

The Wellington Neighborhood Association

Maintenance Standards

Draft

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1 Statement of Intent

The intent of this document is to define the maintenance review process and the maintenance standards for The Wellington Neighborhood Association. The maintenance of Lots by the Owner is required by the *Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood*.

It is the Owner's duty to maintain their property to prevent any unsightly conditions on their Lot as presented in the Declarations. Maintenance is a consideration that all Owners must undertake to respect their obligation to the Declarations, their neighbors and the community in general. Maintenance of Lots by Owners is a responsibility, not an option. The Declarations allow the Association to perform maintenance and add the cost of the maintenance to the assessment for the Lot.

The Association recognizes that each Owner's ability to perform maintenance may vary due to health, personal situation and/or financial resources. It also recognizes the diversity of styles that an owner may choose to use when maintaining their Lot. Problems that are identified during the maintenance review or by being brought to the attention of the Neighborhood Association will be presented to the resident. The resident and the Neighborhood Association will enter into a dialog. Consideration of the resident's personal situation will be taken into account. The Neighborhood Association will work with the resident to find a satisfactory solution to the problem. The Neighborhood Association may assist the resident in identifying alternative solutions and direct the resident to resources that may not be known to the resident. The Association is enforcing maintenance standards to help the neighborhood be a safe place to live, to assure a base level of maintenance and upkeep is maintained and to keep it a place that we can all be proud to call home.

The Maintenance Review will take in to consideration differing ideas. Obvious disregard for maintenance will also be noted. Efforts to maintain that may not be entirely successful yet were attempted, such as reseeding an area of lawn that doesn't take, will also be taken in to account. Permanent structures and features will have a higher importance in the review than decorations such as lawn ornaments or lawn furniture.

Warranty service of new homes (homes sold by the developer, not re-sales), ROW areas outside of the Lot, damage by others to the Lot such as damage created during snow removal will all be taken into consideration while reviewing the maintenance of a Lot.

The intention of maintenance review isn't to insure uniformity of style and appearance, but to insure that whatever acceptable landscaping and maintenance is done, is done well and reflects positively on the Lot in particular and the neighborhood in general.

2 Definitions

The following definitions will assist you in the use of this document

2.1 “Association” or “Neighborhood Association”

shall mean and refer to Wellington Neighborhood Association, a Colorado nonprofit corporation, its successors and assigns

2.2 “Board of Directors” or “Board” or “BOD”

shall mean and refer to the duly elected and qualified members of the Board of Directors of the Association acting in an official capacity.

2.3 “Declarations”

shall mean the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE WELLINGTON NEIGHBORHOOD Recorded 9/28/00 @ Rec. No. 633819 and its amendments

2.4 “Design Review Committee” or “DRC”

means and refers to the design review committee established by the Association in accordance with this Declaration to perform the design review functions with respect to the Property.

2.5 “Design Standards”

shall mean the document that is presently in use by the Association to define the Design Standards of the Association

2.6 “Lot”

shall mean and refer to each separate parcel of property designated on a Plat for any portion of the Property with a number or number and letter, and to each separate parcel of property created by the re-subdivision of any Lot allowed to have constructed on it more than one (1) Unit, and title to which shall be held in fee simple.

2.7 “Maintenance Review Committee” or “MRC”

means and refers to the maintenance review committee established by the Association to perform the maintenance review functions with respect to the Property.

2.8 “Neighborhood Administrator” or “Administrator”

shall mean the individual appointed by the Board to administer the functions of the Association.

2.9 "Owner"

shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation. The term "Owner" shall also include the Declarants, or their successors and assigns, with respect to all Lots held in the name of one or both of the Declarants.

3 Maintenance Review Process

The Maintenance Review Process defines the steps that will be taken to monitor and enforce compliance with the Maintenance Standards. The process has been created to provide a consistent review of the neighborhood that will insure that the standards are applied uniformly.

3.1 Timing of Maintenance Reviews

The reviews will be done in late spring and early summer in order to give the resident sufficient time to remedy the issues during the summer months.

3.2 Maintenance Review Committee

The reviews will be performed by a group of individuals that are assigned by the Board of Directors and are designated the Maintenance Review Committee.

