

**RULES OF
MILLER'S GATE
HOMEOWNERS ASSOCIATION (HOA), INC.**

The following Rules of the Association shall apply to all areas, additions and phases of the Miller's Gate Homeowner's Association (HOA), Inc. subdivision until such time as they are amended, modified, repealed or limited by the Board of Directors of the Miller's Gate HOA, an Oklahoma not-for-profit corporation as prescribed by the Declaration of Conditions, Covenants and Restrictions (CC&Rs) and Bylaws.

These Rules serve to clarify, update, define the previous directives of the Declaration of CC&Rs, amend the July 2008 First Amendment to the CC&Rs and establish new rules and procedures to better enable the Miller's Gate HOA Board (hereinafter referred to as 'Board') to fairly and more efficiently enforce the Miller's Gate HOA CC&Rs, Bylaws, Design Guidelines and these Rules.

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A. DOCUMENTS OF MILLER'S GATE HOMEOWNERS ASSOCIATION (HOA)

1. **Articles of Incorporation:** The Articles of Incorporation are filed with the Oklahoma Secretary of State and establish the Miller's Gate Homeowners Association, Inc. as a not-for-profit corporation. A copy of this document can be obtained by requesting it from the Miller's Gate HOA or the Office of the Secretary of State.
2. **Declaration of Covenants, Conditions and Restrictions (CC&Rs):** CC&Rs are rules that apply to a group of homes or lots in a specific development or subdivision; in this case the homes, lots and property of the Miller's Gate subdivision.
 - i. **Recording:** The Miller's Gate HOA Declaration of Covenants, Conditions and Restrictions (CC&Rs) are filed in book 2053 at page 715 of the county clerk's office of Canadian County, Oklahoma and define how property in the subdivision may and may not be used.
 - ii. **Purpose:** They prevent property owners from making changes to their individual properties that could result in an unattractive or inharmonious setting, which could adversely affect the value of other owners' property.
 - iii. **Multiple CC&Rs:** There is one CC&R document that includes Miller's Gate First Addition dated March 7, 1997 and adopts the Declarations to include Miller's Gate Second Addition on August 15th, 2000. The adoption of the Declarations specifically include and apply to membership in the Miller's Gate Homeowner's Association, Inc. and establishes the mandatory homeowners association created to govern the benefits and duties of the ownership of a Lot in (all of) the Miller's Gate Additions. This rules document hereby encompasses and governs all "additions" or "phases" of the Miller's Gate subdivision.
 - iv. **Obligation to Obey-Mandatory Membership:** All homeowners have committed to follow the CC&R's, bylaws, architectural guidelines and this rules document by the purchase of their home.
 - v. **Enforcement:** The Board of Directors are required to enforce the CC&Rs, bylaws, architectural guidelines and rules for all areas of Miller's Gate subdivision.
3. **Bylaws:** The Bylaws outline the structure of the Miller's Gate HOA and the specific rules pertaining to the organization and operation of the Board of Directors. There is one set of Bylaws for all additions of Miller's Gate subdivision.
4. **Rules:** This 'Miller's Gate HOA Rules Document' establishes rules, policies and procedures to govern the interpretation, application and enforcement of the Miller's Gate CC&Rs, Bylaws, Architectural Guidelines and these Rules.

B. HOMEOWNERS (HOA) ASSOCIATION MEMBERSHIP

1. **Scope of the HOA and Membership:** The Miller's Gate CC&Rs establish rules for the membership in the Homeowners Association. The Bylaws establishes the Association responsibilities through a Board of Directors.
2. **Membership Mandatory:** All homeowners, no matter what phase or 'addition' of the Miller's Gate neighborhood in which they live, are members of and pay dues to, the Miller's Gate Homeowners Association (Miller's Gate HOA).
3. **Miller's Gate HOA Responsibility and Board Authority:** The Miller's Gate HOA has the responsibility to protect, maintain and defend all common areas including the park, playground equipment, private streets and gates and control access to the area. The Association is responsible through a Board of Directors who has the authority to create, clarify, amend and enforce the use restrictions, rules, violations, dues assessments, collections, committees and the design guidelines in the Miller's Gate Rules, below, for all of the Miller's Gate subdivision.
4. **Responsibility for sidewalks and curbs:** In addition to maintaining and repairing the private streets, the Association shall also be responsible for repairing and replacing curbs and curb aprons adjacent to the streets. All Lots shall have a four foot concrete sidewalk across the front of the Lot (and the side of the Lot on any corner Lot) of which the sidewalk shall lie within six feet of the curb and adjoin to any existing sidewalk on adjacent Lots. All sidewalks adjacent to each Lot (across the front, sides and back of the Lot as appropriate) and all driveways on each Lot shall be installed (if not currently existing) and maintained in good condition by the homeowner.
5. **Lot Owners' Requirement to Register Mailing Address; Association Address:** Each owner shall register his/her mailing address with the Association. Notices and demands intended to be served upon an Owner shall be sent by mail in the name of the owner at such registered mailing address. All notices, demands or other notices intended to be served upon the Secretary of the Board of Directors of the Association shall be served upon the service agent of the Association as registered with the Oklahoma Secretary of State. Notices and letters that don't require service may be mailed directly to the Association as: Miller's Gate HOA, PO Box 8411, Edmond OK 73083-8411.

