



The Meadows Ferndale HOA

Professionally Managed by Windermere Management
541 W. Bakerview Rd., Bellingham, WA 98226

December 23, 2019

Dear Homeowner,

It is customary for Homeowners' Associations to develop and adopt a set of Rules and Regulations (aka "Rules") to augment and clarify their governing documents, principally the CC&Rs and By-Laws. In the case of The Meadows-Ferndale HOA, this is more important than usual since all of the governing documents were inherited from the developer. This creates a special need for augmentation and clarification to ensure that they represent the needs and wishes of the community.

Consequently, the MFHOA Board of Directors (Board) has initiated a process, enabled by CC&R section 6.2, to develop and adopt the needed set of Rules. This process is described below.

1. The Board of Directors solicits inputs from MFHOA members concerning which elements of the CC&Rs and By-Laws are thought to warrant modification. This action was completed in the fall of this year (2019).
2. The Board reviews the existing CC&Rs and By-Laws, as well as the owner inputs, and creates a draft set of Rules. This action has just recently been completed.
3. The draft Rules are provided for review to HOA members by USPS, email and web site. This includes a request to provide written review comments to the Board via the Property Manager. The web site URL is Meadows-Ferndale-HOA.org. See below for additional information about submitting comments.
4. The Board reviews the comments provided and adjusts the draft Rules as needed and appropriate.
5. The Board conducts a meeting to officially adopt the Rules. This is an open meeting to which all MFHOA members are invited. The meeting includes a discussion of changes to the draft Rules that resulted from member review inputs.
6. Following the open discussion of the draft Rules, the Board adjourns into Executive Session to deliberate, adjust, and adopt the final set of Rules. Only Board members vote on official adoption of the rules.

Following this process, a copy of the draft Rules is attached. You are requested to review it and provide comments, if any, in writing to Windermere Property Management by USPS mail or through the "Send Us a Message" portal at the bottom of the web site home page. These comments must be received no later than 13 January 2020. The adoption meeting will be held shortly thereafter in concert with the next regular monthly open Board meeting, which will be held on 27 January 2020 in the Meeting Room of the Ferndale Public Library on Main Street in Ferndale. The Rules document will be dated and signed when it is adopted by the Board.

The MFHOA Board of Directors thanks you for your participation in this important process.

Windermere Association Management

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MEADOWS-FERNDALE HOMEOWNERS' ASSOCIATION RULES AND REGULATIONS

Adopted on: _____

1. Introduction

The purpose of this document is provide a set of "Rules and Regulations" to augment and clarify, where necessary, the documents that govern residence in the Meadows-Ferndale community. Those documents include, *inter alia*, the CC&Rs, Bylaws, Revised Code of Washington, Municipal Code of Ferndale, and the regulatory documents associated with our Wetland areas.

These Rules and Regulations ("Rules") have been drafted by the Board of Directors of the Meadows-Ferndale Homeowner's Association ("the Board") after discussion and consultation with concerned homeowners. In compiling these Rules, the Board of Directors has opted to repeat some elements of the CC&Rs and Bylaws in order to make the written discussion herein more complete and understandable. To that extent these rules represent an abridged version of those documents.

2. References

2.1 CC&Rs Phase I

Declaration of Covenants, Conditions, Restrictions and Reservations ("CC&Rs"), Phase I; adopted 6/24/2016 and filed 6/28/2016.

2.2 CC&Rs Phase II and III

Declaration of Covenants, Conditions, Restrictions and Reservations ("CC&Rs"), Phase II and III; adopted 12/9/2016 and filed 12/14/2016.

2.3 Design Guidelines

Exhibit D of the Phase I CC&Rs (also applicable to Phases II and III) contains the architectural plans and restrictions for the development, and is the major reference used by the Architectural Review Committee ("ARC").

2.4 Bylaws

Meadows-Ferndale Homeowner's Association; adopted 6/2/2016.

2.5 Homeowner's Guide to Wetlands and Buffers

Washington State Department of Ecology publication 14-06-022, April 2018.

The references cited above can be found on the Association Web Site (Meadows-Ferndale-Hoa.org).

