West Winds HOA
West Winds Master Homeowners' Association, Inc.

www.westwindsHOAbozeman.org

West Winds HOA
PO Box 11965
Bozeman, MT 59719

May 22, 2026

Subject: Courtesy Notice - Key Compliance Reminders from Your **West Winds Master HOA** Board of Directors

Dear West Winds Neighbors,

As spring activity ramps up across the community, your Board of Directors wants to share a proactive, neighborly reminder about the compliance topics we see most often each year. Our goal is simple: **help every owner avoid a violation notice by knowing the rules up front**.

None of what follows is new — each item is grounded in the recorded West Winds Master Covenants, Conditions, and Restrictions (CC&Rs) and our Bylaws. Think of this as a courtesy heads-up so you can spot anything that may need attention at your home before the busy season is in full swing.

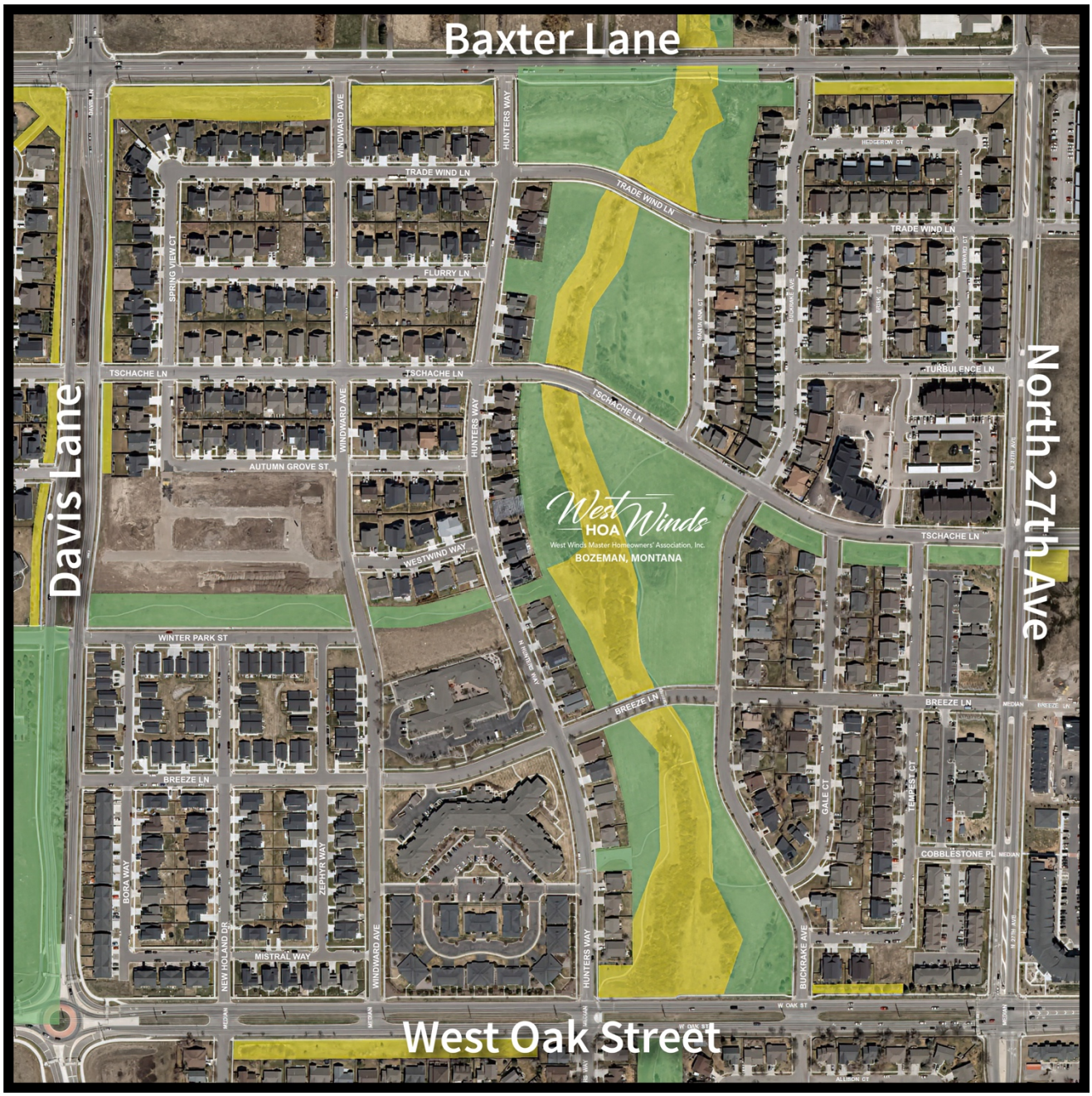
A note for subassociations and multi-unit Lots. West Winds is a **master HOA**, and the rules in this courtesy notice **apply to every Lot** within the community — regardless of how a Lot is internally organized. This includes Lots governed by a subassociation (condominium) and Lots containing apartment complexes (or other multi-unit Lot structures). A few practical notes on how master HOA rules and subassociation rules operate alongside each other:

- **Two governance frameworks apply in parallel.** Master HOA rules govern community-wide standards — architectural review, fencing, landscaping, parking, signage, leasing, and the other topics in this email. Subassociation rules govern internal operations — building common elements, interior matters, and operational details specific to the subassociation. Both apply at the same time, on the same Lot, to the same residents.
- **Where the two frameworks address the same topic, the stricter rule controls.** If the master HOA prohibits something and the subassociation permits it, the prohibition applies. If a subassociation imposes a stricter standard than the master HOA, the stricter standard applies. This preserves both the community-wide baseline and each subassociation's ability to set higher internal standards.
- **Operational responsibility may differ from single-family Lots.** Subassociations often handle items like landscaping, exterior maintenance, fencing, and internal architectural review on behalf of their unit owners — services that on a single-family Lot would fall directly to the homeowner. The master HOA standards still apply; the party who executes compliance may be the subassociation rather than the individual unit owner.
- **Accountability flows through the Lot owner.** Under **CC&Rs §13.24 (Occupants Bound)**, all residents are bound by the master HOA rules. The master HOA's formal counterparty for each Lot is the Lot owner — which, for a condominium or other subassociation-governed Lot, is typically the subassociation acting through its Board. Fines, reimbursement assessments, and other charges arising from any covenant violation are assessed at the Lot level.

