



## BROKEN TOP COMMUNITY ASSOCIATION

### Living with the Broken Top CC&R's

Broken Top was established as a Planned Community under the laws of the State of Oregon. As such, several documents govern key matters within the community:

- A set of guidelines, legally know as the **Conditions, Covenants, and Restrictions** (“**CC&Rs**”) set forth rules that all owners agree to abide by as a condition of purchase (See **CC&R Article XII Use Guidelines and Restrictions, 12.4 Owners’ Acknowledgement and Article XVI General Provisions, 16.6 Compliance**); and
- **Design Review Requirements and Guidelines (DRRG’s)** have been adopted that must be satisfied by anyone wishing to build on the property or modify any existing property. These guidelines may be found at the BTCA administrative office.
- In addition, the Board of Directors of the Homeowners Association has augmented these documents by adopting a number of **Policy, Rules and Resolutions** (including **Leasing Rules and Regulations**) to clarify and define several key articles.
- For a complete list of BTCA Governing Documents, please refer to our website at: [www.brokentop.org](http://www.brokentop.org).

What follows is an effort by the Broken Top Community Association (“**BTCA**”) to provide, in an abbreviated form, explanations on the more relevant portions of the governing documents that frame the Broken Top Community. We hope you will take a few minutes to read this material. Should you have any questions, feel free to call us at (541) 318-3430 or visit the BTCA office, located at 855 SW Yates Dr., Suite 102, Bend, Oregon 97702.

#### **Document Outline**

- **Document Approach** - This document is intended to complement the CC&Rs, Architectural Standards, Design Review Requirements and Guidelines and Board actions which complement or clarify specific CC&Rs Articles. This is **not** intended to replace the CC&Rs, but rather to serve as an overview of major provisions that residents of Broken Top are most likely to encounter.
- Individual CC&Rs topics are covered in the material that follows. The initial list presents matters that are most relevant to living in Broken Top:

## Living with the Broken Top CC&R's - Key Provisions

### Traffic

Broken Top follows the City of Bend ordinances with respect to motor vehicle operation. Most importantly, that means only licensed drivers are permitted to operate motorized vehicles on our roads and paths. Please observe the 25 mph speed limit on all roads (except Fall Creek where speed limits are 19 mph), and please obey all STOP signs. Be considerate to other drivers, especially at our Simpson gate, where entry & exit should only include one car at a time.

**Reference: Rules & Regulation Resolutions Section 4.1 Speed Limits & Posted Traffic Signs & 7.2 Violation and Fine Amounts (See Fine Schedule Attached and included herein.)**

### Recreational Vehicles

Special Rules have been developed and approved by the Board of Directors that apply to RVs on premises (**up to 36 hour window for owners**), including one overnight, to load or unload their RV; (**ONE hour for guests**). **All RVs (including homeowner's) must enter, and register their RVs, via the Main Gate. The Gatehouse phone number is 541-383-7673.**

Trailers and/or Recreational Vehicles (with the above exception) are not permitted to park or be stored overnight (**after 9:00 pm**) on the premises. If you do use a trailer to bring snowmobiles, boats, or off-road vehicles to Bend, we expect you to either park the trailer/recreational vehicles inside your garage or make arrangements to park them outside the gates.

**Reference: CC&R Article 12.6(b)(2) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 2.0 Parking Rules**

### Parking

#### **Parking Violations and Enforcement**

On-street parking is a very important issue in Broken Top and is discouraged because of the narrow roadways. In order to maintain and enhance the livability of Broken Top, the Board of Directors has adopted the following parking rules for all homeowners, their guests or others visiting Broken Top.

#### **General Parking**

Any vehicle parked in a way that interferes with any entrance or exit from Broken Top, blocks the approach/driveway of any home or fire hydrant, or is parked in a manner that impedes the normal flow of traffic is subject to towing and/or fines at the owner's expense. The fine schedule shall be the same as for CC&R violations. A reasonable effort will be made by the gatehouse staff to find the vehicle owner or responsible party.

