

VILLAS AT ELK RUN CONDOMINIUMS RULES AND REGULATIONS

Pursuant to the Declaration of Covenants and Bylaws of the Villas at Elk Run Condominiums ("Association" or "Complex" herein), the Board of Directors ("Board") has adopted the following Rules and Regulations to govern the use and enjoyment of the Villas at Elk Run Condominiums. "Complex" also refers to all condominiums units plus the general and limited common elements. The Board desires to ensure the highest possible standards of living experience, consistent with the surrounding community, within the Complex. In order to accomplish this, the Board requests the cooperation of all persons residing in or visiting the Complex (owners, tenants, and guests), in observance of the following:

1. USE

The complex shall be used solely for residential purposes and for services, activities, and recreation in conjunction with said residential use. No business may be conducted within a unit or complex without express written consent of the Association. No "Bed and Breakfast" may be operated within the Complex.

2. INSURANCE

Nothing may be done or stored within the complex that might result in an increase in the premiums for insurance obtained for any portion of the Complex.

All Homeowners must carry their own Homeowners Insurance policy in addition to the Association's master insurance policy.

All tenants and renters are required to have a Renters Insurance policy.

3. VIOLATION OF THE LAW

Nothing shall be done within the Complex that would be in violation of any statute, rule, ordinance, covenant, or other validly imposed requirement of any governmental body.

4. LEASE REQUIREMENTS

a) Any lease shall be in writing and provide that the lease is subject to the terms of the Declaration, Bylaws, and these Rules and Regulations.

b) Any failure to comply with the terms of the Declarations, Bylaws, these Rules and Regulations, or any governing documents of this Association shall be material default under the lease, enforceable by the Association.

c) Each owner shall be individually responsible to send to the offices of the Association's management company: (1) a copy of any current lease between that owner and his/her 2 tenant(s), as well as

tenant(s)' phone number and local mailing address; and (2) a copy of the current Rules and Regulations signed by the tenant(s).

d) Any owner failing to register the unit's tenants is subject to a **\$100 fine**.

e) The relationship of the HOA is with the owner or his appointed agent and not the tenant.

5. SMOKING

There shall be no smoking, inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, or pipe, or any other lighter of tobacco, marijuana, or other plant product within 200 feet of areas designated as common elements or limited common elements including but not limited to hallways, walkways, stairways, balconies, decks, patios, or buildings.

Nor shall cigars, cigarettes, and other smoking materials be extinguished or thrown in areas designated as common elements or limited common elements including but not limited to walkways, lawns, parking lots, or rock beds.

Smoking within the unit is regulated by the unit owner.

Due to the extreme dry conditions heading into fire season, the Villas at Elk Run HOA is adopting a **zero-tolerance policy** for smoking from May through October.

Owners and tenants will be subject to fines for violations of smoking rules and regulations. Fines will be as follows:

- **First Offense:** Fine of \$50
- **Second Offense:** Fine of \$100
- **Third Offense:** Fine of \$150
- Each additional offense will increase the fine by \$50

6. PARKING & VEHICLE MAINTENANCE

Only operable automobiles, SUVs, and pickup trucks and vans not exceeding two tons in size shall be kept or maintained at any unit or on the common elements. No vehicles maintenance or repair shall be carried out at any unit or on the common elements unless such maintenance or repair is fully contained within a garage out of view of the other units. No motor homes, boats, snowmobiles, recreational vehicles or trailers shall be parked within the project, other than for reasonable temporary periods (a few hours to load/unload), unless fully enclosed within a garage. No recreational vehicle shall be occupied while on the premises. Garages shall be maintained as parking spaces and not used for any other purpose. Should a car be unable to be parked in the garage, due to excessive storage in the garage or for any other reason, there will be a fine of **\$210 per month** imposed on the owner. This fine also applies if a unit utilizes more than one outside parking space. Upon moving into the unit, you will be allowed a grace period upon notification to the Homeowners' Association. Parking of permitted vehicles shall be limited and restricted to designated parking areas for owners and guests. Association

documents shall permit the Association to create rules and regulations concerning parking, which will allow the assignment of all parking on site according to the following formula:

(1) Garage counts as 1 space per unit	90
(2) Guest parking spaces	23
(3) Remaining surface spaces which may be assigned on the basis of 1 space per unit	90
Total parking spaces available	203

EACH UNIT IS ALLOWED ONLY TWO VEHICLES IN THE VILLAS PROJECT.