This communication is intended as a general educational summary only. In the event of any conflict between this summary and the recorded governing documents or applicable law, the governing documents and applicable law control.

Subassociation Boards — please share this notice with your unit owners, tenants, and residents, and don't hesitate to reach out if any topic raises a question about how it applies in your specific context. Our Board would welcome the conversation; these are areas where coordination between the master HOA and subassociation Boards generally works best.

Unit owners, tenants, and residents on subassociation-governed Lots — please route day-to-day master HOA questions through your subassociation Board first. This preserves the chain of communication that the master HOA's governing documents contemplate.



Find More **Maps**: www.westwindsHOAbozeman.org/about-us

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TOP 11 – Master HOA Community Standards & Compliance Reminders – **West Winds Subdivision**

1. Garbage Cans & Containers

The rule. Garbage and recycling **containers must be stored entirely out of view** — inside a garage, behind ACC-approved screening, or in a side or rear yard fully screened from streets, alleys, sidewalks, and neighboring Lots. Containers **may be placed at the curb beginning the evening before collection day** and **must be removed from view by the end of collection day**. Bagged garbage, loose refuse, overflowing containers, refuse piles, and compost piles visible from any Lot, Common Area, alley, or street are **not permitted at any time**. Trash burning and incinerators are also prohibited.

A note on the visibility standard. §13.12 measures **visibility from every direction** — from neighboring Lots, from Common Areas, from the street, and from alleys — not just from the front of the home. Containers tucked alongside the garage, partially obscured by a vehicle or shrub, or staged on a side patio still fall within the **visible-from-Lot** test if they can be seen from any of those vantage points. If you need to install screening (fence, landscaping, or a shed structure) to achieve compliant storage, an ACC application is required before installation under Article XI and §11.3.

A note on City of Bozeman rules. Under **Bozeman Municipal Code §32.02.040(C),** containers are permitted within the street right-of-way **only the night before and on the day of solid waste collection** — they must be stored off the right-of-way (off streets and sidewalks) the rest of the time. **The City rule and the HOA rule align**: containers in the right-of-way outside collection day are a violation of both. Under CC&Rs §13.29 (Violation of Law), violations of City ordinance within West Winds are independently enforceable as covenant violations.

A note for subassociations. Subassociations that operate shared dumpsters, enclosed trash corrals, or central collection areas remain responsible for keeping those enclosures structurally sound, closed when not in active use, free of overflow, and screened from neighboring Lots, alleys, sidewalks, and streets. The master HOA visibility standard applies to subassociation collection areas the same as to individual Lots.

Why it matters. Visible containers attract wildlife (deer, foxes, magpies, raccoons, skunks, rodents), create wind-blown litter across the neighborhood, and visibly drag down curb appeal across the block. Real estate professionals routinely cite visible trash storage as a property-value detractor in residential subdivisions.

How to comply. **Store** containers **inside the garage**, behind an **ACC-approved fence** in a fully screened side or rear yard. Pull them to the curb beginning the **evening before** collection day and return them **out of view by the end of collection day**. **Full guidance**: www.westwindshoabozeman.org/garbage-storage.

Governing references: CC&Rs §13.12 (Garbage); §13.13 (Removal of Debris); §13.27 (Unsightly or Unkempt Conditions); §13.29 (Violation of Law); §13.31 (Nuisances); Article XI (Architectural Standards), §11.3 (Approval Required). City authority: Bozeman Municipal Code §32.02.040(C) (Containers within the right-of-way).

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2. Yard Maintenance

The rule. Each Lot must be kept in a neat and orderly condition. That means:

- **Mowing** — lawns kept trimmed throughout the growing season.
- **Watering / irrigation** — turf and plantings kept alive and healthy; dead, brown, or bare yards are not permitted.
- **Weeds** — all yard areas, planting beds, and landscaped areas must be kept free of weeds — not only noxious weeds, but common weeds and other unsightly growth.
- **Wood piles and firewood** — any wood pile or stored firewood must be neatly stacked, kept off the ground (rack or pallets), located **out of primary view from streets and neighboring properties**, kept well **clear of homes, garages, fences, and overhanging vegetation for fire safety**, and not allowed to become unsightly or to harbor rodents, insects, or other pests.
- **Vacant Lots** — vacant Lots must be mowed for fire safety and kept tidy and free of overgrowth, debris, garbage, weeds, and noxious weeds in compliance with the Montana Noxious Weed Control Act (MCA §§ 7-22-2101 to 7-22-2153).
- **Sidewalk weeding** — each Owner is also responsible for landscaping, irrigation, and weeding of the public sidewalk and boulevard adjacent to and between their Lot and the nearest right-of-way.

A note on double-frontage Lots. Lots that back up to one of the four perimeter boulevards of West Winds **— Davis Lane, Baxter Lane, North 27th Avenue, and West Oak Street** — are designated as double-frontage Lots under the First Amendment to the CC&Rs §12.15 (filed July 12, 2007). Owners of double-frontage Lots have two specific responsibilities:

- **Fence maintenance (if a fence is present).** Owners maintain the entirety of the boulevard-abutted fence on both sides — the interior (yard-facing) and exterior (street-facing). This includes structural soundness, board replacement, stain or paint, and removal of any vegetation that has overtaken the fence on either side.
- **Strip between property line and sidewalk.** Owners perform all maintenance — landscaping, mowing, irrigation, trimming, and weeding — between the rear or side property line of the Lot and the property-abutted (interior) edge of the perimeter sidewalk. No weeds, unauthorized plantings, vegetative overgrowth, or encroachments into the public right-of-way may exist along the perimeter street-facing portion of the Lot or fence.