3. Purpose and Authority

The purpose of these Rules is to ensure order, maintain standards, and safeguard the rights and privileges of all homeowners and tenants within the Meadows development. The Rules are intended to augment and clarify the Declaration of Covenants, Conditions, Restrictions and Reservations ("CC&Rs") and Bylaws of the Association. They also enable enforcement so that the community can be maintained in accordance with self-imposed standards and applicable laws. The authority and responsibility of the Board of Directors to establish these Rules is granted by the community CC&Rs, Bylaws and laws of the State of Washington (RCW 64.38 and 64.90).

The Rules and Regulations ("Rules") contained herein do not supplant in any way the authority of the other governing documents mentioned above. If any element of this document violates or contradicts any provision of any of the aforementioned documents, it is deemed inherently invalid. In the event that any specific provision of these Rules and Regulations is found to be in conflict, only that specific feature is considered invalid, but does not invalidate the rest of the document.

4. Changing the Governing Documents

4.1 CC&Rs and Bylaws

CC&Rs and Bylaws of the HOA can be changed in accordance with state law: the Revised Code of Washington (RCW), sections 64.38 and 64.90. Changes to the CC&Rs and Bylaws require approval by 67% of eligible voters of the Association.

4.2 Rules and Regulations

Rules and Regulations can be changed by an HOA Board vote after review by members of the community and consideration by the Board of any comments from the members. Traditionally, the Board will adopt a rule, then send a notice to the community members, who will have 30 days to review it. After 30 days, the Board will review the comments and concerns of members, considering the members' feedback in the Board's final decision. The Board may elect to conduct a face-to-face meeting with members to discuss their inputs. In accordance with state law, unlike revisions to the CC&Rs and Bylaws, only Board members may actually vote on adopting or changing Rules and Regulations.

5. HOA Membership

The Meadows is governed by the Meadows-Ferndale Homeowners' Association. Membership and participation in the HOA is mandatory for all owners of property within the community and includes an obligation to pay HOA dues. The amount of the dues varies from time to time and is defined on the HOA web site (see Points of Contact later in this document). Our property manager has arranged for a variety of methods for monthly payment. Please either call them or use the link on our website to set up regular monthly payments.

6. GENERAL USE RESTRICTIONS AND REQUIREMENTS

6.1 Residential Use (CC&R 4.1)

All lots shall be used for single-family residential purposes only, whether on an ownership or rental basis. An owner may make use of portions of the unit for home occupations, such as for a professional office or other low-impact commercial use, so long as such use does not generate any appreciable levels of client or customer traffic, noise, or other disturbance to other members of the community.

6.2 Owner's Responsibility (CC&R 4.19)

Each owner shall maintain his/her Lot and Improvements in good repair and in a neat and attractive condition. Said maintenance responsibility shall include, but not be limited to, maintenance of all landscaping, such as regular grass mowing and shrubbery trimming, even when owner is out of town. Each owner shall practice responsible and careful landscape design and maintenance of his/her Lot to prevent contamination of surface water. No owner shall take any action which: 1) increases the maintenance responsibility of the Association; 2) causes the Association's insurance premiums to increase; or 3) interferes with the Association's maintenance or operational responsibilities.

6.3 Wetlands (CC&R 2.7, WA State Dept of Ecology, and US Army Corps of Engineers)

The Meadows development consists fundamentally of three types or categories of property: Individual lots, "common areas" (such sidewalks and grassy areas that border public streets, the "monument" sign at the entry from Thornton Drive onto Monument Drive, all private streets, shared driveways, etc.), and "mitigated wetlands". The wetlands are recognized and designated as behind or between split rail fences, and represent a large portion of the "open space" we enjoy in our development. Further, it must be remembered that although the wetlands are technically "common areas", the use of these areas by members is specifically restricted to the walking path constructed thereon. Therefore, the use of the walkways by humans and pets is permitted – whereas entry into the actual wetland areas is prohibited by the permits and contracts that enabled their creation.

The wetlands are a sensitive habitat for plants, birds, and animals. This habitat can be severely and irreparably damaged from intrusion by humans or pets. They are "mitigated wetlands" in that contractual obligations have been established between our HOA, the US Army Corps of Engineers, the City of Ferndale, and the Washington State Department of Ecology so as to "mitigate" (i.e., lessen the risk of) damage to these fragile and sensitive areas by human or pet intrusion and intervention.

It is recommended that all homeowners and tenants (and their guests) read the "Homeowner's Guide to Wetlands and Buffers", WA State Department of Ecology publication 14-06-022, April 2018, which describes the reasoning behind the regulations. That Document is attached to these Rules and Regulations.