C. BOARD OF DIRECTORS

1. **Meetings and Records:** The Board of Directors shall meet at such place and time convenient to the owners, as the Board of Directors may determine to carry out its duties and responsibilities. All residents are encouraged to attend the open meetings (contact a Board member to ascertain when and where the next Board meeting is scheduled). The Board may exclude residents when it meets in

executive session. Annual meetings are held around the same time annually, typically in November of each year. Minutes of all Board meetings, including the annual meeting are created and maintained by the Board. The Board will provide to homeowners any association information required by law and by these governing documents to be disclosed upon request.

2. **Board Member Duties and Responsibilities:** In an effort to foster a vibrant, responsive and competent homeowners association that will provide a sense of community and responsible leadership, the officers of the Board have specific roles and responsibilities outlined in the Bylaws. Each of the officer roles and duties of the other members of the Board shall be assigned and determined by a majority vote of the Board at the first Board of Directors Meeting following the annual meeting. These responsibilities are flexible and may be changed as the Board determines necessary.
3. **Enforcement of Governing Documents:** It is the duty and requirement of the Board to enforce all of the HOA documents in accordance with the guidelines provided in each.

D. COMMITTEES

1. **Creation:** The Board may from time to time create offices and committees and appoint by majority vote individual volunteers to fill them. If Board appointed and empowered, all decisions and recommendations made by a committee shall be done by majority vote. In creating committees, it is the intent of the Board to encourage the involvement of non-Board members and to allow them to contribute to the neighborhood and to involve them in the decision-making process.
2. **Written Records:** All meetings of committees shall be recorded and the minutes shall be maintained. The minutes shall include the members in attendance and all recommendations and decisions made. A report of the committee meeting shall be made at the following meeting of the Board. The committee's minutes shall be adopted by the committee at its next meeting and submitted to the Miller Gate HOA Board, which shall retain them with the other official records of the Miller's Gate HOA.
3. **Committee Quorums:** A quorum at a committee meeting shall be those members present at a duly called meeting of the committee for which there was adequate, timely notice to all its members.
4. **Budgeted Expenditures Under \$1,000.00:** Funds in the Miller's Gate HOA budget approved at the annual Miller's Gate HOA homeowners meeting may be used by a committee at its discretion (if Board directed and empowered) for items falling within the general purpose for which the money was budgeted, if the amount is under \$1,000.

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5. **Budgeted Expenditures Over \$1,000.00:** Expenditures of over \$1000 must be approved by the Board prior to any commitment to the expense.
6. **Unbudgeted Expenditures:** Projects and expenses of more than \$100 not in the adopted Miller's Gate HOA budget must be pre-approved by the Board.
7. **Emergencies:** All emergency repairs will be dealt with by the Board on a case-by-case basis.
8. **Reimbursements:** No officer or other individual who has authority to write checks on any of the committee bank accounts may write a check reimbursing himself or herself. All expenditures must be accompanied by receipts and submitted to the Treasurer or Management Company no later than end of every month. Violation of this provision shall result in the automatic removal of all check-writing privileges and loss of office.
9. **Confirmation:** All invoices received by Miller's Gate HOA from a vendor who was engaged by the Miller's Gate Maintenance Committee to provide goods or services must be approved by a member of the Miller's Gate Maintenance Committee with knowledge of appropriate completion of the project before it may be paid.

E. HOA DUES

1. **Annual Assessment Process:** Notice of normal annual dues assessment amounts shall be mailed to every homeowner at least 30 days prior to the beginning of the assessment period and shall be accompanied by a copy of the detailed annual budget (e.g., notification of annual assessments for January through December 2016 shall be sent by or before December 1st, 2015). In an attempt to save cost of printing and postage, the notice of annual dues assessments may be included in the invitation to the annual meeting held typically in November every year.
2. **Invoicing:** Except for those homeowners who buy a house in Miller's Gate after the annual invoicing period begins in January, all homeowners shall be invoiced for the amount of normal annual dues every January and all shall receive a statement at least 30 days prior to the due date.
3. **Due Date:** Annual dues must be paid by or before March 1st of every year.
4. **Late Fee:** Dues are delinquent if not paid at least 15 days after the due date. A late fee of \$50 shall be charged if dues are paid later than March 15th. All dues paid after March 15th MUST include the late fee before it is considered paid.
5. **Past Due Notice:** If the dues are not paid by or before March 15th a statement shall be sent informing the homeowner they have until March 31st until the debt is sent to collections.

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6. **Proof of Payment:** It is the responsibility of every homeowner to produce evidence to prove that dues were paid. If the error is on the Association's part, the HOA will pay any fees in obtaining this proof from your bank. A returned check fee may be assessed in the amount of \$25.00 if a check is not honored.
7. **Collections:** Homeowners are obligated and responsible for paying lien filing and release fees and any and all attorney fees, court costs and expenses associated with the collection process for the collection of dues or fines.
8. **Special Assessments:** on those occasions where the budget is not adequate to support expenses either due to oversight or unexpected expenses, a special assessment may be taken. Homeowners shall be given at least 30 days' notice of any special assessment due date. This notice can be in the form of a letter or statement and shall clearly explain the expense and intent of the special assessment. Notifications of this type may be delivered or mailed.

