

**BY – LAWS
OF THE TYROLLEAN TERRACE BUILDING" A"
OWNERS ASSOCIATION. INC.**

ARTICLE I

- SECTION 1:** Annual meeting of the Owners Association members will be held on first Friday or Saturday on or after the 1st of April, and proceeding the until the last day of June. The date, hour and location are to be specified by the officers.
- SECTION 2:** The Secretary shall notify all owners at the address of record on the Association rolls thirty days prior to the date of the annual meeting by means of proxy.
- SECTION 3:** The right to vote and hold office is restricted to owners and spouses. Votes shall be distributed as follows: 1 bedroom unit - 1 vote, 2 bedroom unit - 2 votes. A quorum shall consist of 4 owners and/or spouses. If a quorum is not present, the presiding officers shall adjourn the meeting to another date to be specified by the officers. The owners will then be notified of the new date by the Secretary. If an owner is unable to attend, that owner may give a proxy to another owner to exercise his/her vote for that specific meeting.
- SECTION 4:** The order of business at all Annual Meetings shall be as follows:
1. Roll call. The roll call may be dispensed with by a motion approved by a quorum of the voting members present.
 2. Reading of the minutes of the previous Annual Meeting and of any Special Meetings held subsequent to the previous annual meeting. The reading of said minutes may be dispensed with by a motion approved by a majority of the voting members present.
 3. Any Reports from Officers.
 4. Any Committee reports.
 5. General or new business.
 6. Election of Officers.
- SECTION 5:** Special Meetings of the members may be called by the Officers at any time... At Special Meetings, no action shall be taken upon any subject except the subject stated in the notice of such meeting.
- SECTION 6:** Any proposed change or amendment to these By-Laws shall be submitted in writing to the Officers at least forty-five days prior to the date of the Annual Meeting. The Officers shall submit the proposed changes by mail to the membership not less than ten days or more than twenty days prior to the Annual Meeting. Adoption or rejection of said proposed change or amendment shall be by majority of the voting members present at the Annual Meeting of said members' quorum.

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ARTICLE II

SECTION 1: OFFICERS. The Officers of the Owners Association shall be non-paid positions and shall consist of a President, Vice President, Secretary and Treasurer. The Officers shall have the responsibility and authority to conduct the business of the Owners Association.

SECTION 2: ELECTION. All Officers shall be elected by the Owners Association at the regular Annual Meeting, to take place at the conclusion of the said meeting.

The Officers shall be elected for a period of three years as follows: President/Secretary elected in the same year, Vice President/ Treasurer elected in the same year and offset by two years-in relation to the President/Secretary positions.

At all such elections, the President shall call for nominations. Should a nominee receive a majority of the votes, he/she shall be declared elected. Otherwise, voting shall continue by secret ballot until one of the nominees receives a majority of votes. The nominee receiving the greater number of votes in the nominating procedure or in subsequent balloting and in the aggregate representing two-thirds of the votes cast, shall be the only names considered in any subsequent balloting.

SECTION 3: The President shall preside at all meetings of the Owners Association and oversee and consult with the Manager on the operation, maintenance and control of the building.

SECTION 4: The Vice President shall exercise all the powers and perform the duties of the President during a vacancy in the office of President, or in the absence of the President.

SECTION 5: The Treasurer shall supervise the collection of Association Fees and assessments and all other revenues of the Owners Association. In addition, the Treasurer shall co-sign with the Bookkeeper, all outgoing checks of the Owners Association.

SECTION 6: The Secretary shall record and maintain the minutes of the Owners Association meetings and shall conduct any official correspondence.

SECTION 7: The Bookkeeper/Accountant is a paid position and shall be selected by the Officers to assist the Treasurer. The Bookkeeper shall conduct all tax preparation and accounting services including payment of monthly bills, quarterly statements, bank deposits, budget analysis and calculations.

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SECTION 8: The Officers, with the input of Owners Association members, shall select the Building Manager as well as approve the monthly fee. The Manager may be selected from within or outside the Owners Association membership. The Manager's duties will be determined by the needs of the Owners Association and the approved contract.

SECTION 9: ANIMALS-PETS: Only owners and immediate family members of an owner will be permitted to have their **dogs** with them while at the owners unit.
Dogs: When dogs are outside the unit, they shall be kept under control and on a leash at all times. The owner is responsible for cleaning up waste left by the animal in the area around the building. Owners should take necessary measures to limit/reduce any incessant barking of any dogs, in their unit.
Cats: Cats shall be trained to a litter box to be kept in the unit. The cat may be outside the unit without a leash.
Other Pets: Owners, renters, and lessees may have any pet that is considered an in-door pet. This excludes dogs.
Consideration of others in the building in regard to owners' pets shall always be a priority.
Owners will be assessed a penalty of \$100.00 per month for renters or lessees who fail to comply with Article II Section 9 of these By-Laws. The Manager will identify ownership of the pet and notify the Bookkeeper for assessment of fines. The non-compliance fine will be assessed on a monthly basis and billed with the quarterly statement.

