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Copperfield Condos - Rules & Regulations

1 message

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To: jenna.roberts@managementtrust.com

Thu, Aug 2, 2018 at 12:51 PM

Dear Copperfield Homeowners and Residents,

Over the last few years, it has become apparent that people are not altogether aware of the guidelines that regulate our community. The guidelines in place had also not been reviewed for over a decade.

To help with these dilemmas, a committee was chartered last year to do a thorough review of the rules and regulations, and provide recommendations to the Board. At the June 26, 2018 Board meeting, the new rules and regulations were adopted.

Enclosed is the new and improved document for your records. Please read these thoroughly, and ensure your unit and behavior aligns with the expectations set forth.

MAJOR CHANGES

1. Enforcement will now follow the procedures laid out in the Financial Penalties Resolution, a separate document adopted in 2008. Please reach out to Management if you need this information.
2. Limitations have been placed on the installation of window air conditioners. Please refer to Section 9c.
3. The Board now reserves the right to tow any vehicle obstructing access to the property immediately.
4. Non-resident use of the recreational facilities has become a problem. Residents lending a fob to guests, or letting guests use the rec room without accompanying them, will cause the unit's fob to be revoked permanently.

There are numerous other revisions in addition to these. This is also a living document, and the Board will change this as necessary, when new opportunities present themselves.

Moving forward, The Board and Management will be enforcing these requirements to the fullest extent. If you have any questions about the rules and regulations, please do not hesitate to reach out to me or attend a Board meeting for clarification.

Please note that if you are a homeowner who rents your unit to tenants, the tenants' compliance is ultimately your responsibility. It is also your responsibility to ensure HOA related items are communicated to your tenants and property manager. Management attempts communication with tenants and property managers where possible, but this is as a convenience and should certainly not be the sole means of communication. Please also take note of the Renters section of this document, and provide the required information as soon as possible.

If you are receiving this via mail, please reach out to Management to be added to the e-mail list. Switching to e-mail will save the Association (and therefore you) a lot of money over time.

Thank you for your cooperation.

Sincerely,

Kayleigh Prentice, CMCA, Community Association Manager
Agent for the Board of Directors
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1. **Condominium Declaration Excerpts**

Article 9, Section 2 - Compliance with Bylaws and other Restrictions:

Each unit owner shall comply with the Bylaws and the administrative Rules and Regulations adopted pursuant thereto and the covenants, conditions, and restrictions in the Declaration or in the Deed to his unit. Failure to comply shall be grounds for suit or action, maintainable by the Association of Unit-owner, in addition to other sanctions which may be provided by the Bylaws or existing Administrative Rules and Regulations.

Article 9, Section 3 - Legal Proceedings: Failure to comply with any of the terms of the Condominium Documents and Regulations adopted pursuant thereto shall be grounds for Relief, which may include, without intending to limit same, an action to recover sums due, damages or a suit for injunctive Relief, to foreclose a lien or any combination thereof. Relief may be sought by the Association or by the Manager thereof, or if appropriate, by an aggrieved unit owner.

2. **Condominium Bylaws Recitals**

Article 1, Section 3 - Personal Application: All present or future owners, tenants, or their employees, or any other person that might use the facilities of the Project in any manner, are subject to the regulations set forth by these Bylaws. The mere acquisition or rental of any units of the Project or the mere act of occupancy of any said units will signify that these Bylaws are accepted, ratified and will be complied with.

3. **Condominium Bylaws Recitals – Maintenance and Repair**

A. **Article 6, Section 2 – Maintenance and Repair** governs homeowner obligations on this subject, and includes the following:

- i. Every owner must perform promptly any maintenance and repair work within their own unit, which if omitted, would affect the Project in its entirety or in a part belonging to other owners, being expressly responsible for the damages and liabilities that their failure to do so may engender.

- ii. All repairs of internal installations of the unit such as water, light, gas, power, sewage, telephones, air conditioners, sanitary installations, doors, windows, lamps, and all other accessories belonging to the unit area shall be at the owner's expense.
- iii. Owners shall reimburse the Association for any expenditures incurred repairing or replacing any common area and/or facility damaged through their fault, not otherwise covered by insurance owned by the Association for the owner's and Association's benefit.

4. Use of Family Units & Internal Changes

- A. All living units shall be utilized for residential living only, private or commercial, and all common elements shall be used in a manner conducive to such purposes.
- B. An owner shall not make structural modifications or alteration in his unit or installations located therein without previously requesting approval from the Association in writing through the Management Agent, if any, or through the Chairman of the Board of Directors, if no Management Agent is employed. The Association shall have the obligation to answer within 30 days, and failure to do so within the stipulated time shall mean that there is no objection to the proposed modification or alteration.