Why it matters. Unmaintained yards drag down adjacent property values, spread weeds and pests to neighboring Lots and HOA open space, and signal neglect across the block. The Association is itself required to control noxious weeds and perform regular maintenance of HOA-responsible common areas — owners share that responsibility on their own Lots and adjacent sidewalks. Boulevard-abutted Lots are the **public face of West Winds** to thousands of passing motorists every day, and the maintenance standard reflects that.

How to comply. Set a regular mowing schedule, confirm your irrigation is running and zoned correctly, and address weeds early in the season before they spread. Don't forget the sidewalk strip adjacent to your Lot. For wood piles or firewood, follow the placement and stacking guidance above. If you're traveling, arrange for a neighbor or service to keep things up.

Governing references: CC&Rs §13.27 (Unsightly or Unkempt Conditions); §13.42 (Maintenance of Grounds), §13.42(a)–(c); §13.43 (Diseases and Insects); §13.31 (Nuisances); §7.3 (Improper Maintenance and Use of Lots) First Amendment §12.15 (double-frontage Lots, filed July 12, 2007).

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3. Storage of Goods & Equipment

The rule. Storage of **furniture, appliances, machinery, equipment, building materials, tools, portable basketball hoops, or similar goods** on any portion of your Lot **that is visible from outside the Lot** is **prohibited** unless the item is in active use. The same restriction applies to any storage on HOA common areas.

A note on basketball hoops. West Winds permits **portable** basketball goals under **CC&R §13.19 (Athletic and Recreational Facilities)** — they may be temporarily placed **adjacent to the driveway and within the Lot** during active play, subject to Board-adopted rules. Portable hoops may **not** be placed in the street, in the public right-of-way (where they obstruct emergency response, snow plowing, and street sweeping), in front yards away from the driveway, near intersections in a way that obstructs sight distance under §13.15, or anywhere creating a nuisance to neighbors. When play is done, portable hoops should be moved out of view — stored in the garage, in an ACC-approved structure, or behind an ACC-approved screening fence not visible from the street. **Permanent in-ground or wall-mounted basketball hoops** (including those mounted on garage facades, exterior walls, or other permanent attachments to the home) are Improvements and require prior written ACC approval before installation. Under **CC&Rs §13.5 (Basketball Backboards)**, only **permanent basketball backboards** with **prior written ACC approval** are permitted; under §13.19 (Athletic and Recreational Facilities), **no permanent basketball facility** may be installed between the **street right-of-way and the front of a Unit without ACC approval**. Article XI and §11.4 set the application process.

Why it matters. Visible **outdoor storage** is **by far the most consequential issue** in this section — and its **impact is community-wide**, not just on the Lot where items are left out. Stored goods in front yards, driveways, side yards, and along fences are among **the fastest ways a property starts to look neglected, and that shows quickly to neighbors, prospective buyers, and the thousands of motorists who pass through West Winds every day.** Even individually modest items, accumulating over time, signal property condition deterioration, drag down curb appeal across the block, and meaningfully affect perceived property values for every nearby Lot. **That community-wide impact is why the standard applies even to short-term visible storage.**

A more acute operational concern layers on top of that. **Basketball hoops** placed in the street — and especially in our **three private alleyways (Bora Way, Mistral Way, and Zephyr Way)** — are a recurring safety and snow-plow issue. These narrow alleyways are the primary access route for the homes that front them and serve as essential corridors for fire trucks, ambulances, garbage trucks, snow plows, and street sweepers. A single hoop or piece of equipment at the alleyway edge meaningfully reduces the clear travel lane and can stop an emergency vehicle or plow from getting

through**. Keeping items out of sight when not in use**, and ensuring portable hoops stay on the Lot adjacent to the driveway and off the alleyways entirely, **protects your home's appearance, your neighbors' property values,** your own access, and the **safe operation of the streets** and alleys we all share.

How to comply. **Store** equipment, materials, and seasonal items **in your garage,** in an ACC-approved structure, or **behind an ACC-approved screening fence** not visible from the street. For portable basketball hoops: keep them adjacent to your driveway and within your Lot during play; move them out of view when not in use; and never leave them in the street, in the public right-of-way, or near intersections. For permanent, in-ground, or wall-mounted hoops, submit an ACC application before installation — see Section 6.

The same standard applies more broadly. **Items not in active use** — including tires, camping gear, ladders, landscaping supplies, and **recreational equipment such as kayaks, inflatables, scooters, bikes, and soccer nets — should be stored out of public view** in a garage or behind an ACC-approved fence, except while actively in use or being loaded or unloaded from a vehicle**. The visible portions of a Lot** — front, side, and rear yards — **are not appropriate locations for ongoing, unsightly, or improper storage** of goods, debris, garbage, or equipment of any kind.

