

ABIQUA HEIGHTS HOMEOWNERS ASSOCIATION  
Resolution by the Board of Directors

**Rule 13-01**  
**Use of Streets and Construction Conduct**

**Whereas** AHHA CC&Rs Article V Section 22. Use of Streets states in part, “Streets are basically for motorized vehicles and bicycles. Other uses need to be limited.” and

**Whereas** AHHA CC&Rs Article V Section 23. Construction Conduct states in part, “Audio and visual disruption are of the essence: if neighboring properties submit reasonable complaints, the Board may assert limitations greater than contained in this section. Each site will have a large garbage container. No scattered food and paper debris will be acceptable.” and

**Whereas** AHHA CC&RS Article XII Section 1. Compliance With Declaration, Rules and Regulations states, “Each Owner and Occupant shall comply with the Declaration, and rules and regulations adopted pursuant thereto”, and

**Whereas** AHHA CC&Rs Article V Section 24. Additional Rules and Regulation states in part, “The Board from time to time may adopt, modify, or revoke rules and regulations governing the conduct of persons and the operation and use of the Property as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property”, and

**Therefore** Rule 13-01 “Clarification of Use of Streets and Construction Conduct for homeowners and contractors “ is passed this \_\_\_\_ day of \_\_\_\_\_ month \_\_\_\_\_, 2013. This resolution is effective as of \_\_\_\_2013\_\_\_\_\_ and sets forth the conditions for use of streets and construction conduct by homeowners and contractors as set forth by the Board of Directors. This resolution will be in effect until voted out by the Board of Directors or modified by the membership in accordance to CC&Rs Article V Section 24.

By \_\_\_/s/ Dave O. Paul\_\_\_\_  
Secretary

Board approved January 8, 2013

Attachment A – Rule 13-01 “Use of Streets and Construction Conduct”

## Attachment A

**Rule 13-01  
Use of Streets and Construction Conduct**

The Abiqua Heights Homeowners Association, through its Board of Directors, has the responsibility for approving any exterior construction based on two criteria: 1) assure a visual appearance reflecting harmony and compatibility with the neighborhood and 2) compliance with all relevant provisions of the AHHA CC&Rs and other municipal codes.

All homeowners and contractors should be respectful of the neighbors and avoid any conditions that result in creating a nuisance or not maintaining their living unit and lot in an attractive appearance. Many conditions may be a visual or auditory nuisance or present an unattractive appearance. Trash containers left at idle construction sites or not covered at night will be considered a nuisance. Residents should understand the need to have trash containers at active construction sites and homeowners/contractors should understand that leaving trash containers on an idle work site or uncovered at night is unacceptable.

Any homeowner or contractor, who intends on leaving construction material or equipment on the street in excess of 72 hours, must have a Right-of-Way Occupation Permit from the City of Silverton. Additionally:

- a. The homeowner is responsible to make sure the contractor complies with this rule and other provisions of the Construction Code of Conduct
- b. Any trash or garbage containers must be covered to prevent material being blown into the street or on neighboring property...every night.
- c. If any construction equipment, garbage containers, portable toilets or equipment are not going to be used for a period of one month or more it must be removed until work resumes
- d. A copy of the Right-of-Way Occupation Permit from the City of Silverton must be filed with the Board of Directors and the ARC before leaving the container at the job site
- e. A copy of the Right-of-Way Occupation Permit from the City of Silverton must be posted on the house with the building permits so that residents know the container is legally approved

While it is understood that it may be necessary to park trash containers or construction equipment in the street or on adjacent property, it must not create a nuisance or an unattractive condition. If they create a nuisance or unattractive condition, the homeowner or contractor will remove it within the time frame determined by the Board of Directors.

Any penalties assessed by the Board will be based on the schedule as a nuisance or Contractor/Builder Violation.