5. Use of General and Limited Common Elements

- A. An owner shall not place or cause to be placed in the lobbies, patios, decks, ramps, vestibules, stairways, and other project areas and facilities of a similar nature any furniture, packages, or objects of any kind, except suitable furniture for decks and patios, such areas shall be used for no purpose other than what is normal.

6. Right of Entry

- A. In case of an emergency originating in or threatening his unit, an Owner shall grant the Board of Directors, the Association, or the Managing Agent access to the unit, whether the owner is present at the time or not (see Bylaws 5.5a, ORS 100.540(4)(b)).

- B. An easement is reserved to the Association in and through any unit and the common elements providing access at reasonable times and with reasonable notice for purposes of maintenance, repair, and replacement of the common elements. If, in the process of such repair and maintenance by the Association, it is necessary to alter or damage any unit or common element, such alterations or damages will be permitted without compensations, provided the unit and/or common elements are promptly restored substantially to their condition by the Association (see Bylaws 5.5b).

7. General Rules of Conduct (see Bylaws 6)

- A. No resident of the community shall post any advertisements, posters, or signs of any kind in or around the community except as the authorized by the Association.
- B. Residents shall exercise extreme care about creating disturbances, making noises, or using musical instruments, radios, televisions, and amplifiers that may disturb other residents. Quiet hours will be observed between 10pm and 7am.
- C. Those keeping domestic animals will abide by the Multnomah County Sanitary Regulations, leash laws, and rules/regulations of the Association created by the Board.
- D. It is prohibited to hang or shake rugs, mops, etc. from the windows or porches, decks or terraces, or to clean rugs, mops, etc. by beating on any exterior part of the buildings.
- E. It is prohibited to throw garbage or trash outside the dumpsters.
- F. No owner, resident, or lessee shall install wiring for electrical or telephone installation, television antennae, or air conditioning units, etc. on the exterior of the buildings except as authorized by the Association.
- G. Curtains and drapes shall be generally white or lined with white, or as the Board approves, to create an aesthetic and harmonious outer appearance of the condominium buildings.

- H. Recreational buildings and facilities and play areas, all common garden and patio areas are provided for the use of the owners and their guests. Rules and Regulations will be posted setting the hours that the various facilities will be available and the conditions attendant thereto. Compliance with the Rules as determined by the Board is essential to the harmonious operation of the facilities.
- I. The Board of Directors may restrict the use of the general limited common elements to specific unit owners as may be necessary and reasonable in the overall use of said elements and for the best interest of the condominium as a whole (i.e., decks, porches).
- J. Each owner and occupant shall maintain the outside of the unit as well as improvements and belongings on the outside of the unit in a clean and attractive condition in such a way as not to create an unsightly condition or make the outside of the unit appear inconsistent with the rest of the units in the community.
- K. No noxious, harmful, or offensive activities shall be allowed in any unit or common area, nor shall anything be done or placed on any unit or common area which interferes with, or jeopardizes the enjoyment, or which is an annoyance to the other owners or occupants.

8. Default on Assessments - Monthly Payments

- A. Failure, by the owner, to pay an assessment to the Association shall be a default by the owner and subject the owner and the family unit to the obligations of the Bylaws and of the Oregon Condominium Act. In addition thereto, any default by the owner, in any provisions of the Bylaws or of the Oregon Condominium Act, shall be deemed to be a default by the owner or any mortgage to which the owner is a party or to which the family unit is subject.
- B. If the HOA Monthly Assessment (a.k.a. Condos Fee) is not paid by 5:00 P.M. on the 10th of the month, a late payment penalty may be assessed, per each late payment, by Management.
- C. If the HOA Monthly Assessment (a.k.a. Condo Fee) is 2 months in arrears, legal action may be taken against the owner, including filing of a property lien plus assessment of associated legal fees. An owner may with approval of the Board, enter into a payment arrangement based on a promissory note. Determination of eligibility for this exception will be made on a case-by-case basis.

9. **Common Elements**

- A. No Modification shall be made to the EXTERIOR of any unit except upon the written approval of the Board of Directors and upon the owner's written undertaking to reimburse the Association for all costs of maintenance and repair necessary for this modification. If such maintenance and repair expenses are not paid, then the Association shall have the right to remove said improvements and to charge the expenses thereof to the then current owner of said unit.
- B. All security window guards and security doors shall be constructed of manufactured iron and painted. They security units shall be manufactured and fabricated by a commercial company recognized as doing this sort of manufacturing and fabrication. The security units are to be approved in writing by the Board or Directors, prior to installation. All window guards installed on bedroom windows shall be equipped with fire releases.
- C. Homeowners may install window air conditioning units from **May through September**. Window air conditioners may not be installed with cardboard, wood, or an exterior support system. All other air conditioners require an approval form the Board of Directors before installation can occur.
- D. Dogs must be on a leash when outside. A **\$10 fee** may be imposed if a dog is not leashed or if pet litter is not properly discarded.
- E. Wheeled traffic is prohibited from the sidewalks; this includes bikes, skateboards, and roller skates or roller blades with the exception of mobility aids.
- F. No more than two, four legged pets allowed per unit.