F. USE RESTRICTIONS AND PROPERTY OWNER RIGHTS

1. **General Use:** Every homeowner and their immediate families' have the nonexclusive right to enjoy the Common Areas subject to the rights of the Association.
2. **Maintenance of Property:** Homeowners are responsible for the maintenance and upkeep of their property. Structures, equipment and other items on the externally visible portions of any lot that become rusty, dilapidated, in need of painting or otherwise in disrepair must be brought to acceptable condition and maintained.
3. **Leasing your Property:** Homeowners have the right to lease their house for a period of not less than one year and are required to provide leasing information (dates of the lease) as well as register the tenants' names and contact information with the Association within 30 days of leasing their house.
4. **Use Restriction of Common Areas:** The Miller's Gate neighborhood common areas owned by the Miller's Gate HOA such as the park, any trails, and all common areas shall be used only for residential, recreational and personal related purposes for the use and enjoyment of all Miller's Gate residents and their guests. Commercial use of common areas is prohibited.
5. **Use of Property for Business:** Home based businesses are permitted as long as the business activity is not apparent by sight, smell or sound; conforms to all zoning requirements, and does not require visitation to the property by customers, suppliers, other business invitees, or door to door solicitation of residents. The business activity must be consistent with the residential character of the property and the business must not constitute a nuisance or hazard; be offensive or threaten the security or safety of other residents. A determination of such condition may be made by the Board in its sole discretion.

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6. **Homeowner Responsible:** Homeowners shall be held responsible for payment of dues and fines assessed as a result of their or any of their tenants' non-compliance with any rule. Homeowners shall be responsible for the conduct of their Tenant(s) and for insuring tenants follow the rules, use restrictions, design guidelines and all other covenants and restrictions of the Association. Both the homeowner(s) and tenant(s) shall be notified of violations. Both the homeowner and tenant shall be fined if compliance is not met.
7. **Dumping:** Dumping of garbage, trash, ashes, grass clippings, leaves or other debris; petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond or lake, or within a resident's property or any park or common area is prohibited.
8. **Swimming pool draining:** It is a violation of City and Storm Water Quality ordinances to drain any chemical including chemically treated swimming pool water. Miller's Gate HOA also prohibits draining of any chemical into storm drain or onto private street surfaces. Proper drainage restrictions as required by the City and Government entities and all applicable laws pertaining to dumping swimming pool water shall be followed and enforced.
9. **Impairment of Drainage:** There shall be no obstruction or rechanneling of drainage flows including changes to drainage swales, storm sewers, or storm drains.
10. **Wildlife:** No capturing or trapping of wildlife is permitted except in circumstances where the animal poses an imminent threat to persons or a serious threat to property.
11. **Damage to Environment:** No activity which materially disturbs or destroys vegetation, wildlife, wetlands, or air quality, or which uses excessive amounts of water or which result in unreasonable levels of sound or light pollution shall be permitted.
12. **Unauthorized Motorized Vehicles:** Motorized vehicles that are not street legal are prohibited in the Miller's Gate neighborhood; not on the pathways, trails, creeks or park areas. This prohibits the use of golf carts, four/three-wheelers, go-carts, non-street legal motorcycles of any kind and motorized skate boards and scooters. The Miller's Gate HOA Board or it's designated Committee(s) may from time to time use various motorized vehicles for the maintenance of the common areas and other such purposes. Small children's toy cars are excluded from this rule if adult supervision is provided.
13. **Cutting Down Trees:** No tree or shrub on any common area, the trunk of which exceeds 2 inches in diameter, shall be cut down or otherwise destroyed without the prior expressed written consent of the Board.

14. **Construction in Common Area:** No construction, erection, or placement of anything, permanent or temporary is permitted on any of the common area. This includes gardens, signs, play equipment, clothes lines, garbage cans, woodpiles, above ground pools, docks, piers, antennas, satellite dishes, hedges, walls, fences of any kind, dog runs or animal pens without the prior expressed written consent of the Board.
15. **Landscaping in Common Area:** No landscaping, gardening, creation of flowerbeds or erection of any item is to be done on the common areas without prior written permission from the Board. Any person proceeding without permission may be asked to restore the common area to its original condition and failing to do so; the Board may restore the common area and charge the expense to the homeowner.

G. DESIGN GUIDELINES

1. **Establishment:** Pursuant to the Miller's Gate CC&Rs the standards and specifications stated below shall constitute the Design Guidelines for the Miller's Gate Homeowners Association. The methods of enforcement of the provisions of the Design Guidelines in this document are outlined in the last section of this document.
2. **Application:** These guidelines apply to all 'additions' and phases of Miller's Gate subdivision.
3. **Homeowners' Projects:** All residents need to review these Design Guidelines BEFORE submitting an application for approval to begin any landscape or architectural projects, including additions, or changes to any part of their lot. Any/all costs incurred by removing/redone a project that has not been or is not approved by the Architectural Committee shall be the responsibility of the homeowner in addition to fines for leaving a project uncorrected.
4. **Procedures for Architectural Requests:**
 - i. **Application:** An application form must be completed and presented to the Board or designated Architectural Committee before work is started on any project. The application shall be evaluated to determine the appropriateness for all changes to type or color of structures. The application/approval process shall determine if the change is appropriate for the neighborhood. Applications shall include drawings and descriptions.
 - ii. **Fine if Work Started w/o Applying:** Starting work before written approval is received will result in an automatic \$1,000 fine. All work must stop immediately and not resume until an application is approved and a letter is received to approve the project.