### **Violations for Towing with Notice**

- Parking on the street between 2:00 AM and 5:00 AM without a permit.  
*Note: Permits for temporary on street parking can only be issued by the General Manager or the Owner Services Manager. No permit will be granted for a period exceeding 72 hrs. Unless a lots driveway is being installed/repared with the approval of the Design and Review Committee. The criteria for issuing a permit will be the sole discretion of the General Manager.*
- Inoperable or abandoned vehicle.
- Violation of temporary parking rules (RV's, Boats etc.).
- Vehicle is parked on the wrong side of street.

### **Violations for Towing without Notice**

- Vehicle has been previously cited for the same offense.
- Vehicle is blocking an entrance or exit to Broken Top.
- Vehicle is blocking free access to any Broken Top homes, cart path, dumpster, walk or bikeway.
- Vehicle is impeding the free flow of traffic or would prevent an emergency vehicle from passing by.
- Vehicle is blocking free access to a fire hydrant.
- Vehicle is parked in a handicapped space without a handicap tag or license plate
- Vehicle is blocking mailboxes.

### **On Street Parking**

- Parking directly across the street from another vehicle is strongly discouraged at any time of the day or night. Emergency vehicles need free and unencumbered access to our roadways.
- Overnight parking on the roadways of Broken Top is prohibited between the hours of 2:00 AM and 5:00 AM unless authorized by a Broken Top issued parking pass.
- Vehicles parking on the street during permitted hours shall not park in a way that might damage Broken Top Community Association common property or homeowners' private property. Vehicles in Fall Creek should park with all four wheels on the blacktop.

**Reference: Rules & Regulation Resolutions Section 2.0 Parking Rules**

### **Address Markers**

The Owner is responsible for installing and maintaining the cosmetic appearance of the DRC approved lighted address sign and ensuring that it is fully illuminated during night time hours. Homeowner Service Packages are available for maintenance of the sign through the BTCA administration office. The design, specifications, source of and preferred location for the home address sign is available from the BTCA Design Review and Compliance Coordinator.

**Reference: DRRG's Section 2.07.7 House Identification Sign; Rules & Regulation Resolutions Section 3.3 Address Marker Maintenance**

## **Behavior**

Golden Rule: Every resident is expected to maintain their property in a manner consistent with the look of the overall community (community wide standards).

**Reference: CC&R Article 5.2 Owner's Responsibility; CC&R Article 12.6 Use Guidelines and Restrictions**

Fireworks are not permitted on private property within Broken Top at any time.

**Reference: CC&R Article 12.6(b)(10) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 4.2 Firearms and Fireworks**

Outside firepots, fireplaces or wood/charcoal burning heaters or barbecues are also prohibited because of the fire danger (Gas-fired grills are permitted).

**Reference: DRRG's Section 2.16 Outdoor Appliances and Heating**

Discharge of firearms is not permitted within Broken Top at any time. This includes pellet and BB guns.

**Reference: CC&R Article 12.6(b)(10) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 4.2 Firearms & Fireworks; DRRG's 4.11 Firearms & Weapons**

Garage doors should be kept completely closed. They are not to be used as pet doors. Gatehouse staff will notify homeowners to close doors that are left open for extended periods or are open at unusual hours.

**Reference: Rules & Regulation Resolutions Section 3.1 Garage Doors to be Closed**

Water features, both those owned by the Community Association (Painted Ridge, Fall Creek) and the ponds on the Golf Course **are not to be used by man or animals.** Fishing is allowed only at the lake in front of the Golf Clubhouse on a catch-and-release basis.

**Reference: CC&R Article 12.6(b)(4) Use Guidelines and Restrictions.**

## **Excessive Noise**

We expect all residents to respect their neighbor's privacy. Loud, late parties are not in keeping with your neighbors' expectations. Contact Bend City Police for ordinance violation at (541) 693-6911.