- One “common area” parking space
- Each unit’s garage counts for the second parking space

Vehicles must be parked in garages or designated parking spaces only. Vehicles may not be parked in front of garage doors other than for loading/unloading and never in traffic lanes. Vehicles parked anywhere that is not a designated parking space will be towed without warning at the owner’s expense.

Any vehicle parked for more than 48 hours at a time in the common parking spaces may be towed at the unit owner’s expense without warning.

7. GARAGE USAGE

A garage must be used for the storage of an automobile, motorized vehicle, or other personal property.

Garage Sale; An owner must secure permission of a garage sale from the property manager and/or The Villas at Elk Run Homeowner’s Association.

The posting of “For Sale” or “For Rent” signs on a garage is prohibited.

Please use discretion in using your garage door. Please consider your neighbors well-being and avoid the opening and closing of your garage door during early morning and late evening hours.

The use of a grill in a garage or in front of a garage is prohibited

Owners and tenants will be subject to fines for violations of garage usage rules and regulations. Fines will be as follows:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- Each additional offense will increase the fine by \$50

The use of a garage for the purpose of a business and/or living space is strictly prohibited. **This is a zero-tolerance policy.**

8. PETS

All pets shall be kept under strict control at all times either at the owner's unit or under the direct supervision of a responsible person, and no dogs shall run at large. All pets must be on a leash or under owner's verbal command when on the common areas of the property. No pets are permitted to run free on the Complex, and the Association, its manager, or any owner may summon any appropriate authority to have an animal removed. Any barking or howling that continues for a period longer than five (5) minutes will be considered a violation of the right of peaceful enjoyment of the common elements and will be cause for enforcement of these Rules and Regulations by the Association. There shall be no pet allowed on the decks of a unit unless accompanied by a person. There shall be no pets tied up on the common areas of the Complex. Owners must pick up their pet's waste. Please use pet waste stations located around the property. Pets are not allowed in the center fenced-in common area. In addition, any pet, which in the opinion of the Board of Directors, causes a repeated nuisance or is objectionable in any way, shall be removed from the Complex permanently upon 24 hour's notice to the unit owner or tenant.

Owners and tenants are permitted two pets per unit: two dogs, two cats, or one of each.

All owners' and tenants' dogs and cats must be registered with the Association. The dog **registration fee shall be \$130.00 per dog**, per calendar year. There will be no cat registration fee. There is no prorating of fees. Any owner or tenant who fails to register his pet (s) shall be subject to a **\$200.00 fine**.

Owners and tenants will be subject to fines for violations of pet rules and regulations. Fines will be as follows:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- **Fourth and additional offenses:** Pet must be removed from property

9. GARBAGE/TRASH & RECYCLING

All garbage/trash & recycling shall be placed in a sealed garbage can and stored in the garage until garbage/trash pick-up day.

On garbage/trash & recycling pick-up day, owners shall place garbage cans on the driveway and remove them at the end of the day.

Placement of garbage/trash and recycling containers outside any other day than day of pick-up is prohibited.

Oversized item or items labeled "Free" are not considered trash and will not be removed by our trash service provider.

If the trash can provided by the trash removal company is too big, owners may call them and they will take it back. Owners may purchase a smaller trash receptacle at their expense.

Trash, debris, and /or garbage left in the common areas may be removed by the Association at a cost plus a reasonable premium assessed against the unit.

Owners and tenants will be subject to the following fines for noncompliance of the above garbage disposal requirements:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- Each additional offense will increase the fine by \$50

10. PERSONAL PROPERTY

Any personal property left in the general common elements may be presumed abandoned and will be disposed of by the Association at no liability to the Association.

No signs, including campaign signs, can be placed in common elements (lawns, courtyards, etc. or limited common elements (balconies, patios, etc.)

The storage of personal property on common areas (i.e. under stairs, on common area walkways, in courtyards) is prohibited.

