

ASSOCIATION OF UNIT OWNERS OF  
WEST OAKS CONDOMINIUMS

Resolution of the Board of Directors

USE OF LIMITED COMMON ELEMENTS (BALCONY OR PATIO)

WHEREAS, "Declaration" is the *Declaration Submitting West Oaks Condominiums to the Oregon Condominium Act*, "Bylaws" is *Bylaws of The Association of Unit Owners of West Oaks Condominiums, Inc.*, and "Association" is the *Association of Unit Owners at West Oaks Condominiums*;

WHEREAS, Article V, Section 1(a) of the Bylaws allow the Association to adopt rules and regulations;

WHEREAS, Article 11 of the Declaration and Article V, Section 3(p) and Article VIII, Section 2 of the Bylaws authorize the Board to enforce provisions of the Declaration, Bylaws and Rules and Regulations,

WHEREAS, Article IX, Section 3 states that outdoor living areas designated as limited common elements shall be used exclusively for patios, low-profile decks, private plantings and landscaping and other reasonable outdoor living activities in accordance with any rules and regulations promulgated by the Board of Directors of the Association.

WHEREAS, Article V, Section 1(e)(iv) and Section 1(g) as well as Section 3(m) authorize the Association to govern the use of limited common elements.

WHEREAS, the Association commenced with a rehabilitation construction project in May 2012 to address construction defects.

WHEREAS, the consulting engineer and general contractor for said rehabilitation construction project have strongly recommended adoption of rules governing limited common elements (balconies or patios) in order to ensure the safety of all owners, tenants, and guests; protect the building envelope from water intrusion; and protect the long-term investment in the Association's buildings.

NOW, THEREFORE IT IS RESOLVED, that the following rules shall be enforced regarding use of outdoor living areas designated as limited common elements (balconies or patios).

1. No plantings shall be located on, or attached to, balcony railings or hung from hooks or otherwise attached to the building envelope. Plantings shall be allowed only on the concrete slab or on balcony or patio furniture. Plantings must be in containers with trays to retain water. Every container must drain into a tray that is sufficiently large to collect excess water and be slightly elevated above the floor to prevent containment of water under

the tray, resulting in deterioration of the concrete slab.

2. Plants must be watered at their base and not sprayed.
3. Given the potential for structural damage caused by excess water, care must be taken when washing the concrete slab so as to minimize water flowing over balconies and up under siding.
4. No bicycles shall be hung from hooks attached to the building envelope.
5. No holes may be made in the building envelope for any reason whatsoever without express written permission of the Association. This includes, but is not limited to, holes made to hang decorations, chimes, bird feeders, plants, or other items; and holes made for routing TV cables or other wiring or piping. The only exception to rule five (5) is stated below.

EXCEPTION TO RULE FIVE (5): Existing holes in the building envelope only, which are actively being used to hang any of the items mentioned in rule five (5) with the exception of satellite dishes, as of adoption of this Resolution may remain. However, if these existing holes cease to be used, they shall be filled in with caulking and painted with a matching color.

6. Care should be taken <sup>to</sup> in ensure that outdoor furniture and barbeques do not damage the concrete slab or building envelope.
7. Unit owners shall be responsible for all damages, including water intrusion damage, to the limited common elements and/or building envelope caused by any of the conditions described above, including from existing holes in the building envelope or railings. All costs incurred by the Association to repair damages shall be levied against the Unit Owner(s).

NOW, BE IT FURTHER RESOLVED, that all violations of above rules shall be handled in accordance with the Declaration, Bylaws, and rules and regulations of the Association.

NOW, BE IT FURTHER RESOLVED, that the foregoing resolution shall be effective thirty (30) days after the adoption date below.

Upon a motion duly made and seconded, the Board of Directors of the Association hereby adopts the foregoing resolution on the 4<sup>th</sup> day of FEBRUARY, 2013.

ATTEST:



Robert Stevens, Chair



Denise Wells, Secretary