**Reference: CC&Rs Article 12.5(c) Rights of Owners**

## **Pets**

Family pets are welcome in Broken Top. **Pets are not free to roam the property unattended.** Not only is it unsafe for your pet to be outside all of the time, it can be inconsiderate to others. After careful review, the Board agreed to allow Homeowners to walk their dogs without requiring leashes. We encourage all dog owners to carry a leash at all times. Invisible fences are the only permitted mechanism for allowing dogs to be outside when unattended. Dog owners must collect and dispose of dog waste and are required to carry a bag or retrieve one from one of our dog bag dispensers located throughout the community.

**Reference: Rules & Regulation Resolutions Section 5.1 Animal Control; DRRG's Section 2.20 Pet Enclosures**

## **Recycle Bins/Garbage and Debris**

Owners and contractors shall clean up all trash and debris at the end of each day. An approved trash receptacle shall remain onsite during construction at all times, located near the street and outside of the setbacks. Dumping, burying, or burning trash anywhere on the site or elsewhere in Broken Top is strictly prohibited. Heavy debris, such as broken stone and wood scrap, shall be immediately removed from the site upon completion of the work of the trade that generated the debris. All concrete wash out from both trucks and mixers shall occur within the building area of the lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in the street, setbacks or on adjacent properties is strictly prohibited. Any clean-up costs incurred by the DRC or the BTCA to enforce these requirements shall be paid by the Owner.

Garbage, recycle and debris bins may be put out anytime during the day before the pick-up day. However, setting bins out for pick up late in the day and evening is strongly encouraged. All bins must be put away by the owner before 9:00 PM on the day of garbage pickup.

**Reference: Rules & Regulation Resolutions Section 3.7 Garbage, Recycle and Debris Bins; DRRG's Section 4.17 Trash Receptacles and Debris Removal.**

## **Contractor Rules**

Home building is an important activity on premises. An average of 50 homes or more are under construction or remodel within Broken Top at any one time. Contractors have a code of conduct they are required to obey. These include hours of operation, noise standards, use of alcohol or drugs, location of porta-potties, entrance into Broken Top via the main gate only, and subcontractor parking while on the jobsite. Please check with the staff or gatehouse 541-383-7673, if you have any questions or concerns about disruptive or unacceptable behavior that you observe.

**Reference: DRRG's Section 4.0 Construction Guidelines**

**Note: Fines for construction violations are found in DRRG's Section 7.0.**

### **Screening**

The CC&Rs call for the screening of such items as: spas and hot tubs, air conditioners, and firewood from neighbors, the street, and the golf course.

**Reference: CC&R Article 11 Architectural Standards; DRRG's Sections 2.03, 2.08, 2.10, 2.11 2.17, 2.18, and 5.09.**

### **Utility Meters, Vents**

All permanently installed meters and panels, and other utility equipment, must be painted to match the surface upon which they are installed and screened so as to not be visible from the street. Primary electrical, telephone and cable television reception boxes located at the street are excluded from these requirements.

**Reference: DRRG's Section 2.32 Utilities**

### **Exterior Heating & Cooling Systems**

No roof or wall mounted heating or cooling equipment will be permitted. All exterior heating and/or cooling system components shall be installed at ground level, adjacent to the residence, screened from view of the golf course, street, or neighboring properties and not encroach in any of the setbacks. An effort shall be made to minimize the sound of heating and cooling equipment from trespassing to the golf course or neighboring properties.

**Reference: DRRG's 2.08 Exterior Heating and Cooling Equipment.**

### **Outdoor Storage**

Visible outdoor storage is prohibited (see screening above). Parking of commercial vehicles, recreational vehicles, mobile homes, boats or other watercraft, or other oversized vehicles, stored or inoperable vehicles in places other than enclosed garages is also prohibited (this includes associated trailers/equipment). Fire wood and garden tools/supplies must be kept within approved and screened maintenance areas or garages. Vehicle maintenance other than washing must be confined to garages.