The net effect of the regulations comes down to a very few "action items" regarding how we utilize and enjoy the wetlands:

- Stay on prepared paths at all times.
- Pets must be on leash at all times (when in the wetlands).
- Clean up all animal waste. Take it home and/or dispose of it properly.
- Leave no trash or litter. If you encounter some, pick it up and dispose of it properly.
- Do not dump yard waste, grass clippings, garbage, used motor oil, or chemicals in or near the wetlands – or in any location that could result in movement into the wetlands by gravity, wind, or rain.
- No motorized mobility devices (such as motorbikes, scooters, or skateboards) are permitted anywhere within the wetlands - including on the pathways. Motorized wheelchairs are specifically exempted from this prohibition.

Our Wetland areas are owned and maintained by our HOA. Homeowners are free to enjoy them responsibly in accordance with these rules. Non-homeowners should ask permission of the HOA before entering the wetlands (so that they understand and appreciate their responsibility in protecting and maintaining them).

There are significant fines and penalties that can be imposed on the HOA for failure to protect the wetlands, with the full force and weight of the state and federal government. If damage to the wetlands has been caused by one or more individuals, and those individuals can be identified and prosecuted, all fines and penalties would be the responsibility of those individuals, and not the HOA.

6.4 Temporary and Permanent structures (CC&R 4.3 and 5.5)

No trailer, shack, cottage, work shed, or other temporary structure or improvement shall be erected, used or maintained on any lot, except in connection with construction activities, and then only during such time periods for construction. Guest cottages, children's playhouses, gardening

sheds, pergolas, dog runs, and fenced enclosures shall be permissible with construction standards consistent with the standards of the Meadows as a whole, and subject to Design Guidelines (CC&R Exhibit D), and prior review and approval by the Meadows Ferndale HOA Architectural Review Committee ("ARC"). Any owner proposing such structure must provide all information requested by the ARC. Forms for such submission are available on our website (Meadows-Ferndale-HOA.org).

Sheds, gazebos, etc. that are approved by the ARC will only be allowed in enclosed side and back yards, and must be compliant with setbacks established by the Design Guidelines and the Municipal Code of the City of Ferndale.

Note that the CC&Rs (Section 5.5) designate specific "setbacks", which stipulate how close a structure can be to the property line. There are differing "setbacks" depending upon whether it relates to a permanent, or temporary structure, and the location within the lot. See Section 5.5 of the CC&Rs and the official Plats (Whatcom County document numbers 2016-0603566 and 2016-1201859) for applicable setback requirements, which may be generalized as follows:

- Main Building (House) Setbacks
 - Front yard: 20 feet (see exceptions in CC&R section 5.5.1)
 - Rear yard: 10 feet
 - Side yard(s): 5 feet
- Accessory Structure (sheds, gazebos, etc.) Setbacks
 - Size is less than 150 square feet: 3 feet
 - Size is equal to or greater than 150 square feet: 5 feet

Setbacks are also subject to City of Ferndale (COF) statute and accessory structures equal to or greater than 200 square feet require a COF building permit -- so homeowners should review city and county statutes and regulations for the most current rules (the ARC will help with this).

6.5 Vehicle Parking and Use (CC&R 4.4)

In most instances, the parking of up to two vehicles in driveways shall be permitted. Parking of more than two vehicles in a driveway will be considered on a case by case basis upon written request to the Board. Driveway areas are restricted to use for parking of operable, properly registered automobiles, light trucks, motorcycles, and family vans. Vehicle repairs other than ordinary light maintenance is not permitted within the Meadows. Partially wrecked vehicles, discarded vehicles, unlicensed vehicles, or vehicles which are in a state of disrepair shall not be anywhere on any lot, nor shall they be kept anywhere within the Meadows, unless enclosed in a garage or otherwise completely screened from view from outside of the lot.

The following specific parking restrictions apply:

- Vehicles parked in driveways must not extrude into or otherwise block the sidewalk.
- Parking in fire lanes or within 20 feet of a fire hydrants is prohibited.
- Parking is not allowed on sidewalks, grass, or in barked areas.
- Vehicles may not be stored or otherwise parked in side-yard setbacks.

