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## **TAMARISK HOMEOWNERS ASSOCIATION RULES AND REGULATIONS**

### Introduction

**To maintain the visual beauty of the Tamarisk Condominium project, and to ensure the peaceful and respectful use of Tamarisk by the condominium unit owners, their guests and renters, the following Rules and Regulations have been promulgated by the Tamarisk Homeowners Association Board of Directors pursuant to Article X, Section 10.4 of the Condominium Declaration Tamarisk Condominium and Article VII, Section 1(a) of the Bylaws of the Tamarisk Homeowners Association. These Rules and Regulations are effective July 1, 2007. These Rules and Regulations may be added to, amended, or repealed at any time by resolution of the Board of Directors. Suggestions and input to these Rules and Regulations are encouraged. Each owner of a Tamarisk condominium unit is responsible for the conduct of his or her guests and renters and for violations of these Rules and Regulations and the penalties for violation provided for herein. Accordingly, these Rules and Regulations must be provided by each unit owner to real estate agents and brokers, rental agents, renters, and guests to ensure adherence hereto**

### **Rules and Regulations**

#### **1. Parking**

- a. The Tamarisk parking area is for the sole use of unit owners, his/her guests or renters. Due to limited parking space, each Tamarisk unit is entitled to the use of one parking space during "high season" which for purposes of these Rules and Regulations is defined as "December 15<sup>th</sup> thru Martin Luther King Day \*\* and February 15<sup>th</sup> thru the month of March" , and two parking spaces for all calendar days not within high season.
- b. Each unit will be provided parking decals. These decals must be used in accordance with the "high season" limitations mandated by the foregoing Section 1.a., and must at all times be displayed prominently on the dashboard of a vehicle parked in the Tamarisk parking area. Failure to display a decal will subject the vehicle to being towed and stored off the project premises at the expense of the unit owner, guest or renter using or owning the vehicle.
- c. No trailers or RVs are permitted in the Tamarisk parking area.
- d. Vehicles should not be parked so as to obstruct access to the trash enclosure/dumpster by the waste removal contractor. Vehicles blocking access to the trash enclosure/dumpster will be towed without warning.
- e. Vehicles of the Tamarisk Property Management Company, Four Seasons Lodging, and contractors working temporarily on or in the project, are exempt from this rule. Before calling for a vehicle to be towed for violation of this rule, please attempt to identify the vehicle owner/user to avoid unnecessary inconvenience to the vehicle owner/user.
- f. No vehicle may be stored in the Tamarisk parking lot, or left unattended and/or unmoved in the parking lot for a period greater than 14 days. A request for an exception to this Rule, in accordance with Condominium Declaration Article 5.6, may be made by a unit owner to the Board which shall vote on the request and notify the owner making the request of its decision.

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## **2. Noise**

Owners, guests and renters shall at all times exercise reasonable care to avoid making or permitting to be made, loud, disturbing or objectionable noises, and in using or playing or permitting to be used or played, musical instruments, radios, CD players, television sets, amplifiers and any other instruments or devices in such manner as may disturb or tend to disturb owners, guests, or renters of other units. Should a violation of this rule occur, the disturbed unit owner, guest or renter should, at his/her option, call the offending unit owner's, guest's or renter's attention to the problem, or immediately contact the Breckenridge Police Department with a "disturbing the peace complaint" and request the police department to immediately contact the offending unit owner, guest or renter.

## **3. Pets**

- a. For purposes of this rule, only dogs and cats are considered pets. For any other animal brought on the premises by an owner, the owner must have the express permission of the Board of Directors.
- b. Only owners are allowed to have pets. Be sure this is specified in your rental agreement.
- c. Only pets that are not a nuisance or a menace to other unit owners, their guests and renters are allowed. For the purposes of this rule, pets that are not docile, that threaten any unit owner, guest or renter, or that bark excessively are considered a nuisance and/or a menace and must be removed from the project by the pet owner.
- d. Owners are responsible for cleaning up after their pets.
- e. Breckenridge has a leash ordinance and owners should adhere to this law.
- f. Pets should be allowed to relieve themselves on Tamarisk property only in the designated wooded area east of the parking area between the parking area and Broken Lance Lane.
- g. If a guest or renter is determined to have a pet, the unit owner of such guest or renter will be assessed a fine of \$50/day until the pet is removed.
- h. The unit owner of the pet shall be responsible for any damage to any area of the project caused by any pet.
- i. Any pets running loose shall be reported to the Breckenridge Animal Control with a request that the pet be removed from the project.

## **4. Patios/Decks/Balconies**

The ground floor patios, and second and third floor decks/balconies, shall be used only for the purpose intended and shall not be used for storage of personal items other than barbeque gas grills and firewood. Each unit has a storage locker in the basement for storage of personal items. No clothing, towels, garments or other articles are to be draped over the deck/balcony railing for drying or for any other purpose. The patio, deck/balcony should not be used for cleaning rugs, household articles or other items. No rugs or other materials shall be dusted from windows, balconies, decks or patios by beating or shaking.