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5. **Application Review Time Limit:** The Board or designated Architectural Committee will approve or deny requests within 30 days of receipt or sooner and a notice of approval will be sent (e-mail is an acceptable form of notice). Approval is not complete until the letter is received. If approval is NOT granted, all necessary changes must be made to the project to bring it to compliance within 30 days.
6. **Project Completion Time Limit:** Approved projects must be completed within 120 days from the date of Architectural Committee's letter of approval.
7. **Inspection:** After the 120 days have passed the Architectural Committee will inspect the project. If the project has been completed and is approved by the Committee or Board a final approval letter will be sent.
8. **Incomplete Project:** If the project is not completed within this time the approval will become void and a new written approval or extension must be requested. It may be considered a violation if this guideline is not met. Once a project is completed it is the responsibility of the owner to keep everything in good repair. Allowing any part of the property or buildings to become in a state of disrepair or unkempt may be a violation of these guidelines and subject to enforcements.
9. **No outward change in appearance:** Replacement of existing structures or any part of the property does not require an application if replacement is exactly the same as the original in appearance; otherwise approval of changes are necessary.
10. **Retention of Letter:** It is the owner's responsibility to keep a copy of the approval for future reference.
11. **No Waiver of Future Approvals:** Approval of any/all projects does not inherently imply approval to subsequent projects.
12. **Variances:** If non-conforming improvements are made and approved by the Board or Architectural Committee (e.g., through error or hardship, etc.) it is not to be construed as permission for future non-compliance or waiver of future enforcement rights. Under certain circumstances, the Board may authorize variances at times.
13. **Hardship.** Inability to obtain permits or other government approval or financing shall not be considered a hardship warranting a variance.
14. **Specific Guidelines:** The following specific guidelines shall control any further development or changes to any and all existing properties:
 - i. **Roof Specifications:** When replacing or repairing roofs, all residences shall incorporate or maintain 9/12 minimum roof pitch for front view and use, and as a minimum, 30 year composition shingles. This shingle

requirement includes any room additions. Due to numerous variations in shingles and manufacturing styles and types, any change in style or color from the original shingles requires pre-approval from the Board or Architectural Committee before any construction can begin. Shakes, clay, or tile roofing must be pre-approved by the Board or Architectural Committee prior to installation.

- ii. **Architectural Details:** Construction finishes to the residence shall be at least 50% brick, stone or stucco. Other materials must be pre-approved and may include cast stone, rock accents, shutters, copper, and other materials that are complimentary to existing structures in the neighborhood.
- iii. **Room Add-Ons:** Any additions to the structure after it was originally approved should conform to the construction finishes for the residence and must be pre-approved by the Board or Architectural Committee prior to beginning the project.
- iv. **Chimneys:** Fireplace chimneys on the structure of the residence must be brick, stone or stucco on the top of the first floor plate except where the chimney is on the interior or direct vent chimney is installed.
- v. **Mailboxes:** All mailboxes must be enclosed in brick complimentary to existing installations in the rest of the neighborhood and shall comply with USPS requirements for installation, placement, door slots and maintenance for residential mailbox standards which can be found at <https://www.usps.com/manage/mailboxes>.
- vi. **Fencing:** Fencing must be wood, brick, rock or wrought iron and may not exceed 72" (6 ft) in height unless pre-approved. All fences shall be maintained and kept in good condition, complete as designed and functional (no warping, loose, or missing boards; must be kept stained or painted if fading, etc.). Fences may NOT be closer to the street than the front building line of the house. Prior to installation, an owner or builder must submit specifications for any proposed change in fencing to the Board or designated Architectural Committee for pre-approval. A survey of the property should be made to determine the location of any fence to avoid possible infringement on neighbors or Miller's Gate HOA property. The Association does not fund property surveys between private Lots and are not required to participate in any property line dispute. All fences surrounding private Lots are the responsibility of each Lot owner.
- vii. **Painting:** Finishes applied as part of any maintenance or refurbishing process must be done with materials and colors that are complimentary to and consistent with other residences in the neighborhood. The homeowner must get pre-approval from the Board or Architectural

Committee prior to commencement of any such project that changes the color of the property.

- viii. **Detached Structures:** Detached structures intended for storage may be permitted subject to the approval of the Board or Architectural Committee (if required, City permits must also be obtained). Plastic, wood, metal, masonry, and siding may be acceptable depending on placement and size of the structure. Position/placement of the structure will be part of the approval considerations. These guidelines apply to ALL outbuildings, whether they are visible from outside the homeowner's property or not.
 - 1. **Height:** Although the height of detached buildings is not specific, considerations will be given based on the amount of actual visibility of the detached structure from the street as well as the neighboring lots. There are no pitch requirements for outbuildings and the requirements for an attached structure do not apply to detached outbuildings. Approval of height will be made from the application information on a case to case basis.
 - 2. **Size:** Approval of size of all detached structures shall be made from the application information on a case to case basis.
 - 3. **Placement:** The placement of the structure shall be approved based on the visibility of the structure from the street as well as neighboring lots. It must not interfere or block the natural straight line visibility from a neighboring lot. The approval of the placement of the structure shall be made based information on the application on a case by case basis.
 - 4. **Grandfather Provision:** Current existing out buildings that were constructed and in place on the Lot prior to the initiation of this rules document (prior to February 9th, 2015) are exempt from the pre-approval architectural application process.
- 15. **View from Street or Lot:** All clotheslines, garbage cans, equipment, coolers and storage piles shall be located so as not to be visible from any other Lot within the neighborhood.
- 16. **Play Equipment:** With the exception of small equipment such as "Little Tykes", all play sets, swings and other play and recreational equipment to be installed on any lot must also be pre-approved prior to installation. All play equipment must be kept in an orderly manner if it or any part of it can be seen from anywhere outside the homeowner's property.

