Board. The members at large shall not be officers or members of the Board of Directors of the Association.

2. Each member at large shall serve for one (1) year.

3. For any grievance hearing, the Chairperson and no less than three (3) of the six (6) members at large shall serve. A majority vote of the Committee will determine the action and decisions of the Committee. The Chairperson shall not cast a vote except to break a tie.

4. Grievance Committee members serving at any grievance hearing must not be directly or indirectly involved in the specific dispute at hand.

5. Upon receipt by the Grievance Committee of a grievance, the Chairperson shall proceed as follows:

(a) A letter shall be sent by certified mail, return receipt requested, informing all parties:

(i) Of the time, place and date of a hearing before the Grievance Committee.

(ii) Of the right to counsel.

(iii) That evidence shall be received and a record made whether or not the party complained against attends.

(iv) That, if found in violation, a fine may be imposed in accordance with the Penalties Section, plus costs and actual attorneys fees incurred by the Association.

(v) That any such fine imposed may be secured by filing a lien against the subject Owner and his lot, as prescribed by law and as allowed in the Declaration.

(b) The hearing shall be divided into two (2) sections:

(i) The hearing.

(ii) The determination and decision.

The Hearing Section shall be open to only the Committee, Board of Directors, the parties involved, their attorneys, witnesses, and any other member of the Association.

The Determination and Decision Section of the meeting, at the discretion of the Committee, may be open only to the Committee. The decision will be rendered in writing to concerned parties within five (5) business days of the hearing.

(c) If the complainant, or their representative, fails to appear at the hearing without a valid excuse acceptable by the Committee Chairperson, the grievance shall be dismissed without prejudice and reasonable and necessary costs incurred by the responding party assessed against the complaining party.

(d) If the alleged offender fails to appear, the complainant must prove his grievance and no presumption can be made against the alleged offender for non-appearance.

(e) The burden of proof shall be on the complainant to prove the grievance by a preponderance of the evidence.

6. The decision of the Grievance Committee is final.

F. PENALTIES Each violation of the Rules and Regulations, By-laws or the Declaration of Gazebo Hill Subdivision shall be punishable by all means set forth in the By-laws, Declaration or any law and/or by one or more of the following:

1. A fine in an amount not to exceed \$1,500, plus administrative costs of \$25, plus \$15 per day that the violative conduct persists plus 12% compound interest, plus reasonable attorney fees.

2. By the Association removing or correcting the violation, the cost of which, including reasonable attorneys fees, shall be born by the Owner.

In the event the fines and costs, or the costs incurred by removal or correction, shall not be paid within ninety (90) days, the payment may be secured by filing a lien against the offending Owner and his lot, as prescribed by law.

The provisions of these Rules and Regulations shall in no way limit or restrict any other remedies or rights as set forth in the Declaration or the laws of the State of Wisconsin and shall not be exclusive, but shall be in addition to all other remedies provided by the Declaration and the laws of the State of Wisconsin.