SECTION 10: COMMON AREAS shall be kept clear. There shall be no storage of any material of any kind. Charcoal broilers are restricted to an area away from the building and shall be attended at all times while in operation. Operator shall make certain that the coals are completely out by dousing with water before leaving.
Violations:
 First, notice will be written given to owner, renter if rented and rental agent, if under rental agent control
 Second, assess unit fifty dollars (\$50)
 Third and further, assess unit One Hundred dollars (\$100)
Escalation of assessments will occur in one month intervals for deck clutter.

SECTION 11: PARKING/SHEDS: Owners and tenants are allowed spaces for two (2) vehicles per unit. Any Storage sheds are to be used by Owners only.

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SECTION 12: NOISE: Owners, guests or tenants of owners shall not permit or suffer any disorderly conduct, noise, vibration, odor or any other disturbance, in or around the premises that have a tendency to annoy or disturb any persons occupying other portions of the building, or any owners, residents or occupants thereof. Consideration is to be given by owners, tenants and any of his/her guests to noise from TV, stereo or parties, especially after 10:00 PM and before 8:00 AM. Volitions:

First, notice will be written given to owner, renter if rented and rental agent, if under rental agent control

Second, assess unit fifty dollars (\$50)

Third and further, assess unit One Hundred dollars (\$100)

Escalation of assessments will occur with each occurrence.

SECTION 13: WASHERS/DRYERS: Individual unit installation of washers and dryers will no longer be permitted due to the overload on the current plumbing system and the burden of additional water/electricity expenses placed on all other owners.

SECTION 14: SMOKE ALARMS: A working smoke alarm shall be installed in each unit, at owner's expense and shall be maintained by owner, with a replacement battery as needed or at least once a year.

SECTION 15: FEES. LATE CHARGES AND ASSESSMENTS:

1. FEES: The Association will be billed quarterly in advance. Fee is based on the previous year's actual expense, averaged on a quarterly basis. Fee will be billed within the first ten days of the calendar quarter and is payable by the first day of the following month.
2. LATE CHARGES: The Association will assess late charges after the due date in the following manner: Three (\$3.00) dollars per day for the first 30 days after the due date; one and one-half (1-1/2) percent per month thereafter until the total bill is paid. If the owner becomes 90 days delinquent, a lien may be filed with the Summit County Clerk and Recorder against the property. (See the section # 24 of the Condominium Declaration.)
3. ASSESSMENTS: When the Officers of the Owners Association deem it necessary to assess the membership, the Secretary shall notify the membership 45 days prior to the vote date in writing with the proposal. A ballot will be sent fifteen 15 days prior to the vote deadline. A majority of those members who vote will accept or reject the proposal.

SECTION 16: *Dispute Resolution, between the Owners' Association and a Unit Owner.*

1. *Owner will present in writing to the Officers with both documentation of the problem and suggestions for resolution.*
2. *President or if not available the Vice President will appoint a committee of owners to review the dispute.*

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- a. *Committee to consist of at least 3 owners that are not involved in the dispute.*
- b. *In the event that the Officers are directly named as part of the dispute, a Committee of Owners plus one person named by the Unit Owner will review the documentation and recommend a resolution.*
3. *Disputes will be resolved within 90 days of receipt of relevant information, or referred to a Committee of Owners for further evaluation.*
4. *Minutes of Dispute Resolutions will be retained for two years after resolution, or referral to another source.*

SECTION 17: Board Members moved to amend Section (# 27) of the Condominium Declaration (Covenants) for TyrolleanTerrace by revoking # 27 and references to # 27 in subsequent sections.

SECTION 18: Copies of sections 9, 10, 11 and 12 shall be displayed in a noticeable place within the unit by the owner of any unit that is rented. Plus any owner renting or their agent must give to the board a signed document that these sections were communicated to their renter, along with name and contact information of the renter.

SECTION 19: Reference can be made to the Condominium Declaration, which is on file with the Summit County Clerk and Recorder. For further restrictions and covenants, refer to Book 183, pages 54 to 61, recorded November 16, 1965.

SECTION 20: Satellite dishes, cable and wire line connections:

Copies of sections 9, 10, 11 and 12 shall be posted on the back of each bathroom door by the owner of any unit that is rented.

4. Owners or renter must get board approval to install such or similar devices.
5. No such devices or similar devices are not to be installed on the roof.
6. No new holes may be drilled into the building without board approval. Re-use of existing holes into a unit is encouraged.
7. Failing to following will result in removal and unit billed for any repair work.

SECTION 21: Pest Control:

Owners or renter must get board approval to install such or similar devices.

1. HOA will pay for a yearly for a pest inspection.
2. If pest issues are discovered it is the responsibility of the owner to address. The owner must use a professional pest control company.
3. Owners are responsible to educated on pest issue and pass this onto their renters.

Revised August 18, 2012.