Homeowners are expected to utilize their own garage and driveway for parking, and not routinely utilize the street for parking. Parking on any street for more than 24 consecutive hours is prohibited – as is moving a vehicle for the purpose of evading the 24-hour restriction (Ferndale Municipal Code Chapter 10.08). Temporary waiver of the 24-hour restriction may be granted by the HOA Board if requested in advance and justified in writing.

Toxic fluids from vehicles, such as antifreeze or oil, may not be dumped on the property or discharged into the sewer or drainage system. Owners of vehicles leaking fluids of any kind are responsible for cleanup of any fluids leaked on the street or sidewalks.

Speeding and unsafe driving is prohibited.

Boats, campers, trailers, motorhomes or similar recreational vehicles or any type of trailer shall not be parked on any lot or stored within the development for a period in excess of 48 hours unless such vehicle is reasonably screened from view from any home or street. Any fencing used for screening must comply with the fence requirements discussed in Section 6.20. Storage of such vehicles will be considered on a case by case basis upon written request to the Board.

Visitors to a property may park a vehicle for not more than 14 consecutive days, nor more than 30 days total within a 12 month period. All such parking is subject to review and approval by the Board.

The Board may require removal of any vehicle or equipment that is in violation of these rules. Under provisions adopted by the Board, (reasonable) attempt will be made to contact the owner and facilitate its removal, and the Board retains the authority to have any such vehicle or equipment removed at the sole risk and expense of the owner.

6.6 Home and Lot Maintenance (CC&R 5.11)

Each owner is required to maintain their lot and all improvements in a manner consistent with the standards of the Association. These standards include front and side yard areas visible from the street, which shall be maintained free of all unsightly conditions, such as accumulated leaves, tires, weeds, trash, garbage, litter, toys, etc. Front yard landscaping must be well-maintained, including weed removal, mowing, fertilizing and watering (subject to municipal restrictions on watering).

Homeowners are responsible for maintaining the trees, shrubs, and groundcovers on their property. This responsibility includes watering, fertilizing, pruning, and replacing dead trees and shrubs as required. The Board recognizes that, in periods of drought, the City of Ferndale limits use of water by means of water rationing. These Rules and Regulations shall not conflict with City policy. Unwatered grass ("going golden") is acceptable so long as it is "maintained", and recovers with return of rainfall in the fall.

From time to time it may become necessary or desirable to change or add to the landscaping features of a lot. This can be done without seeking approval from the Board, provided the features are small and unobtrusive. The planting of trees or shrubs that may at some future time grow to interfere with easements, fire lanes, sight lines, wetland features, mail boxes, or power/light poles shall require approval by the Board via the ARC process.

The HOA is responsible for maintaining grass and trees between the sidewalk and the street.

Attention should be paid to ensure that trees, shrubs and lawn are pruned and trimmed so they do not overhang the sidewalks in front of the house, and branches do not extend beyond the owner's property line.

Owners shall also maintain the home, roof, gutters, and exterior of the home in a suitable fashion. Any portion of a home or associated structure that has been damaged by fire, earthquake, or any other cause shall be repaired in a timely fashion.

If a homeowner fails to maintain their lot in accordance with these rules and fails to cure the defect within 30 days after written "Notice To Comply" (NTC) from the Board, then the Board may, by resolution adopted by the Board, engage a commercial landscape company to perform necessary

maintenance, and may separately assess such maintenance as a charge against the homeowner, as with any other charge or assessment.

Storage of debris, trash, boxes, lawnmowers, mechanical equipment, tools or discarded items in front or side yards visible from the street is prohibited. All other items such as buckets, coolers, yard tools, etc. must be stored in areas not visible from the street.

Driveways that service a single lot or home are the responsibility of the homeowners serviced by the driveway.

Driveways that are shared by two or more lots are the responsibility of the HOA. They will be maintained in a manner similar to that for private roadways (e.g. Rossie and Josie Lanes).

Construction debris shall not be allowed to accumulate on any lot, whether occupied or vacant.

6.7 Vacant and Unoccupied Lots

Vacant and unoccupied lots shall be kept free of unsightly debris, and shall not be used for storage or parking or any other purpose. They shall be mowed regularly to keep tall grass and invasive weeds controlled. No owner shall allow any condition so as to constitute a fire hazard, or encourage proliferation of invasive plant species such as ivy, blackberries, and thistle.