3.3 Scope of Maintenance Review

Each review will consider the entire Lot including structures, landscaping and other features that are defined in the Maintenance Standards below.

The scope of the review will also include reporting upgrades, repairs and new work that is not compliant with the Declarations or the Design Standards or may have been performed without DRC approval.

A checklist has been included as

3.4 Ranking of Maintenance Issues

The MRC will rank the non-compliant Lots according to their severity. The intention of this ranking is to determine which issues fall below an acceptable level of maintenance and those that do not mandate immediate correction. Issues such as paint condition that is approaching an unsightly condition or disrepair that will require maintenance in the next year or two but does not yet cross the threshold for immediate repair will be reported as well. The report is generated by the MRC in good faith and with consideration of the severity of the issue and the perceived repair costs and timeline.

3.5 Administration of Compliance

A report with the Ranking of Maintenance Issues using scores generated using the Maintenance Review Check List will be reviewed by the BOD. The BOD will provide feedback to the administrator regarding the list. Notices will be given and Owners will be expected to respond with a plan for addressing the problem. Owners may indicate any extenuating circumstances that may delay in addressing the issue or that might cause duress due to unforeseen or unavoidable situations in their lives. The Neighborhood Administrator will review Owner responses and address them as is appropriate. Guidelines for administering the compliance process are in Appendix 5.1.

3.6 Penalties, Fines and Assessments

Owners that neglect their Lot after contact by the Administrator or are unresponsive to Neighborhood Administrator requests will be subject to fines, penalties and/or assessments. Continued disregard for maintenance issues may subject the Owner to a lien against their Lot. The details of the Penalties, Fines and Assessments are included in Appendix 5.2.

3.7 Appeals

Owners may appeal their issues to the BOD if they are unable to resolve problems through dialog with the Neighborhood Administrator.

4 Maintenance Standards

The Maintenance Standards are a guideline with many specific instances to illustrate the intent of Maintenance Review. It is not possible to list all the things that need to be maintained in this document. It is the Owner's responsibility to maintain their Lot in a manner that is:

clean, safe, attractive and (in) slightly condition – *Declarations, Section 8.2 (g)*

Owners are expected to maintain all structures, landscaping, decorations and personal belongings that are visible on their Lot. Many restrictions and definitions of acceptable improvements to a Lot, use of Lot and required maintenance of the Lot are included in *Articles VII and VIII* of the Declarations. These restrictions and definitions are to be reviewed by the MRC as part of the Maintenance Review Process in addition to the examples provided in the remainder of this section, *Maintenance Standards*. The following is intended as a guide to maintaining the Lot and aid in the interpretation of the Declarations.

This paragraph is a placeholder for more details: More examples needed in MS of how problems such as paint condition (especially with multi-unit properties), poor condition of landscaping at time of taking ownership and ROW maintenance should be addressed. Consideration for developer providing warranty service to remedy the problem, the possibility of the Owner choosing not to maintain ROWs outside of their property line, and giving early notice and allowing long schedules for compliance for costly issues like painting need to be emphasized in the MS. The maintenance review performed in the summer of 2008 has not been made available to the committee that created this document. Our intent was to use the real world examples from that review to develop this section.

4.1 Landscaping

Landscaping must be properly maintained as designed. Grass must be mowed and weed free. Plants, lawns, shrubs and trees are to be watered and in good condition. All dead landscaping materials must be removed or replaced. Dead or missing grass should be re-seeded or re-sodded. Dead or dying limbs and branches must be trimmed or removed to maintain the health and appearance of the plant. Landscaping materials such as crushed rock and mulch need to be kept weed free, in good, presentable condition and not allowed to re-distribute outside of the area where they were intended to be used. Small areas of dead grass are acceptable in pet areas, however the overall appearance of the lawn must indicate that care is being given to the lawn.

Alternative landscaping such as xeriscaping must be maintained in such a fashion as not to be unsightly. Alternative landscaping must be attractive and clean.