Governing references: CC&Rs §13.25 (Storage of Goods); §13.19 (Athletic and Recreational Facilities); §13.5 (Basketball Backboards); §13.27 (Unsightly or Unkempt Conditions); §13.15 (Sight Distance at Intersections); §13.31 (Nuisances); Article XI (Architectural Standards), §11.3 (Approval Required)

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4. Parking

The rule. Parking standards in West Winds cover both **where** you park and **what** you park there:

*Where **parking** is **prohibited:***

1. **Private alleys.** West Winds has three (3) private alleyways — **Bora Way, Mistral Way, and Zephyr Way** — all located within **Phase SW SUB** (south of Breeze Lane). These alleys serve as essential residential access routes and emergency-vehicle corridors and are owned and maintained by the West Winds Master HOA per the SW SUB plat (J-640) Certificate of Dedication. **No parking is permitted on the exterior (non-sidewalk) side of these alleys at any time** under master CC&Rs §13.11. No-parking signs are posted along these routes. Map: www.westwindshoabozeman.org/about-us#no-parking
2. **HOA common areas and open spaces.** No driving, parking, or storage of any kind.
3. **Sidewalks and public rights-of-way.** Must **remain unobstructed at all times** — including by vehicles parked in your own driveway. When a passenger vehicle, pickup truck, trailer, boat, or hitch extends across the sidewalk, **the sidewalk is blocked even though the vehicle is on your property.** Sidewalks must be kept clear for pedestrians, children, bicyclists, strollers, wheelchairs, mail carriers, and emergency responders. If a vehicle, trailer, camper, or boat doesn't fit fully on your driveway without overhanging the sidewalk, it needs to be parked elsewhere, such as in the garage or stored off-site.

4. **Landscaped areas — front, side, or back.** No vehicle or wheeled equipment may be parked, driven across, or stored on any landscaped portion of a Lot or Common Area. This includes scooters, motorcycles, boat trailers, utility trailers, and similar items as well as passenger vehicles.
5. **Porches, sidewalks, walkways, and patios – ARE NOT** parking surfaces. **Scooters, motorcycles, boat trailers, and similar items** may not be parked or stored on porches, walkways, or patios.
6. **Back yards and side yards.** No vehicle of any kind may be parked and visible in a back yard or side yard, regardless of the surface beneath.

*What may **NOT be parked or stored** on a **Lot** or on **HOA streets**:*

1. **NO Inoperative or unlicensed vehicles** — including any vehicle that cannot be driven under its own power.
2. **NO Vehicles on jacks, blocks, or stands.**
3. **NO Vehicle repair or maintenance activity in a driveway or on a Lot** (other than minor, short-duration tasks like changing a tire or jumping a battery). Routine or ongoing vehicle repair and maintenance activity is prohibited outside enclosed garages.
4. **NO Long-term, ongoing, or repeated visible parking or storage of campers, RVs, utility trailers, boats, and similar non-passenger vehicles** on HOA streets, in driveways visible from the street, or anywhere on a Lot where visible from a street. The CC&Rs permit only short-term, infrequent parking (not to exceed 24 hours, per §13.11(a)) for active loading, unloading, cleaning, or maintenance. Ongoing **on-street**, in-driveway, or **visible-on-Lot storage** of these vehicles is prohibited.
5. **NO Commercial vehicles** (gross vehicle weight rated greater than 1 ton) **stored on a Lot or on the street.**

Limited exception for RVs. For purposes of cleaning, loading, unloading, and short-term parking, an RV **not exceeding twenty feet (20')** may be parked briefly on a Lot's driveway — **infrequently (no more than once every 30 days)** and **not exceeding 24 hours** each time. **Written permission** from the HOA is required for any such short-term use.

A note on snowmobiles and other off-highway vehicles (OHVs). Snowmobiles, ATVs, dirt bikes, side-by-sides, and other off-highway vehicles may **not** be operated on any West Winds street, private alley, sidewalk, common area, or open space, **nor parked or stored where visible from streets or neighboring properties**. These vehicles are generally not street-legal under Montana law, generate substantial noise, and create safety risks for pedestrians, children, pets, and passenger vehicles. OHVs brought to a Lot must be trailered in and out, and stored **fully enclosed in a garage** (or screened from view by ACC-approved screening) per §13.32(a). Operation must occur off-property at legal OHV trail systems or other authorized locations.

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Why it matters. **Alley parking** blocks fire, ambulance, and delivery access — **a safety issue**, not an inconvenience**. Vehicles on, overhanging, or blocking sidewalks** are equally serious: **a blocked sidewalk** forces pedestrians, the elderly, parents with strollers, kids on bikes, and wheelchair users into the street, where they don't belong and aren't safe. **Vehicles on landscaping, on porches and patios**, or stored in side or back yards are among the most frequent visual complaints we receive. **Inoperable vehicles, vehicle repair work,** long-term trailer/recreational vehicle storage, sidewalk obstructions, and operation of snowmobiles or other off-highway vehicles on West Winds streets or property compound the issue and often overlap with City of Bozeman ordinances, meaning non-compliance can trigger both an HOA notice and a City citation.

How to comply. Park **passenger vehicles** in your garage or on your paved driveway only — **and confirm that the vehicle fits fully within your driveway without overhanging the sidewalk.** Keep scooters, motorcycles, bicycles, and trailers off porches, patios, walkways, and landscaped areas — store them in the garage. Use off-site storage for RVs, campers, boats, and utility trailers beyond the brief (not exceeding 24 hours), infrequent loading window described above. Handle vehicle repairs in a garage or off-site.

Private Alleyway NO Parking Map: https://www.westwindshoabozeman.org/about-us#no-parking

Governing references: CC&Rs §13.11 (Parking); §13.32 (Vehicles), including §13.32(a)–(d); §13.31 (Nuisances); Plat authority: West Winds SW Subdivision P.U.D. (J-640) Certificate of Dedication. State authority: Montana Code Annotated, Title 23, Chapter 2 (Snowmobiles and Off-Highway Vehicles).

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5. Respecting HOA Open Spaces & City Parks

Two different owners, one shared expectation. West Winds includes both **HOA-owned open spaces** and **City of Bozeman–owned parks, trails, and public rights-of-way.** The HOA owns and maintains its open space tracts; the City owns West Winds Park, the dedicated trails on park land, and the public rights-of-way, and the City maintains them through the **Bozeman Parks & Trails District** (effective July 1, 2020 and funded by City property tax assessments paid by every West Winds lot owner). Both are off-limits for dumping, encroachments, and other unauthorized activity.