If the owner of a vacant or unoccupied lot fails to maintain their lot in accordance with these rules and fails to cure the defect within 30 days after written "Notice To Comply" (NTC) from the Board, then the Board may, by resolution adopted by the Board, engage a commercial landscape company to perform necessary maintenance, and may separately assess such maintenance as a charge against the lot owner, as with any other charge or assessment.

6.8 Underground Utilities

Property owners are required by state law (RCW 19.122) to call 811 and have underground utilities marked prior to digging -- such as planting a tree, installing landscaping, building a fence, or installing a pool. Damage to underground pipelines and utilities is both dangerous and inconvenient for all concerned, but ultimately is the responsibility of the person causing the damage.

6.9 Window Coverings

Covering windows with towels, sheets, blankets, flags, newspaper, cardboard, foil or other reflective materials is prohibited.

6.10 Trash and Recycling (CC&R 4.11)

Trash pickup is every Tuesday. Recycling is every other Tuesday. Trash and recyclables should be properly secured and placed near the curb in front of your home no earlier than the evening before collection. You must remove trash cans and recycling bins within 24 hours of pickup. Containers must be stored with limited visibility from the street such as in a side-yard setback or behind a fence if possible. All bins should be kept closed, and any debris that does not fit in the bins may not be stored out in the open.

6.11 Signs (CC&R 4.7)

Homeowners may display a security sign in their front yard. Front door "Welcome" signs must be limited to those that are minimally visible from the street, congruent with the overall color scheme of the home, and no larger than 40 square inches. Homeowners may display political signs in their own front yard no larger than 18 x 24 inches, no more than 60 days prior to any general or primary election, and all signs must be removed no more than seven days after the election has occurred. RCW 64.38.034 applies.

For Sale signs are permitted, but must conform to the general size, color, and esthetic constraints mentioned above.

Approval for any other sign should be requested through the ARC. Any signs approved for display must be removed within 24 hours after they have served their purpose. This applies both to signs in individual yards, as well as signs in common areas. The Board reserves the right to request removal of any sign that does not meet with the overall community aesthetic.

Political signs may only be placed within individual homeowner's lots. No political signs are permitted on common areas.

6.12 Garage Sales

The community may plan community-wide garage sales, typically in the spring and fall. Individual garage sales, moving sales, rummage sales, etc. are permitted at any time. Signage for such garage sales are subject to the terms of the section on "signs". Overly-frequent garage sales at individual homes might be construed as acting as commercial businesses, and subject to review and action by the Board.

6.13 Outdoor Lighting (CC&R 4.10)

All outdoor lighting shall be directional and shall be directed away from streets and neighboring lots. All seasonal and holiday decorations and/or holiday lights can be put up no more than 30 days prior to the holiday, and must be taken down within 30 days following the season and/or holiday. Any other type of seasonal and/or holiday decorations, including, but not limited to, decorated trees, snow sculptures, religious, and seasonal, must be removed within 30 days following the season or holiday. String lights on the front of a house are considered seasonal.

6.14 Flags

Homeowners may display national, state, seasonal or sports flags of appropriate size and number, and in good repair. Proper display of the US flag is governed by RCS 64.38.033. Seasonal flags should change with the season.

6.16 Animals (CC&R 4.6)

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes.

Pet owners are required to have the appropriate equipment for waste removal and to clean up after their pets while off their property. Pet owners are not allowed to let pet waste accumulate on their own property to the extent that neighbors are adversely affected by appearance, odor or run off.

When off your property, your pet must be controlled by a leash or other physical control device. All pets must be maintained on leash any time they are within the designated wetlands area, and must remain on prepared and maintained pathways.

Frequent, repetitive or continuous howling, barking, or other animal noises which disturb the peace and quiet of the surrounding areas are not permitted. If persistent, the Board will follow appropriate action of informational warning, and/or subsequent actions as per "Penalties".

Digging, chewing, car chasing or other actions that damage or destroy private or public property is considered a nuisance, and is unlawful. See "Penalties".

Any dog, cat, or personal animal that has bitten or attacked a person must be reported to Animal Control (City of Ferndale).

All animals shall be registered and inoculated as required by law (City of Ferndale).