**Reference: CC&R's Article 12.6(b)(2) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 3.4 Storage of Outdoor Items; DRRG's Section 2.17 Outdoor Storage & Courtyards and 5.09 Outdoor Furniture & Equipment**

### **Temporary Outdoor Equipment, Including Basketball Hoops**

Use of outdoor equipment of a temporary nature is permitted, with one important requirement: **At the end of the day, it must be removed and stored out of sight each night by 9:00 PM.** Installation of permanent basketball hoops shall be in accordance with the DRC Basketball Hoop Installation Guidelines. Portable basketball hoops will not be permitted after December 31, 2017 (only permanent). All other portable outdoor equipment must be stored away when not in use.

**Reference: Rules & Regulation Resolutions Section 3.4 Storage of Outdoor Items; DRRG's Sections 5.09 Outdoor Furniture & Equipment**

### **Unkept Vacant Lot**

Careless disposition of cigarettes, trash, debris and other flammable materials on vacant lots, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited.

On vacant lots, efforts shall be made to reduce wildfire risk and promote forest health through the reduction of fuel ladders directly under trees, tree thinning, judicious limb trimming, crown cleaning and sometimes tree removal where deemed necessary by the DRC.

Owners must comply with City of Bend Code Enforcement Noxious Weed Program.

**Reference: DRRG's Section 4.12 Fires and Flammable Material & Section 5.14 Reduction of Fire Risk; City of Bend Code Enforcement Noxious Weed Program.**

### **Access to the Gated Property**

Owners need a transponder for entry through either the Broken Top Drive or Simpson Avenue resident gate. Renters should obtain permission for a transponder from their Landlord for the duration of their lease. The Simpson Gate is for owner/renter access only. All non-resident vehicles must enter through the main gate Broken Top Drive.

All visitors are to enter the property via Broken Top Drive. The gatehouse provides various options for guest and visitor screening prior to allowing onto property. All guest at a minimum will be logged into the guest log prior to allowing entry. If you wish to be notified prior to allowing guests or visitors access to your property please inform the gatehouse staff. The staff is equipped to provide maps and directions to all visitors.

**Reference: Established BTCA Gate House Policy**

### **Living On/Near a Golf Course**

The Broken Top Club and the Broken Top Community Association are independent entities. The BTCA and The Club have a working agreement regarding golf course security. Golf by members is the only acceptable use of the golf course. The course is closed during the winter months, and is at no time to be considered a park. This means

no skiing in winter and no playing on the course or in the ponds in summer. During the golf season's regular golf course hours of operation, contact the Pro Shop if you see apparent violation of these rules (541-383-8200); during evenings and during winter months, the gatehouse should be contacted when you observe apparent violations of these rules (541) 383-7673.

**Reference: Established BTCA Policy & Broken Top Club Rules**

### **Signs**

No signs of any kind are allowed on the property, except the permanent house address sign, or directional signs designed by the BTCA, and a standard DRC approved sign naming the contractor. One sign identifying the realtor may be posted at a home site when said project is for sale. Design specifications for the address signs are available from the DRC manager. Other "for sale", "for lease" signs, banners, flags, and other devices upon or away from the building site intended to call attention to any residence are prohibited.

**Reference: CC&R Article 12.6(b)(1) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 3.2 Signs; DRRG's Section 2.25 Signs**

### **Leasing Rental Properties**

BTCA governing documents (CC&Rs, Bylaws, and Board Resolutions) rules and regulations shall apply to lessee(s) and all occupants of units. All leasing requires an approved Application. The minimum leasing period shall not be less than twelve (12) months. The maximum percentage of leasing is restricted to ten (10) percent of the total units within BTCA. For additional restrictions refer to the Leasing Resolution approved by the Board of Directors on May 4, 2015.