No dumping. Grass clippings, leaves, branches, yard waste, soil, landscaping debris, pet waste, and any other materials may not be deposited into HOA open space, City parks, trails, or rights-of-way. Yard waste belongs in your curbside container or at a proper disposal site — never tossed over a fence line or piled in the buffer.

No encroachments. Owners **may not extend** onto HOA open space, City park land, trails, or public rights-of-way with plantings, fencing, landscaping, fire pits, structures, plant boxes, garden boxes, furniture, lawn ornaments, or any other improvement. Where your Lot ends and HOA open space or City property begins is fixed by the recorded plat. Landscape maintenance by an adjacent owner does not create ownership rights or permission to install improvements.

A note on City park rules and maintenance. The City of Bozeman maintains its own rules of conduct for City parks and trails — including specific prohibitions on dumping dirt, grass, and tree clippings; constructing or erecting structures; operating or parking vehicles on park lands or trails; starting fires outside provided facilities; and failure to remove pet waste. These rules are set out in **Bozeman Municipal Code §26.02.030 (Park Prohibitions).** Routine landscape, irrigation, mowing, trash, and snow-removal services inside the City park are now handled by the City through the Parks & Trails District — please report park-maintenance concerns directly to **City Parks at (406) 582-2290 or parkstrails@bozemanmt.gov,** not to the HOA. Under **CC&Rs §13.29 (Violation of Law)** and **§13.31 (Nuisances),** any violation of applicable City law on park land, trails, or rights-of-way within West Winds is also enforceable by the HOA as a CC&R violation.

Why it matters. Dumped **yard waste kills native vegetation, spreads weeds, and creates fuel for fires**. **Encroachments** are far more common than people realize — a row of perennials here, a planter box or chair there — and over time they shift both the legal and visual boundary of the community.

How to comply. Keep all yard waste **on your Lot or in your waste container**. If you're unsure where your Lot ends, refer to the recorded plat at westwindshoabozeman.org/records or send a quick note through the Contact Us form and we'll help you locate the boundary.

Governing references: CC&Rs §7.1 (Common Areas); §13.13 (Removal of Debris); §13.25 (Storage of Goods); §13.29 (Violation of Law); §13.31 (Nuisances). City authority: Bozeman Municipal Code §26.02.030 (Park Prohibitions). City park maintenance: Bozeman Parks & Trails District (effective July 1, 2020).

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6. ACC Approval BEFORE You Start Any Exterior Project

The rule. **Any new Improvement or change visible from the outside of your home** — fences, sheds, decks, patios, pergolas, solar panels, exterior paint changes, new landscaping or hardscaping, retaining walls, driveways, additions, generators, and similar — must be submitted to the Architectural Control Committee (ACC) and approved **in writing before work begins.** Maintenance and like-for-like repair of an already-approved Improvement (same color, same material, same scope) does not require an application.

Why it matters. This is the single most common path to a Major violation. Once unapproved work is in the ground, removing or modifying it is costly, stressful, and avoidable. ACC review also protects your project — many applications come back with helpful adjustments that save the owner money or trouble down the road.

How to comply. **Submit your application** before contractors are scheduled. The form, review criteria, and turnaround timeline are at: https://www.westwindshoabozeman.org/acc-review

When in doubt, send a quick question through the Contact Us form — we'd much rather answer a "do I need to apply for this?" question than open a violation file.

Governing references: CC&Rs Article XI (Architectural Standards); §11.3 (Approval Required); §11.4 (Process)

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7. Fences

The rule. Fences **require ACC approval before installation, replacement, or modification**. Approved fence types, heights, materials, and locations are specified in the governing documents. **No chain link or wire fences** are permitted under First Amendment §12.15. **Existing approved fences** must be:

- **Structurally sound** — no leaning panels (any lean toward sidewalks, streets, neighboring properties, or public rights-of-way is both a safety hazard and a violation);
- **Intact** — no missing, broken, rotted, or pushed-out boards;
- **Properly finished** — stain or paint maintained where applicable;
- **Animal-secure** — gaps, broken boards, or low spots through which a dog or other animal can escape, push through, dig under, or reach must be repaired promptly.

A note on fence maintenance, animal damage, and party (shared) fences. Fences are among the most frequent source of HOA enforcement matters and neighbor disputes. The most common issues we encounter each year:

- **Fences leaning toward public sidewalks, streets, or rights-of-way.** A structural safety issue. A leaning fence creates real risk of collapse onto a pedestrian, child, or wheelchair user — and the Lot Owner is responsible for the resulting injury or property damage. Leaning sections must be straightened, properly braced, or replaced before the lean progresses.
- **Missing, broken, or rotted boards.** Must be repaired or replaced promptly. A fence with visible gaps no longer serves its intended purposes (visual screening, animal containment, property delineation) and falls within §13.27 (Unsightly or Unkempt Conditions) and §13.50 (Safe Condition).
- **Dog or other animal damage.** Dogs that jump on, scratch, dig under, chew, or push through a fence cause progressive damage that the **Owner of the animal is responsible for repairing.** This applies whether the damaged fence is entirely on the Owner's Lot or is a **party (shared) fence** along a common property line (governed by **CC&Rs §13.8**). Dog-induced damage that is left to accumulate shifts both cost and visual impact onto neighbors and compounds violations under §13.27 and §13.50.
- **Animal containment failures.** Fences must reliably contain dogs and other animals within the Lot. A fence with gaps, missing boards, or low spots through which an animal can escape or reach beyond the Lot boundary does not satisfy §13.50 (Safe Condition) or §13.31 (Nuisances). Repeated escapes also implicate **City of Bozeman animal control provisions** and, in serious cases, dangerous dog rules.