The Board may at any time require the removal of any animal which it finds is, or has been, an unreasonable source of annoyance, and may exercise this authority for specific animals, even though other animals are permitted to remain. No action permitted by this rule will be taken prior to affording an opportunity for the owner of the animal to request and be heard at a meeting with the Board. A Hearing must be requested by the offending party within 14 days of the receipt of a violation notice.

6.17 Outdoor and Security Lighting (CC&R 4.10)

All outdoor lighting shall be directional, and in all instances be directed away from the street and any neighboring lots.

By statute, security cameras shall not view public streets or neighboring lots.

6.18 Antennas (CC&R 4.14)

No television or radio antenna of any kind may extend more than 10 feet above the roof line of any residence. Satellite dishes no greater than 24 inches in diameter may be installed within the lot. Larger satellite dishes and other types of reception and transmission antennas may be installed within the lot only if completely screened from view from other lots in the common areas, and such installation is approved in advance of installation by the Architectural Review Committee ("ARC") and Board of Directors. This is a provision of both state and federal law.

6.19 Exterior Appliances (CC&R 4.9) and Solar Panels

No heating, air-conditioning, or other mechanical appliances may be located on any roof, unless completely screened from view of other lots. Heating, ventilating and air-conditioning units (HVAC), and other appliances located outside of the house or structure shall be screened so that they are not visible, and sound generated by them does not reach neighboring lots. Noise from HVAC units should not exceed approximately 70 dB when measured at the nearest fence providing separation from another house or lot.

Solar panels are permitted, but installation plans must be reviewed by the ARC and approved by the Board. This is to ensure that all such panel assemblies are esthetically consistent with the standards of the community and are not intrusive of the rights of neighboring lots.

6.20 Fencing (CC&R 4.15)

All fencing is subject to prior review and approval by the Architectural Review Committee in accordance with the Design Guidelines (Exhibit D of the CC&Rs). If fencing that has not been previously ARC-approved is subsequently found inappropriate by the ARC, it may be removed at the owner's expense. As with all home, lot and landscaping surfaces, fences are expected to be maintained in good repair.

There are numerous "split-rail" fences throughout the Meadows-Ferndale community. Such fences primarily separate houses from wetlands, but are also found between some houses, or bordering shared driveways. All split-rail fences are deemed common property and shall be maintained by the HOA -- except those specifically requested by a homeowner and approved by the Board as a private lot landscaping feature.

6.21 Clotheslines and Playground Equipment

No clotheslines are permitted on any lot. Children's playground equipment (such as swings, climbing structures, play houses, trampolines, sports nets and hoops, etc.) is allowed, but shall be located within the back yard of a lot only, and shall be maintained in a clean and respectable manner.

6.22 Fireworks, Firearms and Explosives (CC&R 4.5)

No firearms or explosives shall be discharged within the boundaries of the Meadows. Fireworks are allowed only of such types and times as in accordance with most current City of Ferndale regulations. Consideration must always be given to safety and the risk of fire, as well as the rights and privacy of neighbors who might not find fireworks as enjoyable. Be a good neighbor.

6.23 Noise (CC&R 4.13)

No person shall cause any unreasonably loud noise anywhere within the property or the neighborhood, nor should any person permit or engage in any activity, practice or behavior for the purpose of or with the result of causing an annoyance, discomfort or disturbance to any person lawfully present on any portion of the property. Be a good and considerate neighbor.

Quiet hours are from 10 PM to 8 AM seven days a week. Please take extra care to keep the noise level down during this interval. The conduct of guests or visitors anywhere within the community is the responsibility of the homeowner being visited.

6.24 Acceptable Hours of Contractor Activity (Design Guidelines, page 5)

At present, the only hours of the day when exterior construction of any nature is permitted within the Lots as defined herein:

- June 1 – October 1, Monday through Saturday – 7:00 AM to 8:00 PM
- October 2 – May 31, Monday through Saturday – 7:00 AM to 6:00 PM

6.25 Solicitors in our Community

Chapter 5.20 of the Ferndale Municipal Code, which addresses Peddlers and Solicitors, states that it is unlawful for any peddler or solicitor to engage in door to door activities without first applying for and receiving a license from the city.

The following definitions are part of the municipal code:

- Peddler: Any person who offers for purchase goods that are carried for delivery at time of sale or services which are offered to be performed at that time.
- Solicitor: Any person contacting or communicating with any person or party for the purpose of taking or attempting to take orders or the solicitation of orders in any manner for the immediate or future sale of any products, goods, wares, or services.