**Reference: CC&R Article 12.1 & 12.6 (b) Use Guidelines and Restrictions; BTCA Leasing Resolution May 4, 2015**

### **Moving and Storage Limitations/Restrictions:**

The BTCA guideline for moving your household personal property:

**Moving In/Out:** BTCA must be given adequate notice of moving trucks, trailers and/or storage containers to arrive on owners' property. Owners/occupants are given 3 days (seventy-two hours) to complete the move. This applies to all personal and/or commercial moving companies. Road accessibility cannot be blocked.

If PODS or similar storage containers are being used, the maximum amount of time a PODS/storage container can be stored on an owner's property is 3 days (seventy-two hours). That said, the container must be delivered within the owner's driveway and under no circumstances can the storage container be dropped and stored in the street. The owner/occupant is responsible for ensuring that there is prior adequate clearance and accessibility for the desired location of the container in the driveway.

Gatehouse notification is required and any deviation from this policy requires Management approval.



**Reference: Rules & Regulation Resolutions Section 2.5 Moving In/Out Parking**

**Real Estate Open Houses**

The CC&Rs allow for one post to be installed with two signs attached (one "For Sale" sign and the listing agent's identification sign) of an approved design, to be posted on any property that is for sale. Contact the Owner Services Supervisor for sign requirements & specifications at (541) 318-3430. **Real Estate agents with clients** are welcome to visit for sale properties at any time; drive-by real estate visitors are **not** permitted on the premises. If you are conducting an open house, we expect you to follow the same simple rules that apply for general guest access to the property. Provide BTCA gatehouse with open house location and hours. Directional information sheets may be left with the gatehouse staff.

\*Open house signs are now available for rent at the BTCA Administrative office. Please call (541) 318-3430 for more information.

**Reference: CC&R Article 12.6(b)(1) Use Guidelines and Restrictions; Rules & Regulation Resolutions Section 3.2 Signs; DRRG's Section 2.25 Signs and 4.06 Construction Signage; and Established BTCA policy.**

**Roles of the Gatehouse Services Staff - Phone: (541) 383-7673**

The Gatehouse Services staff is not a security force--they do not carry weapons. The main gate is manned 7 days a week, 6:00AM to 11:00 PM Sunday to Thursday, and 24 hours Friday & Saturday to provide a basic level of security to all Broken Top residents. They perform periodic property patrols, and they are available as a first line of assistance on security matters. Visitors to Broken Top are screened at the main gate.

You are encouraged to notify the gatehouse in advance when you expect guests or vendors to visit you. This will expedite passage through the main gate; otherwise, unannounced visitors may be held at the main gate pending telephone contact with you to confirm that you want them on premises.

**Vacation Watch**

Our gatehouse staff will perform vacation checks of your home while you're out of town. The gatehouse staff will look for anything out of the ordinary including vandalism, broken items/windows, running water, doors and/or windows that are open. They will store newspapers on front porch hidden from street view and report packages left at door; however they will not enter your home. Please call the Gatehouse Staff to arrange watch dates at 541-383-7673.

**Roles of the BTCA staff**

The BTCA Management and Staff are available during normal business hours, Monday to Friday, 8:00 AM to 5:00 PM, to assist with detailed interpretation of CC&R and Bylaw questions. Vehicle stickers and new or replacement transponders are available

(weather permitting) at the Administrative Office, located at 855 SW Yates Drive, Bend, Oregon 97702. Please call (541) 318-3430 for more information.

### **Design Review Committee (DRC)**

All new construction must be approved in advance by the DRC. Application forms, procedures, and fee structure are available in the BTCA office. There are a set of approved Design Review Requirements and Guidelines available at the office to assist in planning your new home or remodel project. Information is also available on the community website at [www.broketop.org](http://www.broketop.org).

Changes or modifications to existing structures or landscaping need prior review and approval.