17. **General Appearance of Structures:** The property owner is responsible for maintenance of structures, landscaping, and general appearance to meet the neighborhood standards stated in the Miller's Gate CC&Rs.
18. **List Not Exclusive:** This list is not exclusive and may include such other guidelines or limitations as the Miller's Gate Homeowners Association Board of Directors may add as well as such others as may be determined by the Architectural Committee on a case-by-case basis.

H. HOMEOWNER OBLIGATION TO OBEY; BOARD REQUIRED TO ADMINISTER

1. **Obligation to Obey:** As stated in the CC&Rs, each owner shall comply strictly with the provisions of the Declaration, Certificate of Incorporation, Bylaws, rules, regulations, decisions and resolutions of the Association adopted pursuant thereto.
2. **Board Required to Administer and Enforce:** The Miller's Gate HOA Bylaws, Article IV para 3 (a) requires the Board of Directors to administer and enforce the covenants, conditions, restrictions, easements, uses, limitations, obligations and all other provisions set forth in the governing documents to enhance the enjoyment of the residents who live there and for the expressed purpose of maintaining property values for all members.
3. **Authority to Amend and Establish New Rules:** The same may be amended from time to time. Bylaws, Article IV, para 3 (b) empowers the Board to "establish, make and enforce compliance with such reasonable rules as may be necessary for the operation, use and occupancy of the project with the right to amend same from time to time". A copy shall be delivered or mailed to each homeowner within five (5) days following the adoption thereof.
4. **Failure and refusal to comply** with all such aforementioned restrictions after written notice is received and fair and consistent due process is applied shall be grounds to recover sums due for fines, damages and injunctive relief as applicable. Reimbursement of all attorneys' fees, fines, court costs and interest on all such amounts at the highest lawful rate, etc. incurred in connection therewith shall be maintainable by the Managing Agent, Attorney or Board of Directors in the name of the Association on behalf of the owners or in a proper case, as an aggrieved Owner.

- I. **PROHIBITED ACTIVITIES** listed below are prohibited anywhere within the Miller's Gate Neighborhood. The list is not exclusive. Any activity that can cause harm or damage to any of the natural surroundings, regardless of whether specifically stated is prohibited. These restrictions, if violated, may result in a fine being imposed. Repeated violations of these rules may result in fines being increased with each offense.

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1. **Offensive or Noxious Use; Nuisance Activity.** The Owner of any Lot shall not use or allow the use of such Lot for any purpose which will be noxious, offensive or detrimental to the use of the other Lots or which will create or emit any objectionable, offensive or noxious odors, dust, gases, fumes or other such material or which will in any manner violate any applicable zoning ordinance or other regulations enacted by any duly constituted governmental authority. No noxious or offensive activity shall be carried on, nor shall anything be done therein which may be or may become an annoyance or nuisance causing discomfort or embarrassment to any of the residents of Miller's Gate neighborhood.
2. **Activities in Violation of Law:** Any activity that violates local, state, and federal laws or regulations is prohibited. However, the Board has no authority or obligation to take any enforcement action in the event of an unlawful or criminal violation.
3. **Unsuitable Hobbies:** Pursuit of hobbies or other activities which tend to cause an unclean, unhealthy, offensive or untidy condition to the outside of any structure on a homeowner's property is prohibited.
4. **Trash Containers:** The appearance of rubbish/trash containers, the accumulation of rubbish, trash, or garbage is prohibited and trash containers must be placed in an area out of sight for storage either in the garage, behind a gate, fence, or pre-approved trash corrals. If a lot has no fence or gate, trash containers must be placed at least 3 feet behind the front face of the building line that is farthest away from the street. However, trash and trash bins may be set at the curb at regular trash pickup times in approved containers. Trash and trash bins may not be put out for pick up before 7:00 pm the evening before pick up and must be returned to their storage location by 8:00 pm the evening of pick up. Placing trash out for pick up for a longer period of time is subject to a fine by the City of Oklahoma City and the Miller's Gate Homeowners Association.
5. **Storage of Gasoline:** On site storage of gasoline, heating or other fuels is strictly prohibited, except for a reasonable amount to be used for emergency purposes and operation of lawn mowers and similar tools or equipment. The Miller's Gate HOA may store fuel for the operation of maintenance vehicles, generators, and equipment.
6. **Garage Sales:** Garage sales are generally prohibited in the Miller's Gate neighborhood. However, the Board designates two weekends a year, typically one in the spring and one in the fall, for residents to hold community garage sales. Each resident who wants to hold a garage sale must first get their own individual City permit to display in a visible location to any inspector from the City (<http://okc.gov>).