Individuals desiring a license must fill out an application at City Hall, as well as pay for the application, fingerprinting, and background check. These might take as long as 30 days to finalize. It should be noted that the licenses are an individual responsibility. They are not acquired by businesses or organizations for their members. The licenses (essentially permits), when acquired by individuals, must be displayed on their person in plain view. "My employer has the license" is an invalid and untrue response to an inquiry about a license. Solicitors and peddlers must honor any "No Solicitors" signs.

The City of Ferndale recommends that you call 911 to report suspected violators of this code, and substantiated violation may result in fines. The following individuals and groups are exempted by the City of Ferndale from these licensing requirements: non-profit, charitable or religious

organizations, farmers or gardeners selling farm produce, veterans selling goods, candidates for political offices, campaign workers, and Census Bureau workers.

For more information, visit the following City of Ferndale web site:

<https://www.codepublishing.com/WA/Ferndale/#!/Ferndale05/Ferndale0520.html#5.20.090>

6.26 Offensive or Illegal Activity (CC&R 4.12)

No offensive, noxious, or illegal activity shall be carried on in any home, lot, or common area, nor shall anything be done there which may be or become an unreasonable source of annoyance or nuisance to other owners. This is true not only of the owners, but also their guests and tenants.

6.27 Leasing (CC&R 4.20)

For purposes of this section, the terms "lease" and "rent" are used synonymously. No homeowner shall be permitted to lease his/her lot or home for any period of less than 30 days. The Association may by resolution of the Board prohibit the leasing of any lot or home for a period of less than six months. No homeowner shall lease less than the entire home; with no subletting. All leasing or rental agreements shall be in writing, and subject to all the CC&Rs, Bylaws, Rules and Regulations. The homeowner must advise any tenant and provide a copy of these Rules and Regulations, and the homeowner remains ultimately responsible for the actions of their tenants. The rental or lease agreement must by default include the statement that the tenant will comply with all governing rules regulations and documents.

Any homeowner who rents or leases their home for any interval of time must have adequate insurance to cover the actions of their tenants (without liability to the HOA), and must provide evidence of such ongoing and continuous insurance coverage to the Board of the HOA via the Property Manager.

It is the homeowner's responsibility to:

- Ensure that any tenants do not engage in any illicit or illegal activity within the home or the neighborhood.
- Advise the HOA (by means of our Property Management Company) of the names and contact information of their tenants, and provide proof of ongoing and adequate insurance, and copies of lease or rental agreements. It is also the homeowner's responsibility to advise our Property Management Company when a lease expires, and the tenant has left, or insurance has lapsed.

6.28 Privacy

For purposes of timely and efficient communication with all residents, The HOA shall develop and maintain a current listing of all owners and tenants, as well as their current/preferred contact information (email, phone, US Mail, etc.). This listing shall never be sold or otherwise distributed without the express permission of the homeowner. Homeowners may "opt in" to open listing in a Meadows-Ferndale Resident Contact List, when and if prepared. Homeowners who do not wish to have personal and contact information on such a public listing do not need to "opt in", and their personal information will not be part of any generally-distributed HOA document.

7. Enforcement Procedures

7.1 ARC (CC&R 6)

The HOA Board has established an Architectural Review Committee (ARC) to receive and review requests to implement or modify design and appearance features of individual lots. The ARC provides feedback to the person or agency that submitted the request and informs the Board of its

recommendation. The Board then decides, by majority vote, whether to approve the request or return the request unapproved to the originator in order to, for example, acquire more information. No improvements shall be erected, placed or altered on any lot until the construction plans, specifications and a site plan showing the location of all proposed improvements on the lot have been approved by the Board (acting on a recommendation from the ARC) in accordance with the Design Guidelines (Exhibit D of CC&R1). Information and guidelines, as well as forms for submission of an ARC application are included on the HOA website.

7.2 Permitted Improvements (CC&R 6.4-6.8)

Any improvements not specifically approved and constructed on a Lot without first obtaining all appropriate approvals and/or following all requirements under the Design Guidelines shall be subject to enforcement proceedings by the Board, as permitted by the governing documents and applicable Washington State Law.