4.2 Structures

The entire exterior of structures, such as the home, multi-unit residential building, garage and shed, need to be kept in good condition and without peeling, faded, chipped or damaged paint as well as broken or missing architectural details or other damage. Roofing material must be in good condition without missing pieces. Wood areas such as decking and railings must be stained or maintained to prevent cracking, splintering, drying out and damage from environmental exposure.

4.3 Decorations, Non-structural Features and Furniture

Decorations such as flags, lawn ornaments and non-structural items will be maintained so that they are not unsightly nor a safety hazard. Common items that need to be removed or repaired when they are damaged, faded, broken or unsightly include, but are not limited to:

- Flags: both governmental and decorative
- Chairs
- Tables
- Lawn furniture
- Swing sets
- Sand boxes
- Seasonal decorations
- Swing sets/playground equipment

4.4 Personal Belongings

Personal belongings include toys, wagons, tricycles, balls, bats, etc., need to be kept contained within the Lot when not in use and stored in a way that does not produce clutter or unsightliness. Outdoor storage containers are recommended to accommodate item if there are a large number of items that are intended for outdoor use that are to be stored outside, both on decks or in yards. This will reduce clutter and also help keep the neighborhood safer from obstacles.

Section 8.6 Restriction, paragraph (a) and (b) of the Declarations has explicit restrictions about storage personal equipment, vehicles and machinery.

5 Appendices

5.1 Administrator Guidelines for Maintenance Review Compliance

The Board will determine these guidelines.

5.2 Penalties, Fines and Assessments

The Board has agreed to adopt the following timeframes and procedure for remedying issues that are uncovered as a part of the maintenance walkthrough.

- Timeframes
 - Maintenance of Lawn (E.g. mowing etc) – 14 days
 - Staining deck, touch ups of paints – 2 months
 - Overall house paint – 1 year
 - General repairs – 2 months
 - Removal of items from porch or other area. – 14 days
- Fines
 - We propose that for work e.g. painting, repairs etc. that is not taken care of within the above time frames we will hire it out and charge a 50% mark up. Since our goals is to have the work done rather than fine people who may then continue to leave the work undone.
 - \$100 to mow & trim a lawn.
 - For improper storage on porches and yards: \$ 50 a week.
 - For boats, trailers, etc: \$100 week.

5.3 Maintenance Review Check List

The Board designed this Check List:

The Wellington Neighborhood Association strives to help homeowners maintain a clean and orderly neighborhood in order to promote pride in our neighborhood and preserve property values over the long term. This document will aid in defining maintenance standards for the properties so that property owners have a clear and well defined idea of what is expected.

Landscaping in the neighborhood should be maintained as follows:

- Grass mowed and weed free, areas around trees and fences should be weed whacked and look clean and tidy.
- Plants & Trees should be tended too, pruned as needed. Dead branches or debris should be cleaned up
- Mulch, Gravel and other landscaping materials should be raked, weed free and clear of debris

Structures – Houses, Garages & Sheds should be maintained as follows:

- No damaged or missing materials, surfaces should be in well maintained condition.
- Lights need to be dark sky compliant to conform to the town's lighting standard.
- Paint on Houses, Garages, Sheds, Decks etc should repainted if it is faded, chipping, flaking or worn in areas. Home owners should expect to repaint houses every 5 -6 years and decks should be re-stained every 1 – 2 years depending on the wear and tear they receive.

- Parking areas should be crack free without stains and little or no damage to the surfaces. The areas around the parking areas should be weed free and kept neat and tidy.

Other items

- Decorations and non permanent landscaping features like lights, outdoor furniture etc. should be clean and well tended. Note: Double homes have an exemption and may store up to three bikes since there is only one porch on these houses.
- No personal items should be permanently stored on Front Porches. Items that are used regularly e.g. strollers could be placed here for ease of access.
- Yards should be tidy with toys and other personal items picked up and stored in a neat and orderly

For the purposes of a maintenance walkthrough please rate the properties below for each landscaping, structure & other on the following 1-5 scale:

- 5 – Excellent - This property exemplifies the standards above
- 4 – Good - Things look good but not quite perfect
- 3 – Average – Clearly people live here. Things are not perfect but all and all they are looking good
- 2 - Needs Improvement – This property needs some work on these items
- 1 – Poor - This property needs immediate focused attention to these items