A note on dog runs and animal pens. Under CC&Rs §13.23(b), **dog runs, kennels, and animal pens of any kind are prohibited if visible from neighboring property.** Owners who keep dogs or other animals in outdoor enclosures must locate them where they are fully screened from view by neighbors — typically a fully fenced back yard or interior portion of the Lot, screened by approved structures or plantings. The visibility test is the standard, regardless of the run's size, materials, or quality.

Why it matters. Fence standards exist to keep sightlines, drainage, animal containment, and the visual character of the neighborhood consistent. **Unapproved fences and unmaintained fences** are among the **most visible compliance issues** we deal with each year. Leaning, broken, or animal-compromised fences create safety risks for pedestrians and neighbors, liability exposure for the Lot Owner, and progressive deterioration that often spreads to adjacent properties — especially on **party fences**, where **one Owner's neglect** or **one dog's damage imposes costs on the neighbor.**

How to comply. If your fence **needs repair or you're considering a new one**, start with an **ACC application** before **scheduling work**. If you've inherited an older fence and aren't sure of its status, reach out and ask — we can help you check. **Routinely check the fence line:** look for leaning sections, missing or broken boards, and damage at dog level (claw marks, chewed boards, gaps near the ground). Repair damage promptly — small repairs now prevent larger replacements later. **If your dog is damaging a fence — yours or a neighbor's** — promptly address it.

Governing references: CC&Rs §13.8 (Party Fences and Party Walls); §13.9 (Retaining Walls and Side Yard Walls and Fences); §13.23(b) (Prohibited Structures — Dog Runs and animal pens); §13.27 (Unsightly or Unkempt Conditions); §13.30 (Animals); §13.31 (Nuisances); §13.50 (Safe Condition); §7.3 (Improper Maintenance and Use of Lots); First Amendment §12.15 (Fencing, filed July 12, 2007). City authority: Bozeman Municipal Code (animal control provisions).

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8. Fire Pits, Open Burning & BBQs

The rule. Wood-burning **fire pits, chimineas, portable outdoor fireplaces, and open burning** are **NOT permitted on Lots** within West Winds. Propane and natural-gas fire features, as well as gas and charcoal grills, are permitted when used safely — well clear of structures, fences, decks, eaves, and overhanging vegetation, and never left unattended**. Any permanent fire feature** of any fuel type requires ACC approval before installation under Article XI and §11.3.

A note on BBQs and grills. Properly constructed **barbecue pits and grills are permitted** under CC&R §13.40, but each Owner remains responsible for **safe use under §13.50 (Safe Condition)** and for **avoiding nuisance smoke and odors under §13.31 (Nuisances)** — drifting smoke or odors that unreasonably interfere with neighbors' use and enjoyment of their property can themselves constitute a covenant violation under §13.31 and §13.50, even when the grill itself is permitted under §13.40. **For multi-unit Lots** (condos or apartments), charcoal and open-flame cooking devices on combustible balconies near combustible construction are subject to additional restrictions under the City's adopted International Fire Code (BMC §18.02.010) — check with your subassociation or the City Fire Department before use. **Permanent outdoor kitchens and built-in BBQ structures** are Improvements and require ACC approval before installation under Article XI.

Why it matters. West Winds sits in a high-wind, dry-summer climate, with many Lots adjacent to City parks and HOA open spaces that often feature tall native grasses. A single unattended fire can put neighboring homes — and lives — at serious risk.

How to comply. If you're unsure whether an existing fire feature is compliant, please reach out to the ACC before fire season picks up — we'd much rather have a conversation in advance than open an enforcement file later. For any **new permanent fire feature**, submit an ACC application before purchase or installation. Current owner-facing guidance is at: https://www.westwindshoabozeman.org/post/navigating-bbq-fire-pit-usage-in-the-west-winds-hoa-community.

Governing references: CC&Rs §13.40 (Fires); §13.31 (Nuisances); §13.50 (Safe Condition); §13.48 (Health, Safety and Welfare); Article XI (Architectural Standards), §11.4 (Procedures for Approval). City authority: Bozeman Municipal Code §18.02.010 (International Fire Code adoption).

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9. Air Conditioning, Heat Pumps, Generators & Other Mechanical Equipment

The rule. **Exterior mechanical equipment** — including air-conditioning condensers, heat pumps, generators, evaporative coolers, and similar installations — is governed by four overlapping standards:

- **Placement (§13.14 + §13.27).** Air-conditioning apparatus and evaporative coolers **may NOT be installed on the ground in front of a residence,** attached to **any front wall**, or **attached to <u>any window</u> (front, side, or back)** under §13.14. Other exterior mechanical equipment — heat pumps, generators, condensers — with ACC written approval, including approved screening, may be placed in side or back yards, not in primary public view from the street.
- **Operational / sound (§13.31).** Mechanical equipment must not create unreasonable noise that disturbs neighboring Lots. Generators, in particular, must be sized and located so that their operating sound levels do not constitute a nuisance — and routine generator testing should be timed to avoid early morning, evening, and quiet hours.
- **Visibility (§13.27 + §13.6).** Equipment should be screened from public view where reasonably possible — by structure, fencing, or landscaping. Bright, unscreened mechanical installations facing the street fall within unsightly-conditions enforcement.
- **ACC approval (Article XI / §11.3).** Permanent installation of exterior mechanical equipment is subject to ACC oversight. The level of formality depends on the equipment type and placement:
    - **AC condensers and heat pumps in compliant locations** (side or back yard, clear of front walls and windows, screened from view) — a brief note to the ACC to confirm placement and screening before installation is generally sufficient.
    - **Generators (of any size, fuel type, or configuration)** — a **formal ACC application is required before installation.** Generators raise specific issues — exhaust direction, fuel storage and clearances, sound at startup and during testing, screening, and visibility from and proximity to neighboring Lots — that warrant full ACC review.
    - **Material relocations, non-routine placements, or fuel-storage components** for any equipment — formal ACC application required.
    - **Like-for-like replacement** of an **already-approved** unit in the same location — no application needed.