10. **Parking, Speed Limits, and Cars**

- A. The Board of Directors, with assistance from the management company, has the authority to enforce all parking regulations. There shall be no more than one vehicle per unit parking in the open stalls in any lot after 5:00pm on weekdays and all day on weekends and holidays is established in all parking areas. Violators' vehicles will be towed, at the owner's expense, after one **24-hour** notice. Vehicles parked in the Emergency Fire Lane will receive no warnings and will be towed immediately.

- B. Parking in a way that obstructs ingress or egress for emergency vehicles, including between garage bays in the traffic right-of-way, is prohibited, and will result in an immediate tow at the Board's discretion.
- C. A legal parking limit of 30 minutes has been designated for a posted Loading Zone. The zone is not to be used for general parking at any time.
- D. Vehicles apparently unused, immovable, with an expired license, or a hauling type trailer are NOT AUTHORIZED for parking on parking lots and are subject to be towed at the owner's expense, upon **one 24-hour** notice given by the Association.
- E. The parking spaces designated as common elements in the Declaration are intended for use of automobiles of owners and guests. The Board of Directors may make such rules necessary to govern the use of any general or limited common element parking areas by which all owners and other users shall be bound.
- F. Vehicular traffic on the streets and drives within the property will be limited to 5 miles per hour as a safety precaution. This speed limit applies to bicycles, motor scooters, motorcycles, automobiles, and trucks.

11. Garages

- A. This is a disclaimer: All personal property stored in/on the common elements (garages included) is done so at the risk of the homeowner or renter. This includes damages caused by loss of electricity to refrigerators or freezers from any circumstances.
- B. Garages are assigned to homeowners for storage, general vehicle parking, and minor vehicle maintenance. Business enterprises are prohibited, as well as illegal. Electricity for all garages is paid by all homeowners.
- C. There will be an annual garage inspection for insurance purposes and for checks on maintenance, appliance usage, improper electrical wiring, and combustible materials. The inspection will be conducted by the manager **and/or two to three appointed homeowners as needed**. Notices will be sent prior to the inspection. (1-16-1990)

- D. No Copperfield homeowner, renter, or any other person shall use Copperfield garages as living units.
 - a. No installing or devising hookups of water, toilet, or bathing facilities in Copperfield garages.
 - b. No installing or operating devices in Copperfield garages capable of producing any type of heat, flame, or ignition. These devices may include, but are not limited to, stoves, ovens, dishwashers, hot plates, coffee pots, toasters, toaster ovens, heaters, heat lamps, fans, air conditioners, television s, and lamps. The subpart does not apply to refrigerators or freezers.
 - c. No using or disposing of any type of smoking paraphernalia in Copperfield garages.
- E. Copperfield garages are common elements. All other Rules and Regulations addressing common elements apply to the garages. In addition to the homeowner enforcement actions delineated in Section 18 of this document, homeowners, renters, or any other persons found violating any part of this rule may face civil and criminal penalties (for example: financial restitution for damages, trespassing, criminal mischief).

12. Flower Beds

- A. Flower beds are a common element. They are maintained by the Association. The approval of the Community Association Manager must be granted before and owner or his tenant is allowed to change to an owner-maintained flower bed.
- B. Owners are responsible for weeding and care of their owner-maintained area. This includes prompt fall cleanup, etc.
- C. If a unit is sold, the new owner will be given the choice (1) to continue with the owner-maintained flower bed area, or (2) have the Association restore the area at the owner's expense.
- D. If homeowners are not able or do not wish to maintain the flower bed area they planted, they shall work with the Association Manager to (1) see that the area is restored to Association status, or (2) have the Association restore the area at the owner's expense.

- E. In owner-maintained areas, plantings are to be kept away from, at all times, sidewalks, siding, gutters, entries, walkways, and roofs. If plantings are not properly maintained by the homeowner, the Association (upon notification to the homeowner) may perform, at their discretion, the necessary maintenance on one occasion. If lack of maintenance continues, the Association may arrange to have the plantings removed.