## **5. Barbeque Grills**

In accordance with Section 307 et seq. of the International Fire Code that has been adopted by the Breckenridge area Fire Prevention District, no charcoal or open flame barbeque grills, other than natural gas or propane, may be used, operated or stored on any patio, deck or balcony. Per this Code, violations shall result in enforcement action including but not limited to summons to appear in court.

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## **6. Blinds**

To maintain the aesthetic uniformity that contributes to the visual beauty of Tamarisk condominiums, when replacing window blinds, the replacement blinds must be white in color and closely resemble the original blinds in each unit.

## **7. Bicycles**

Bicycles may be temporarily parked under the stairs at the bottom of any one of the three stairwells, but must not obstruct foot traffic in the walkways. When not being used for an extended period of time and during winter months, bicycles must be stored in the basement level under the stairs in the middle stairwell.

## **8. Littering**

It should be needless to state that unit owners, guests and renters must not litter any area of the project be it common area, limited common area or within the unit itself. Unfortunately, in the past, we have experienced cigarette butts and food wrappers discarded from upper units onto the ground outside the ground floor units. Any further incidences of this nature will result in eviction of renters and/or guests guilty of such conduct and the owner of the offending unit will be charged the cost of having the Property Manager remove the trash and clean the area.

## **9. Firewood**

For those units that do not have gas fireplace inserts, such units must purchase the firewood they use and the firewood must be stored neatly on the patio - if a bottom unit, or on the deck/balcony - if an upper floor unit.

## **10. Flammable Materials**

Flammable substances such as gasoline, kerosene and barbeque fire starters are not allowed in, on, or around the owner's premises or any property of Tamarisk.

## **11. Children**

To ensure their safety, children must be supervised while using common areas, which include the grounds and parking area.

## **12. Signs**

No signs are allowed in the windows or on the exterior of the units or the building. The sole exceptions to this rule are the towing sign, the pet relief area sign, and the Tamarisk project identifying signs on either side of the entrance to the project.

## **13. Garbage and Trash**

All trash and garbage from units must be placed into the dumpster and not on or outside the dumpster or the dumpster housing. The dumpster lid must be closed after depositing trash/garbage so as not to entice animals to the area.

## **14. Laundry Room**

Please adhere to the instructions posted in the laundry room for use of the washers and dryers. As a noted in the instructions, starting both washing machines at the same time may result in flooding of the wash room. Also, please be mindful of the time for washing and drying, as leaving clothes in either a washer or dryer may prevent another unit owner, guest or renter

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from using the machines. Finally, please leave the wash room in an orderly condition and remember to turn out the lights and pull the basement door fully closed when leaving.

### **15. Unit Washers and Dryers**

No washers or dryers are allowed in individual units. The washers and dryers located in the basement are for the use of all owners, guests and renters

### **16. Common Elements**

- a. Any common sidewalks, driveways, entrances, halls, stairways, passageways shall not be obstructed or used by any unit owner for any purpose other than to enter and exit from units.
- b. No ski equipment, bicycles, scooters or similar vehicles shall be allowed to stand in the public hallways or passageways.
- c. The Tamarisk HOA assumes no liability for nor shall it be liable for any loss or damage to articles stored in any common or other storage areas.
- d. No owner or resident shall install any plantings of any kind in the common areas without the prior approval of the Board.
- e. Items determined to be "unsightly" by the Board shall not be permitted to remain on, or around the premises...
- f. Except as to the areas termed limited common element no article shall be placed on or in any of the general common elements except for those articles of personal property which are the common property of all of the unit owners.
- g. Unit owners, their guests, and renters, and the guests and members of the families of each shall not use stairways and walkways as a play area.
- h. No alterations or painting of any kind shall be done upon the exterior building walls, unit doors or windows or upon any of the general or limited common elements by any unit owner, guest or renter. Such work is the responsibility of the Association.
- i. No owner, resident or lessee shall install wiring for electrical or telephone installation or for any other purpose, nor shall any television or radio antennae, machines or air conditioning units be installed on the exterior of the project, including any part of the balcony or porch, or that protrude through the walls or the roof of the condominium improvements except as may be expressly authorized by the Association.

### **17. Rental Managing Agent**

Any unit owner that rents his/her unit must keep the Tamarisk HOA Property Manager, Four Seasons Lodging, apprised of the name and telephone number of his/her rental managing agent. The Four Seasons Lodging telephone number is 970-453-1403.

### **18. Responsibility for Damage**

In accordance with Article VIII, Section 8.2 of the Condominium Declarations Tamarisk Condominium, each unit owner is legally responsible for any damage caused by the unit owner, or his/her guests, or his/her renters to his/her condominium unit, to the Common Elements or any part thereof, to the limited Common Elements or any part thereof, and to any other unit.