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7. **Conversion of Garages:** Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area requires pre-approval by submitting an application with the Board or Architectural Committee before beginning any work.
8. **Advertising:** No sign of any kind advertising the sale of any goods or service(s) shall be displayed anywhere on any lot. Real estate signs advertising the sale of a home and signs stating that a home is for lease that are no larger than 18 inches by 24 inches are permitted during the sales period or until the home is leased, respectively. Construction or maintenance of any billboard or structure is prohibited.
9. **Artificial Vegetation:** No artificial grass, trees or plants shall be placed or maintained in such a manner that it may be seen from outside the lot, unless approved by the Architectural Committee.
10. **Sprinkler Systems:** Sprinkler and irrigation systems or wells of any type may not draw water from creeks, lakes, streams, rivers, ponds, wetlands, canals, or other ground or surface waters. The Miller's Gate HOA has the right to draw water from these sources.
11. **Front Lawn Clutter:** The front lawns of homeowners' property including the driveway as well as all easements, streets, and common property shall be free of all toys and tools, including, but not limited to bikes, balls, scooters, and power tools overnight on a regular basis.
12. **Mineral Drilling.** No drilling or puncturing of the surface for oil, gas or other minerals or hydrocarbons within the subject lands shall be permitted.
13. **Livestock.** The keeping of any poultry, cattle, horses or other livestock of any kind or characteristic is prohibited within the Miller's Gate neighborhood.
14. **Refuse Storage; Growth; Lawns, Landscaping, Flowerbeds.** The storage of trash, ashes, or other refuse, except in normal receptacles, is prohibited. The outside burning of trash is prohibited. Weeds, underbrush or other unsightly growths shall not be permitted to grow or remain in the Project. No trash, ashes or other refuse may be thrown in any other Owner's Lot. Lawns and shrubbery shall be kept mowed and trimmed.
 - i. **Landscaping Overall:** To further clarify, as a visual rule of thumb, homeowners' yards and flowerbeds shall be compared to the Miller's Gate HOA common areas in and around the park and entrances under normal situations.
 - ii. **Lawns, Shrubs, Trees and Flowerbeds Specifically:** Every Miller's Gate homeowner and/or tenant shall keep their flower beds free of weeds and grass year round; lawns mowed, weed-free (including but not limited to dallisgrass, crabgrass, and other 'grasses' that are considered weeds by

definition) and edged consistently during the mowing season. Lawns shall be kept green during the spring & summer seasons. Bushes shall be live, trimmed and shaped. Trees shall be live, trimmed and cut back to enhance the property. Over grown shrubs and trees that cover over the front of houses or that extend outside of their intended area(s) shall not be tolerated.

15. **In the case of lots with new construction**, the builder is responsible to meet all neighborhood standards stated in the Miller's Gate CC&Rs once the structure is completed or within 18 months from the construction start date, whichever comes first.

16. **Restricted Vehicle Parking and Storage.**

- i. **Vehicle Storage:** No trucks larger than 1 ton, trailers, campers, recreational vehicles, motor homes or large commercial vehicles, nor any vehicle in the process of being repaired or otherwise presently inoperable, shall be stored or parked within the subject lands. The parking of any vehicle on any of the private streets and thoroughfares of the Miller's Gate neighborhood overnight is prohibited.
- ii. **Parking in the Street (daytime or overnight):** Due to the private streets of Miller's Gate subdivision being of a restrictive size (narrow), all street parking is prohibited with the exception that on a limited basis, **up to but not exceeding 3 hours per day and only between the hours of 9:00 am and 9:00 pm**, residents may park in the street. Overnight parking between 9:00 pm and 9:00 am is strictly prohibited and shall be enforced. It has become a safety hazard whereby emergency vehicles (fire, ambulance, etc.) are unable to gain access to serve the community. School buses are also unable to navigate the streets due to the narrow width and vehicles parking on the streets. Henceforth, the parking of any vehicle on any street or Lot, other than a concrete driveway or inside a garage, is strictly prohibited except for those times when absolutely necessary and then no longer than 3 hours in any 24 hour period between 9:00 am and 9:00 pm. If unsafe conditions exist or in those cases where notices and fines are ignored, immediate action resulting in towing at the owners expense may be taken (see towing details in para viii below). Exceptions to this rule may be granted if requested in advance at the Board's discretion (e.g, temporary overnight guests, etc.).
- iii. **Commercial and Service Utility Vehicles:** Except where 'Grandfathered' in, no commercial or service utility vehicles may be parked on any of the private streets, anywhere on the Lot or in any driveway overnight and are limited to daytime hours only when engaged in any activity necessary for a short period of time as required in the furtherance of repairing, maintaining, or modifying during a home improvement project or repair (any modification to the outside of a house requires pre-approval from the Architectural Committee or HOA Board), or for the occasional emergency or public utility service vehicle(s) furnishing a service including phone and

cable television, etc. A utility service or commercial vehicle is any operating vehicle and any flatbed vehicle with non-standard attachments such as camper shells or parts such as exposed utility boxes, lifts, hoses, pulleys or cranes or baskets. This includes moving van type vehicles with large box storage, buses and towing vehicles. Miller's Gate is zoned for residential use only and the intent of this rule is to allow parking for personal passenger cars and trucks only. Any homeowner or current tenant who registers their commercial or service utility vehicle within 30 days of the effective date of this rule, **no later than May 1st, 2015**, if approved shall be excluded from this restriction until such time as they move away from the Miller's Gate subdivision. Contact ccmsok@gmail.com to register for this exception. Granting these exceptions in no way implies that new residents or future vehicles of current residents are automatically exempt.