Only patio furniture, furniture or bikes deemed acceptable (i.e. appears to be organized and free from clutter) is allowed on patios and balconies.

A barbecue grill is allowed on decking and/or patio

Gas grills are preferred. Grills MUST be attended to while in use

Note: The Villas at Elk Run Homeowners Association has the ability to initiate a barbecue grill ban in the case of fire danger.

In all cases, the Board of Directors will be the final judge as to the condition of the common areas and limited common areas, in order to ensure a pleasing appearance to the entire Complex.

Owners and tenants will be subject to the following fines for violations:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- Each additional offense will increase the fine by \$50

11. ANTENNA & TV DISHES

No antenna of any sort shall be placed, allowed, or maintained on any portion of the general or limited common elements without permission from the Board of Directors. Failure to notify could result in its removal.

Owners and tenants must contact property manager if they are considering TV Service that requires the use of a Dish. Dish Placement must be approved by property manager. Dish installation is not allowed on roofs or common area elements (i.e. siding, roofs, stairwells, fascia, etc.) and must be removed if no longer in use.

Owners and tenants will be subject to the following fines for violations:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- **Fourth offense:** Dish / Antenna will be removed at owner's expense

12. NOISE

No loud, disturbing or objectional noises shall be made indoors or outdoors by occupants or guests including, but not limited to: yelling, stomping of feet, playing of musical instruments, radios, stereos, television sets, amplifiers or other devices in such manners as might disturb other occupants.

Please be respectful of other owners and residents within the complex. Please register construction type projects with Jason Anderson, the property manager, and we encourage you to inform your neighbors about them as well.

When moving in or out, please respect quiet hours.

Quiet Hours:

- Weekday Hours – 9 pm to 8 am
- Weekend Hours – 10 pm to 8 am

Owners and tenants will be subject to the following fines for violations:

- **First offense:** Warning
- **Second offense:** \$100.00 fine
- **Third offense:** \$150.00 fine
- Each additional offense will increase the fine by \$50

13. AIR CONDITION POLICY

Modifications to the exterior walls and windows are prohibited. Any unauthorized modification to common elements will result in common areas being repaired at the owner's expense.

Ductless AC/ split zone system request must be presented to the property manager and the HOA board including:

- Present cut sheets, diagrams, decibel ratings of Mitsubishi or comparable system.
- Permit application and approval by the town of Basalt building inspector.
- Proof of licensed contractor including: GL insurance and copy of current trade's license.
- Site location drawing.

The owner must install the fan unit on a pad at location which HOA specifies.

The exterior siding of the buildings is Hardy board faux stucco. Exterior line sets must be covered with a hide-A-line material which matched the exterior siding of the property. Line sets must be run in a neat manner.

Condensate drains must run away from the building so that moisture does not compromise the foundation of the building.

Owner(s) must sign a liability waiver before installing unit.

Failure to comply with the rules set forth by the Association will result in a fine and possible removal of the AC unit and repairing all structural and aesthetic modifications at owner's expense.

14. SHORT-TERM RENTALS

Currently the Villas at Elk Run allows for short-term rentals.

Owners are responsible for keeping a log of who has rented their unit with dates and vehicle license plate numbers that they can provide if the Homeowner's Association or property manager requests it.

All occupants of short-term rentals must abide by all the Rules and Regulations for the Villas at Elk Run. Failure to comply will result in fines being assessed to the owner of the respective unit, and it is the full responsibility of the unit owner to pay the fines.

Any unit with more than three rule violations within a six (6) month period will be prohibited from continuing short-term rentals.

15. ASSESSMENT-LATE PAYMENT INTEREST

Any assessment received after the 15th day of the month shall accrue interest on the unpaid balance at the rate of 1_% per month.

16. FINES

After 30 days written notice to a unit owner, continuing and/or negligent disregard for any of these Rules and Regulations or any other governing covenants of the Association by an owner or his/her tenant may result in the offending unit being assessed an additional monthly amount, at the discretion of the Board of Directors, of up to \$200.00 plus the cost of actual damages. Continuous and repeated violations for more than 12 months may result, at the discretion of the Board of Directors, in additional assessment being raised to \$1,000 per month, plus the cost of actual damages.