13. Gardens

- A. All residents wishing to have a garden will be charged \$5.00 for water and a \$5.00 fee for taxes per 10 X 20 plots per year.

14. Recreational Common Elements

- A. The residential common elements are the common property of the unit owners and are reserved for the exclusive use of the unit owners, their lessees, tenants, guests, and respective resident family members. Unit owners are responsible to the Homeowners Association for any loss or damage to the recreational common elements caused by themselves, their lessees or tenants, guests, and resident family members.
- B. The Board of Directors shall adopt such Rules and Regulations as it deems appropriate to protect and preserve the recreational common elements and to provide for their safe, fair, and equitable use by all residents. **The Board of Director, assisted by The Management Trust**, shall enforce the Bylaws and Rules and Regulations for the use of the common elements. The Board may require such restitution for loss of damage, or impose such fines or assessments as it deems reasonable. May, also, restrict, limit, or prohibit access to the recreational areas for violations of the rules governing their use.
- C. In the event of a documented complaint in writing and signed with appropriate witness of The Management Trust and/or one or two Board members, the recreation hall entry key fob for the offending unit must be turned in. If the card is not secured by the Association, the card lock system will be re-keyed and the owner of the unit, against which the complaint is made, will be charged \$300.00 plus legal fees, if an attorney has to be retained to file a lien.

15. Recreation Hall

- A. The recreation hall is to be closed from 11:00 P.M. to 5:00 A.M.
- B. Fee to replace electronic entry fob will be \$100. No entry key card will be issued if the HOA monthly assessment (a.k.a Condo fees) and /or other fees have not been paid.
- C. Smoking is prohibited throughout the entire premises, interior and exterior.**
- D. Homeowners, tenants, and guests use this facility at their own risk.
- E. The social room of the recreation hall is limited to 60 person attendance for any function per the fire code.
- F. Keep food and drink in the social room ONLY. Food and drink are not allowed in any other area of the recreation hall.
- G. Quiet hours will be observed from 10pm to 7am daily.**
- H. Homeowners and tenants must accompany and are responsible for the conduct of their guests at all times. **Entry fobs may not be lent to any person who is not an owner or tenant at any time. This behavior will result in the fob being revoked permanently without prior notice.**
- I. Rowdy behavior, profanity, drunkenness, drug use, or abuse of the facilities will not be tolerated.
- J. Windows and doors must be closed at all time.
- K. Bare feet and swimming attire are for the swimming pool area only.
- L. Equipment in the exercise room is owned and maintained by the Association. Please notify The Management Trust if you bring in personally owned equipment and when you remove it.
- M. For safety reasons, no children under the age of 18 are allowed in the recreation hall at any time without a guardian homeowner or tenant in attendance at all times.

- N. For homeowners and tenants who do not follow the Rules and Regulations pertaining to the recreation hall, the following enforcement procedure shall be followed:
1. 1st offense- Verbal warning (**if possible**) to homeowner/tenant and letter to homeowner, with an opportunity to be heard provided therein.
 2. 2nd offense- Revoke entry key card for 30 days.
 3. 3rd offense- Revoke entry key card permanently.

16. Swimming Pool and Sauna

- A. The pool area is an extension of the recreation hall and is subject to the same rules.
- B. A thorough soap shower is required before entering the pool per State Law.
- C. Jeans and other frayed attire are not allowed in the pool.
- D. Persons with shoulder length or longer hair must wear a swim cap.
- E. Running, shouting, and reckless behavior are prohibited in the pool area.
- F. Children under the age of 18 must be accompanied by a registered adult resident at all times per State Law.
- G. Diving is not allowed.
- H. The pool area schedule is posted on the pool door.
- I. The Sauna should be used with extreme care. Do not use oils and always use a towel to cover the benches. Use tap water only for sauna.
- J. There is no lifeguard on duty; persons swimming alone do so at their own risk.

- K. For homeowners and tenants who do not follow the Rules and Regulations pertaining to the swimming pool, sauna, and spa, the following enforcement procedure shall be followed:
 - 4. 1st offense- Verbal warning (**if possible**) to homeowner/tenant and letter to homeowner, with an opportunity to be heard provided therein.
 - 5. 2nd offense- Revoke entry key card for 30 days.
 - 6. 3rd offense- Revoke entry key card permanently.

17. Renters, non-owner residents

- A. Renters are invited to attend all Board meetings.
- B. Homeowners who rent their unit are responsible for providing information regarding their renter: phone number, car license plate number, and other information on the Emergency sheet or see that their renter provides this information to The Management Trust.

18. Enforcement

- A. The provisions of this document shall be enforced in compliance with the Financial Penalties Resolution, adopted February 16, 2005.