- iv. **Delivery Vehicles:** Construction, service, and delivery vehicles shall be exempt from this provision during daylight hours for such a period of time as it is reasonably necessary to provide a specific limited service or to make a delivery to a specific house.
- v. **Recreational Vehicles:** Boats, sleeper campers, any/all recreational vehicles may be parked on a lot for short periods (2 days) for clean-up and prepping before and after a trip. These types of recreational vehicles may also be stored permanently on a lot only if they are parked behind the front building line, are behind a solid fence, and are stored on a concrete pad. They may be limited to a maximum of 8' in height, hidden behind an 8' fence (if pre-approved) or they may be visible up to 2' above a 6' fence from ground level (if pre-approved). In all cases, these types of vehicles shall not be visible in any other way (i.e., through the slats of stockade fences, through ornamental fencing, or from the greenbelt common areas, etc.). All newly constructed fences require pre-approval from the Miller's Gate Board or Architectural Committee.
- vi. **Driveway Parking:** The number of vehicles parked in driveways shall be limited to as many vehicles as the concrete driveway on each lot will allow by pulling directly into said driveway without any part of the vehicle(s) extending into the street.
- vii. **Towing:** If the aforementioned parking rules are violated continuously after being afforded due process and notification (or immediately if a safety concern is present or the owner cannot be located), the Association shall, at the owner's expense, tow and impound any vehicle, boat, trailer, motor home, camper or storage unit necessary to rectify the situation. The Association shall not be responsible for any damage to the vehicle, boat, trailer, motor home, camper, storage unit or contents therein as a result of being impounded.

17. **Tanks.** No elevated tanks of any kind shall be erected, placed or permitted on any Lot.
18. **Radio or Television Device.** No radio or television transmitting or receiving device shall be allowed on any Lot or structure with an exposed antenna that exceeds five (5) feet in height and/or 24 inches in diameter.
19. **Wind Powered Generators.** No wind powered generators shall be allowed on the subject lands.
20. **Temporary Structure.** No trailer, tent or shack shall be erected, placed or permitted, nor shall any structure of a temporary character be used at any time as a residence without the prior written consent of the Board.
21. **Household Pets; Care and Restraint; Limit on Number.** No animal shall be kept except domesticated common household pets. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint so as not to be obnoxious or offensive on account of noise, odor or unsanitary conditions. No savage or dangerous animal shall be kept. No more than four household pets may be kept without written permission of the Association.
 - i. **Pets Restrained:** All pets (including but not limited to dogs and cats) shall be restrained either in a building, behind a fence, or on a leash at all times.
 - ii. **Pet Waste:** All residents are responsible for cleaning up the waste of their pets. Residents must pick up their pet's waste from their yard, other residents' yards and all common areas. When walking pets, all owners are required to have a plastic bag in hand for this purpose.
 - iii. **Pet Purpose:** Dogs, cats and other household pets may be kept for enjoyment only and shall not be kept, bred or maintained for any commercial purpose.
 - iv. **Pet Quantity per Lot:** The number of pets is limited in accordance with current Oklahoma City ordinances (currently at this writing is not more than 4 dogs and 4 cats on any one Lot.)
 - v. **Immunizations:** All dogs and cats must have their annual required immunizations. A record of those immunizations should be on their tags which should be worn at all times. Residents should report all violation of the rules regarding pets to the Oklahoma City Action Center at 405 297-2535 or by filing an online service request at: <http://okc.gov/>.

- vi. **Barking dogs:** Barking dogs may violate the loud noise provision if they unreasonably disturb the peace and quiet of the neighborhood (as in accordance with the Oklahoma City ordinance, barking continuously for over 3 minutes is prohibited).
- 22. **Basketball goals.** Basketball goals are permitted but may not be attached to any structure (e.g., attaching a backboard above a garage). All basketball goal posts must both be cemented and buried alongside the driveway or if free standing shall be on a structure designed for that purpose. Both types must be kept in good repair. Free standing goals shall always be stored in an upright position (not lying over on the side or in back of any house). Any goal that becomes damaged or unstable must be removed.
- 23. **Skateboard ramps:** No skateboard or bicycle ramps may be constructed/used in any yards or on any common area.
- 24. **Loud Noises:** The use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device that is of such a volume that it disturbs the peace of the Miller's Gate neighborhood is prohibited. However, alarms used exclusively for security purposes shall be permitted. Barking dogs may violate this provision if they unreasonably disturb the peace and quiet of the neighborhood (as in accordance with the Oklahoma City ordinance, barking continuously for over 3 minutes is prohibited).
- 25. **Fireworks:** Use and discharge of fireworks/firecrackers is strictly prohibited and is also a violation of Oklahoma City ordinances.
- 26. **Fire Arms:** Discharge of any fire arm, including air rifles and pistols such as pellet or BB guns, is strictly prohibited and is a violation of City ordinances. Violations should be reported to the Oklahoma City police. The Board of Directors is under no obligation to prevent or stop such activity.

