

# **HORIZON HEIGHTS CONDOMINIUM OWNERS ASSOCIATION**

**A Utah Non-Profit Corporation**

## **RESOLUTION OF THE BOARD OF DIRECTORS**

### **RESOLUTION 9**

#### **REFUSE RECEPTACLES (TRASHCANS)**

WHEREAS, pursuant to Article 5, Section 5.11 of the Declaration, the Board of Directors may adopt, amend, repeal, enforce, and administer reasonable Rules for the regulation and operation of the Condominium Project. The Rules may address any issues including those addressed in this Declaration and the Bylaws. The Rules may supplement, clarify, and add detail to issues otherwise addressed in this Declaration and the Bylaws so long as they do not contradict the same. The Board of Directors determination as to whether a particular activity being conducted or to be conducted violates or will violate the Rules shall be conclusive.

WHEREAS, pursuant to Article IV of the Bylaws of Horizon Heights Condominiums Owners Association, the Project and the affairs and business of the Association shall be managed by the Board of Directors. The Board of Directors may exercise business judgment and all of the powers of the Association, whether derived from the Declaration, these Bylaws, the Articles, or the Acts except such powers that the Declaration, these Bylaws, the Articles, and the Acts vest solely in the Owners.

WHEREAS, pursuant to Article VIII of the Bylaws of Horizon Heights Condominiums Owners Association, Inc., the Board of Directors shall have the authority to adopt and establish by resolution such Project management and operational Rules as it may deem necessary for the maintenance, operation, management, and control of the Project.

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WHEREAS Article 4.3, subsection (b) of the Declaration states that "Owners shall be responsible to ensure that the Limited Common Area within their exclusive control is maintained in a clean, sanitary, and uncluttered condition". The Limited Common Areas for the Horizon Heights Condominium Project include patios, balconies and driveways.

WHEREAS Article 9, Section 9.10 Unsightly Items, states "All rubbish, debris, or unsightly materials or objects of any kind shall be regularly removed from Units and Limited Common Areas and shall not be allowed to accumulate therein or thereon. Refuse containers, machinery, and equipment not a part of the Units, shall be prohibited in any Unit and Limited Common Area unless obscured from view of adjoining Units and

Common Area. Trash and garbage shall be properly disposed in accordance with the Rules applicable thereto adopted by the Board of Directors".

WHEREAS, on November 12, 2018, the Board of Directors, as stated in the minutes approved under b. Trash Receptacles Placement i. Receptacles must be placed in non-visible areas, which are the garages for the condominium community.

THEREFORE, the Board desires to clarify and supplement the Trash Receptacle Policy by establishing a Policy that will incorporate and satisfy the requirements of Article 4.3 (b) and Article 9.10 and the decision of the Board on November 12, 2018.

Requirements:

- 1) All unit owners are required to use the refuse service that the Board has legally contracted with. <sup>(1)</sup>
- 2) All unit owners and non-owner occupants are required to follow the contractor's required separation of recyclables and non-recyclables and refuse container loading policies.
- 3) All refuse receptacles (trash cans) will only be stored in the garage of the unit.
- 4) Refuse receptacles (trash cans) can be put out for pickup no more than one (1) day ahead of the scheduled pickup day. Placing the container in front of or next to the garage will be acceptable. <sup>(2)</sup>
- 5) When put out for pickup, the refuse receptacle must not interfere with the adjoining units driveways and must not block the entrance to the breezeway from the street.
- 6) Refuse receptacles (trash cans) that have been emptied by the contractor must be put back into the unit's garage within thirty six (36) hours. This will allow the green containers to be left out for cleaning. If properly loaded, the blue container should not need cleaning. If it is being left out for cleaning (blue can), a note from the unit must be taped to the can with an explanation. Blue can cleaning will not be allowed on a ongoing basis.
- 7) Non-compliance with these requirements will result in violations and/or fines being issued.
- 8) The Board reserves the right to adjust this policy at any time.

(1) Currently Waste Management

(2) With the current schedule we have (pickup in the afternoons), there is very little reason to even have to put out the container a day ahead. If we go back to early morning pickup, then it makes sense.

Duly adopted at a meeting of the Board of Directors held: 07/26/2023 Via Email

Motion by: Neil Boyd Seconded by: Corbin Midgley

VOTE: YES 4 NO 0 ABSTAIN 0 ABSENT 0

ATTEST:

Neil B. Boyd (Association President)

07/26/2023

Secretary/Board Member

Date

Resolution Effective: 08/07/2023