**Reference: CC&R Article 11 Architectural Standards; DRRG's Section 3.0 DRC Application and Approval Procedures.**

Note: Fines for design and modification application violations can be found in DRRG's Section 7.0

### **Homeowner Association Assessments**

Lot owners are responsible to pay assessments, which are assessed on a quarterly basis. Assessments can be paid by check, or by electronic debiting of your checking account. Please contact the BTCA staff to change payment method or if you have billing questions. And, of course, please notify the BTCA promptly of any change in billing address. To avoid paying late fees, owners have the responsibility to notify the BTCA of address changes in advance of the quarterly billing cycle. Bills are mailed on or around the first day of January, April, July and October. Assessments are delinquent if not paid by the 15<sup>th</sup> day of the month following the date of invoice. For example, if an invoice is dated January 1<sup>st</sup>, it will be delinquent on February 15<sup>th</sup>.

**Reference: CC&R Article 10 Assessments**

### **BTCA Association Assessments – What they cover?**

The following list of services highlights the major areas covered by the Broken Top Community Association assessments (dues). All items listed, plus other costs not detailed, make up the Community Association's budget.

### **Master Association dues cover the following, but are not limited to the costs listed:**

1. All landscape maintenance in the common areas; including playground.
2. Repair and replacement of all roadways and pathways.
3. Repair and replacement of all landscape lighting along roadways and in common areas.
4. Repair and replacement of all streetlights and signs, traffic signs, mailbox stands and newspaper boxes.
5. Snow removal on all Broken Top roadways and pathways.
6. Common area utilities including water and sewer for common areas where applicable.
7. On-site management, administration and accounting services.
8. General liability insurance and related insurance coverages.

9. Newsletters and other communications to owners.
10. Staffing of the Gatehouse, neighborhood watch and community patrols.

**Neighborhood dues:**

Arrowood Trail I	Arrowood Trail II
Bridge Creek Village	Courtyards
Custom homes	Fall Creek
Painted Ridge	Tyrion Sky
Whisper Ridge	

**Optional by Neighborhood: \*\***

1. All items included in Master List, where they become unique to each neighborhood. (i.e. neighborhood common areas, lighting, and landscape components, etc.).
2. Landscaping around each home as agreed and contracted.
3. Snow removal, including driveways, neighborhood parking lot and (shoveling walkways and/or front porch) as agreed.
4. Common area utilities, including water and sewer charges for each neighborhood’s common areas.
5. Repair and replacement of the exterior materials on all units (painting, siding, masonry etc.) as agreed.

\*\*Please refer to the BTCA website (Resource Center) for more in-depth coverage information for your specific neighborhood. This is especially important for townhome neighborhoods.

**Fine Policy**

**Fines**

No fine shall be imposed without first providing a written warning to the owner describing the violation, and stating that failure to cure the violation within no less than (14) days, or another recurrence of the same violation within (6) months of the original violation shall make the Homeowner subject to the imposition of a fine. Failure to pay any fine shall subject the Homeowner to the same potential penalties and enforcement as failure to pay any assessments.

The process and the fine schedule guidelines are as follows:

**First Notice**

An initial notice of the violation shall be mailed via regular mail to the owner requesting compliance within (14) days – **No Fine.**

### **Second Notice**

If the violation still exists, a second notice requesting compliance within (14) days shall be mailed via certified mail (return receipt requested) to the owner. A fine (See RRR's section 7.0) will be assessed and due immediately with the second notice.

### **Third Notice**

If the violation still exists, a third notice requesting compliance within (14) days shall be mailed via certified mail (return receipt requested) to the owner. A fine (See RRR's section 7.0) will be assessed and due immediately with the third notice.

### **Continuing Violations**

If the violation continues without resolution after the third notice is sent, a fine (see RRR's section 7.0) shall be assessed every (14) days until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action. The cost of which shall be billed to the owner and collected in the same manner as assessments.

**References: Rules & Regulation Resolutions Section 6.0 Rule Violation Notification Process and 7.0 Fines**

### **Appeal Process**

- The appeals process will be according to BTCA Board Hearing and Appeals Resolution.