J. THE RULES ENFORCEMENT PROCESS

1. General Violations:

- i. **Purpose:** As members of the Miller's Gate Community, we all want to see that the neighborhood is kept in an attractive and well maintained condition. This is why there are CC&Rs, Bylaws and Rules for our area that we have all agreed to by making our home here. The purpose of these rules is to enhance the enjoyment of the residents who live here and to maximize our property values.
- ii. **Board Duty:** To ensure that these are followed the Board of Directors has been given the responsibility to enforce them. It may levy fines, make special assessments and take other actions against violations of these rules.

- iii. **Procedures:** Enforcement procedures include giving notice to a resident of a violation. The first notice will be in the form of a letter. If the violation continues for the same offense a second notice is sent citing the actual rule or covenant and warning of any impending fine. If a third notice is required it shall be sent certified mail and shall include a fine against either or both the homeowner and/or the tenant or notification of other action taken by the Miller's Gate Board. If required, all subsequent notices for the same offense within 12 months from the date of the most recent notification shall be sent by certified mail and shall include fines incrementally increased as outlined below.

2. Two Types of Violations:

- i. **Prohibited Activities:** A prohibited activity include those violations that require an activity to cease immediately such as excessive noise, riding go-carts in the neighborhood, properly storing trash cans and any other such prohibited activities involving action to cease. These violations are each treated separately and consequences occur for each time the violation is verified and cited. Notification of the violation will be repeated with each occurrence.
- ii. **Prohibited Conditions:** Violations regarding a prohibited condition include those violations that require the correction of a condition by the resident to come into compliance. These violations include, but are not limited to, violations of the Architectural Design Guidelines, unkempt landscaping or structures, debris and the prohibited parking of vehicles. These types of violations typically require more time to correct. As such, the homeowner shall be allowed to submit a plan of action within 7-10 days and shall be allowed the necessary time, at the Board's discretion, to come into compliance.

3. Violation Notification Process

- i. **First Notice:** When the Miller's Gate Board or its designated committee receives a report of or identifies a violation of the Miller's Gate CC&Rs, Bylaws or Rules, it will send a letter to the residents (owner and tenant if applicable) bringing the nature of the violation to their attention. The letter will respectfully ask that they cease any such activity and/or take action to come into compliance. It will not typically discuss fines, liens or other forms of enforcement.

- ii. **Second Notice:** If there is a second violation of the same type of activity or if a prohibited condition is not corrected the Board will send a letter to the owner and, if applicable, tenant, stating the nature of the violation, quoting the pertinent Covenant, Bylaw or Rule and notify them of the potential fine and methods of enforcement available to the Board. If the violation is for a prohibited condition the letter will also set a date by which time the condition must be remedied or a plan of action submitted.
 - iii. **Third Notice and Fines for Prohibited Activities:** Upon a third violation of a prohibited activity, the Board will assess a fine against the residents in the amount of \$100 for each violation and notify the homeowner (and any tenant) of the fine. Subsequent violations of the same Covenant, By-Law or rule may result in an increase in the amount of the fine by increments of \$100 up to a maximum of \$500 for each occurrence.
 - iv. **Third Notice and Fines for Prohibited Conditions:** If any prohibited condition is still not corrected, the Board may impose fines against the homeowner (and tenant) in the amount of \$100 for the first month, which may be increased in increments of \$100 per month, up to \$500.00 per month until the condition is corrected. In the alternative, the Board may take action to remedy the violation and bill the residents for the costs or seek injunctive or other legal relief.
- 4. **Time Period for Violations:** The violation process does not start over each time. Any violation of like-kind occurring within a 12-month period from the date of the last notice sent shall continue forward in the notification and fining process.
- 5. **Hearing:** All residents are encouraged to attend the meetings of the Board of Directors; however residents notified of any violation should request their agenda item be added at least 24 hours in advance of the Board meeting. The homeowner may address the Board and present their case regarding the violation at the first Board meeting following the receipt of the notice. If the residents choose to appear before the Board, the Board will hear them and any other concerned persons. Following the hearing, regardless if the residents choose to appear or not, the Board shall render a decision and such decision shall be final.
- 6. **Collection of Fines and Costs**
 - i. **Due Date for Fines:** All fines are due 30 days after being assessed. An invoice informing the homeowner (and tenant) of the fine and due date(s) shall accompany the written notice.
 - ii. **Certified Mail:** Third and any subsequent notices shall be sent both by regular and certified mail.

- iii. If the residents (homeowners or tenants) refuse to pay the fines or costs the Board may turn the debt over to a collection agency to recover the fines and costs and place a lien against the property. Collection may include but is not limited to wage garnishment and are subject to being reported to three largest credit bureaus in the U.S. Homeowners are responsible for all lien filing and release fees, legal fees and court costs and all other such fees as applicable to the collection process.
7. **Exceptions to the Standard Violation Process:** Certain violations may be so obvious and egregious as to requiring immediate attention or action. In those cases, the Board has the authority to forego the above stated procedures and take immediate action. Those violations are ones that place the health, safety or welfare of the Miller's Gate residents in danger.