7.3 Assessments and Liens (CC&R 7.7)

The HOA shall be empowered to establish and to collect Assessments upon lots in the subdivision for the common benefit of all such lots.

The regular annual assessments (i.e., HOA Dues) shall be in accordance with preparation of an operating budget for the Association for each calendar year, which shall also include required contributions to a Reserve Fund (State law).

The Board may levy other Special Assessments for maintenance or improvements upon the common areas, or for other purposes. Special Assessments may be levied against all the lots, or as a special common expense against fewer than all lots. The Association may charge interest on any Special Assessment not paid in a timely fashion.

7.4 Penalties and Delinquencies (CC&R 7.8 plus)

The Board has enacted a process to enable enforcement of the Governing Documents. If there were no penalties for violation, then the CC&Rs, Bylaws, and Rules would be essentially voluntary and there would be no way to ensure that the state of our community does not deteriorate.

The process includes a Notification to Comply (NTC) which is sent to the home/lot owner, potentially followed by an assessment of additional interest, penalties, fees, and attachment of a lien upon the property, as well as revocation of voting privileges on HOA matters until such time as the delinquency is satisfied.

In furtherance of this process, the Board of the Meadows-Ferndale HOA adopted the following Penalty Notification and Fine Schedule in August, 2019 (Administrative Resolution No 4-2019):

- First Offense – Unofficial notice of noncompliance
- Second Offence – Warning Letter / Notice to Comply
- Third Offence (not less than 30 days from 1st offence) – a one-time \$25.00 Fine
- Third Offence (not less than 30 days from 2nd offence) – a one-time \$50.00 Fine
- Fourth Offence (not less than 30 days from 3rd offence) and for any offence of a continuing nature -- a fine not to exceed \$50.00 per day.

No fine may be levied against a unit owner unless given the opportunity to be heard at a requested Hearing on the matter. A Hearing must be requested by the offending party within 14 days of the receipt of the violation notice.

7.5 Registering Complaints

It is possible that there may be occasional occurrences of behavior within the community that are in violation of the Meadows-Ferndale governing documents (CC&Rs, By-Laws, and Rules) or the City of Ferndale Municipal Code – or that otherwise detrimentally affect the safety and well-being of our residents and our property. In such cases it is appropriate for owners/residents to take one or more of the following actions:

- Talk to the offender. While this is sometimes neither possible nor comfortable, it has the potential to provide the quickest solution.
- Register an official complaint with Windermere Property Management (WPM). This may be done via USPS or through the “Send Us a Message” portal at the bottom of the web site home page. Your complaint will be kept anonymous and will receive prompt attention and feedback with instructions about how to proceed toward achieving a solution to the issue that prompted the complaint. Your official complaint should include as much information as possible (who, what, when, where etc.) to enable WPM and the Board of Directors to vet and adjudicate as needed.

8. Indemnification and Limitation of Liability

8.1 Indemnification (CC&R 7.14)

Each officer of the Association (i.e. member of the Board) is indemnified by the Association insurance against all expenses and liabilities, including attorney’s fees and costs, except where such officer/board member is adjudged guilty of willful malfeasance.

8.2 Limitation of Liability (CC&R 7.15)

Members of the Board shall not be personally liable to any Owner or to any other person for any damage, loss, or claim on account of any omission or error – provided they have acted in good faith, without willful or intentional misconduct.

9. Points of Contact

9.1 Website

Meadows-Ferndale-HOA.org

Our website is the one and only official on-line source of current, accurate and complete information regarding Governing documents, Rules and Regulations, Meetings, Minutes, Communications, etc. Communications intended for the Board of Directors should originate here, using the “Send Us a Message” feature at the bottom of the home page. Temporary relief from any of these rules may be requested by contacting the Board of Directors through this web site portal.

Other official information may be disseminated as needed by either email or USPS mail from the Property Manager.

9.2. Property Manager

Windermere Property Management
541 W Bakerview Rd, Bellingham WA 98226
Phone: (360) 733-7944
Fax: (360) 733-7969

Email

Teresa Bosteter, CMCA, AMS, PCAM; Association Division Manager
teresa@windermeregmt.com

Marcy McKay; Assistant Association Manager
marcy@windermeremgt.com

Adopted by the Meadows-Ferndale Board of Directors this xxth day of month, 2020.

Charles A. Millard
President
Meadows-Ferndale HOA