Why it matters. Mechanical equipment placed where it shouldn't be — window AC units, front-facade condensers, generators audible into adjacent bedrooms — is among the most visible and audible compliance issues we encounter. Catching the placement decision before installation saves the cost of relocation later.

How to comply. Before installing any exterior mechanical equipment, identify the equipment type, manufacturer specs (including sound rating where available), proposed location, and any screening. For AC condensers and heat pumps in compliant side- or back-yard locations, reach out to the ACC to confirm placement before installation. For generators, **submit a formal ACC application well before scheduled installation**. For window-style cooling needs, consider a portable AC unit that vents through a window without protruding visibly from the exterior.

Governing references: CC&Rs §13.14 (Air-Conditioning Units); §13.6 (Machinery and Equipment); §13.31 (Nuisances); §13.27 (Unsightly or Unkempt Conditions); Article XI (Architectural Standards), §11.3 (Approval Required).

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10. Signs, Flags, Yard Decorations & Holiday Displays

The rule — Signs (CC&Rs §13.1 + Bozeman UDC §38.550). Signs are generally prohibited on Lots and homes within West Winds, except for these specific permitted categories. All permitted signs must comply with **both** the CC&Rs and the Bozeman City Sign Code (UDC):

- **For Sale or For Rent signs:** one sign per Lot, maximum **2 feet by 3 feet (6 square feet)**, staked in the ground, not more than **3 feet above ground**. (The CC&R limit is more restrictive than the UDC's 9 sq ft / 5 ft limit and therefore controls.)
- **Political signs:** permitted no earlier than **90 days before an election** and must be removed within **15 days after the election** under the CC&Rs. Size and quantity are governed by the UDC: **maximum 9 square feet per individual sign, maximum 5 feet in height, and no more than 32 square feet total signage displayed on the Lot at any one time.**
- **School or business emblems and bumper stickers:** permitted only on vehicles.
- **Security monitoring signs:** one yard sign per Lot; security window emblems limited to one per window.
- **All other commercial, advertising, business, or promotional signs are not permitted.**

The rule — Flags and Flagpoles (§13.1(i)). Within the front yard, set back at least **15 feet** from the front property line, owners may display a standard American flag from a wall-mounted standard or from a residentially-scaled flagpole not exceeding **18 feet** in height. Proper flag etiquette must be observed (flag not torn or faded, right-side up, illuminated at night). **Advertising flagpoles, standards, flags, banners, balloons, flashing lights, and lighted panel signs are not permitted** anywhere within the subdivision or in adjacent public rights-of-way. For a **new permanent flagpole installation**, the Board's practice is to require ACC review to confirm placement, scale, and site conditions before installation — please submit a brief ACC application even when the §13.1(i) criteria are met.

The rule — Lawn Ornaments and Yard Decorations (§13.1(j)). Statues, lawn ornaments, and yard decorations **of any size or type** must be placed so as **not to be visible from Neighboring Property.** There is no "reasonable quantity" or "tasteful display" exception — **the rule is a visibility test.** Acceptable locations are side or back yards screened from neighbors. **Holiday decorations are the only exception** to this rule and are governed by §13.36 below.

The rule — Exterior Holiday Decorations (§13.36).

- For each holiday, lights and decorations **may not be displayed** more than **four (4) weeks before the holiday**, with an additional specific rule under §13.36 prohibiting display of winter holiday lights and decorations *("§13.36, referring to 'Christmas decorations or lights,' is applied to all winter holiday lighting under the Board's neutral application of this provision")*, before **November 1st** of any year.
- **All** lights and decorations **must be removed** within **thirty (30) days after the holiday has ended.**
- **Displays may not disturb neighbors** — no illuminating neighboring bedrooms, no excessive noise.

Why it matters. §13.1 is one of the most widely under-known provisions in the CC&Rs. Real estate For Sale signs that exceed the 2' × 3' size limit, political signage that exceeds City Sign Code limits during election seasons, flagpoles installed without ACC approval, holiday decorations left up well past the 30-day window, and lawn ornaments accumulating in front yards are among the most frequent visual complaints we receive each year.

How to comply.

- **Signs:** Confirm both CC&R and UDC limits before placement. For Sale signs from real estate brokers sometimes default to the larger UDC size — ask for a compliant 2' × 3' version. Political signage during election seasons must stay within 9 sq ft.
- **Flags:** Display the American flag with proper etiquette and setback. For a new permanent flagpole installation, submit an ACC application before installation.
- **Yard ornaments:** Place ornaments in the side or back yards where they aren't visible from neighboring properties. The neighboring-property visibility test is the standard — not size or quantity.
- **Holiday decorations:** Mark a calendar for **removal** — 30 days after each holiday's end. **Learn more**: https://www.westwindshoabozeman.org/post/holiday-lights-and-decorations-a-guide-for-west-winds-residents

Governing references: CC&Rs §13.1 (Signs, Flags, Flagpoles and Statues), including §13.1(a)–(j); §13.36 (Exterior Holiday Decorations); §13.27 (Unsightly or Unkempt Conditions); Article XI (Architectural Standards), §11.3 (Approval Required) for permanent flagpole and substantial installations. City of Bozeman authority: Unified Development Code §38.550 (Signs), including §38.550.050(2)(a) (residential temporary signs).