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### **19. Contents Insurance**

In light of the Responsibility for Damage provisions contained herein and in the Condominium Declarations of Tamarisk Condominiums, each unit owner is advised to obtain and retain in full force and effect an insurance policy covering damage to the contents of hi/her condominium.

### **\*\*\* 20. Association Monthly and Special Assessments**

Association monthly assessments are due the first day of each month. Special assessments are due per the special assessment notice. Payments of Association monthly assessments received after the 15<sup>th</sup> of the month, or in the case of special assessments 15 days after the assessment due date, are delinquent, and a late fee of \$20.00 will be charged. In addition to the late fee, all past due amounts not paid within 30 days of the due date will be assessed 1 ½% interest (18% interest per annum) each month until paid. Units with unpaid balances after three months will have a lien notice filed on the unit with the County. Units with accounts delinquent for six months are subject to foreclosure on the Association's lien. (Revised July 12, 2009) (Amended June 23, 2017)

### **21. Penalties for Violating Rules and Regulations**

In the event any unit owner, his/her guest or renter violates any of these Rules and Regulations, the Board may levy a fine against the unit owner in an amount not to exceed \$25 per day for any one violation if the violation is not cured within one day after verbal notice of the violation from the Property Manager, any Director or Officer of the Tamarisk HOA. The fines are an obligation of the unit owner and will incur the late fees and interest charges applicable to assessments. If the unit owner fails to cure the violation and pay the fine within the time prescribed by the Board, the Board may impose additional fines and place a lien on the unit.

### **22. Tamarisk HOA Management Company**

Four Seasons Lodging is the property management company.

### **23. Access to Units**

The Board of Directors maintains a pass key to all units in order to provide access to units, when the unit is not occupied by the unit owner, a guest or a renter, to conduct security inspections for water leaks, malfunctioning of units heating system, and open or broken windows. These security inspections are conducted once per week by the Property Manager when the unit is not occupied. If the unit is occupied, the inspection is not made.

### **24. Unit Remodeling/Renovation**

These unit remodeling & renovation Rules and Regulations apply to any change that involves or affects:

- A. the common element exterior of a unit and the external appearance of same such as doors, windows, window blinds, patio or balcony; and,
  - B. the interior unit's structural support or major plumbing, heating or electrical components.
- Excluded from the foregoing are interior unit cosmetic changes such as painting, carpeting,

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tiling, flooring, up-grading existing fixtures or appliances, and in unit repair or replacement of plumbing fixtures, lighting and electrical outlets.

Each owner and his/her contractor must comply with all of the following when remodeling or renovation involves the foregoing subsections A. and/or B. If a unit owner hires a contractor to perform the remodeling or renovation, the unit owner must provide a copy of this Rule and implementing Regulations when securing a bid on the proposed work.

1. Remodeling and reconstruction must conform to the Tamarisk Condominium Declaration, By-Laws and Rules & Regulations.
2. Unit owners may not expand their units into the Common Area or Limited Common Area.
3. Plans for remodeling and/or reconstruction of a unit must be submitted to the Board of Directors for approval.
4. Work cannot begin until the plans have received the written approval of the Board.
5. If structural modifications are being proposed, the plans must include a structural engineer's report.
6. All modifications must be performed by a licensed and insured general contractor. A copy of the contractor's license and certificate of liability insurance must be submitted with the plans to the Tamarisk Property Manager, Four Seasons Lodging before Board approval can be obtained.
7. All required and County Permits must be obtained and displayed before any work can commence, and Compliance with Condominium Declaration Section 22.4 is also required.
8. Remodeling and reconstruction work is permitted only between the hours of 8:30AM and 5:30 PM.
9. All remodeling and reconstruction supplies and materials must be stored within the unit itself or off site. Storage is not permitted in any Common Area.
10. All remodeling and construction debris must be removed immediately from the property, and the dumpster may not be used to discard the debris.
11. Upon completion of the remodeling or reconstruction, the Board must be provided copies of all inspections and approvals of the Town and County.

**This new Rule and implementing Regulations were adopted by the Board of Directors on July 25, 2011 and are effective immediately.**

### **25. Emergency Contact**

If a need arises to contact an individual with authority to assist, please follow the following protocol. In an emergency, please contact Steve Erlandson or Robert Springer at Four Seasons Lodging # 970-453-1403. If there is no emergency but a need to contact an officer of Tamarisk HOA, please contact the HOA President, Carol Madigan @ 281-493-1779, Vice President, Viva Steffins @970-389-7751.

### **Promulgation of Rules and Regulations**

These Rules and Regulations were duly promulgated by the unanimous vote of the Board of Directors of Tamarisk Homeowners Association, pursuant to Article X, Section 10.4 of the Condominium Declarations Tamarisk Condominium and Article VII, Section 1(a) of the Bylaws of the Tamarisk Homeowners Association on July \_\_\_\_\_, 2007 effective immediately.

Board of Directors  
Tamarisk Homeowners Association

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By:

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John Nielsen, Director and President

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Carol Madigan, Director and Secretary