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11. If You Rent Your Unit(s) — Owner Responsibilities for Tenants

The rule. West Winds permits leasing under specific conditions set out in the CC&Rs:

- **Whole-Lot leases only.** A Lot may be leased only in its entirety. **Separate rooms** within the same Unit may **not** be leased independently, and no fraction or portion of a Lot may be leased.
- **Six-month minimum term.** All leases must be in writing and for an initial term of at least six (6) months. **Short-term rentals (under 6 months)** — including vacation rentals, nightly stays, Airbnb-style listings, and similar transient occupancy — **are prohibited.**
- **Tenant acknowledgment of the Governing Documents.** Every lease must require Tenants and all occupants to comply with the West Winds Governing Documents (CC&Rs, Bylaws, and Association Rules). **Owners must provide their Tenants a copy of these documents and obtain a signed receipt that the Tenant has received and agreed to abide by them.**
- **Filing requirement.** Within **ten (10) days of lease execution**, the Owner must provide the HOA with: (a) a copy of the lease; (b) the signed tenant acknowledgment of the Governing Documents; and (c) the Owner's current mailing address and contact information.

Owner accountability for tenant conduct. Under **CC&Rs §13.24 (Occupants Bound)** and **§13.33(e),** the **Owner remains responsible for the conduct of tenants, occupants, family, guests, and invitees**. Fines, reimbursement assessments, and other charges arising from a tenant's covenant violation are assessed against the Owner — regardless of who actually caused the issue. Every topic earlier in this email applies to tenants the same as to owners, and the Owner is on the hook for compliance.

A note on noise, parties, and unruly gatherings. Loud or raucous parties, persistent loud music or amplified sound, and disruptive gatherings are prohibited as nuisances under **CC&Rs §13.31** and are independently regulated by the City of Bozeman under **BMC §24.05.020 (Special security service charges at loud or unruly gatherings).** Under the City ordinance: a first response triggers a warning; subsequent responses within 12 months carry civil penalties of $100, $250, and $500 on a rolling schedule, plus emergency-responder costs and a 33% administrative surcharge. Critically, the BMC expressly defines "responsible person" to include the **landlord** — meaning Owners of rented Lots are liable for these City fines and costs alongside their tenants. These City charges are in addition to any HOA fines that may also apply. **Helping your Tenants understand the community standards** on **noise, parking, and shared spaces** up front is the single most effective prevention.

Why it matters. The HOA receives a disproportionate share of complaints from neighbors involving rented homes — often because Tenants were never informed of the rules. Tenants who don't know the rules tend to do the wrong things by accident: garbage at the curb on the wrong day, vehicles in the wrong places, parties that run too late. The resulting violations land on the Owner's account, and repeat City responses land in court.

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How to comply.

- **Before move-in.** Give your Tenants a copy of the CC&Rs and walk them through the basics. The full set is at westwindshoabozeman.org/records; the topics in this email are the ones that come up most.
- **At lease signing.** Have your Tenants sign a brief acknowledgment that they have received the Governing Documents and agree to abide by them. (A short paragraph in the lease addendum is sufficient.)
- **Within 10 days of lease execution.** Submit the lease, the tenant acknowledgment, and your current owner contact information through the Contact Us form at westwindshoabozeman.org/contact.
- **Going forward.** Keep your tenant contact information current with the HOA, and let your Tenants know that **all tenant communication with the master HOA must go through you (or your designated property management company, or your subassociation Board)** — The Association's formal relationship is with the Lot owner (or designated property management company). Tenants are encouraged to communicate through their owner or property manager whenever possible. This preserves the chain of responsibility between Owner and Association.

Governing references: CC&Rs §13.33 (Leasing), §13.33(a)–(e); §13.24 (Occupants Bound); §13.31 (Nuisances). City authority: Bozeman Municipal Code §24.05.020 (Special security service charges at loud or unruly gatherings).

A Few Closing Notes

- **All recorded governing documents, plats, and amendments** are available at westwindshoabozeman.org/records.
- **Questions about anything in this email — or about any project you're planning** — please use our Contact Us form: westwindshoabozeman.org/contact. It routes to the right Board member or ACC volunteer and creates a record so nothing falls through the cracks.
- **To learn more and submit an ACC Review Application**: https://www.westwindshoabozeman.org/acc-review
- **Call 811 before you dig.** Montana law requires a **free underground utility locate before any excavation** work — fence post holes, retaining wall footings, deck footings, tree planting, generator pads, irrigation work, and any other ground-disturbing project. **Submit a locate request** at montana811.org or call 811 at least two business days before work begins. 811 is a separate, parallel requirement from the ACC application — please plan time for both.
- **Master HOA communication channels.** The master HOA's point of contact for **each Lot is the Lot owner, subassociation, or designated property management company**. Tenants, unit owners under a subassociation, and other non-owner residents should route questions about master HOA rules through their Lot's representative rather than contacting the HOA directly. This preserves the chain of accountability between the master HOA and each Lot.

- **For maintenance concerns inside a City park** (West Winds Park or any other City-owned park or trail) — please contact **City Parks** at (406) 582-2290 or **parkstrails@bozemanmt.gov,** not the HOA. The City maintains these areas through the Parks & Trails District.
- **About West Winds** + Summer/Winter/Park Services **Maps** can be found here: http://www.westwindshoabozeman.org/about-us
- **Written correspondence** can be sent to:

  West Winds HOA
  PO Box 11965
  Bozeman, MT 59719
- **A reminder about Good Standing.** Member rights under the West Winds Master governing documents — including the right to vote in Association elections — are conditioned on each Owner remaining in Good Standing with the Association. The compliance topics above are part of what helps every owner remain in Good Standing. Details are addressed in the Bylaws, CC&Rs, and in the Association's annual election materials.
- **Here's where you can find the West Wind Master HOA's *current*:**
  - **Fine Schedule:** http://www.westwindshoabozeman.org/fine-schedule
  - **Enforcement Policy:** http://www.westwindshoabozeman.org/ep

Thank you for taking a few minutes to read through this. West Winds is a great place to live because owners look out for the community and for one another — these reminders are simply meant to make compliance easier, not more complicated.

Warmest Regards,

The Board of Directors & Officers
West Winds Master Homeowners' Association, Inc.

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