

Homeowners Association

GUIDELINES FOR BALCONY AND PATIO MAINTENANCE AND USE RESTRICTIONS

*This document sets forth the
maintenance and uses within the development.*

Association's policy for balcony and patio

DEFINITIONS

Patios – only first floor units have patios.

Balconies – only second and third floor units have balconies.

ALL RESIDENTS

All balcony/patios must meet the following conditions:

- **Plants** – all plants must be maintained in good condition.
- **Vines** – vines cannot grow higher than the patio wall. Keep them trimmed at that level and kept clear of air conditioner units.
- **Shrubs and Trees** – all shrubs and trees in patios cannot grow higher than 10-feet and cannot be planted within 2-feet of buildings, patios or patio walls. The Board of Directors does not recommend large shrubs or trees in patios, but if you have one, you must comply with that noted herein.
- **Balcony and Patio Ledge** – nothing shall be stored or displayed atop the top ledge of the balcony or patio.
- **Balcony and Patio Walls** – no penetrations into the wood or stucco are allowed. The walls cannot be used as retaining walls.
- **Foliage Maintenance** – Foliage must be maintained in good condition at all times. Foliage must be pruned as needed and dead material must be removed. Plants, vines or trees are not allowed to encroach upon your neighbor's property or the common area outside your patio. Owners are fully responsible for any damage caused by plants, vines, trees and other items in their balconies/patios. The Association will take action, at the owner's expense, if owners do not do so.
- **BB&Q's** – Charcoal grills are prohibited. In addition to being fire hazards and creating nuisance smoke, any hot coals dropped onto the surface will burn through the balcony coating and could cause a fire. Gas barbeques are the only type grills that are allowed in/on the balconies or patios. Owners will be held responsible for any damage related to the use of BB&Q's.

FIRST FLOOR RESIDENTS

In order to mitigate termite activity and damage to the building and all soil must kept be away from the patio and building walls. The soil cannot be within 4-inches of the base of the wall or building. Proper drainage must be maintained at all times. Walls are not to be used as retaining walls for planters or anything else.

SECOND AND THIRD FLOOR RESIDENTS

Owners are required to abide by the following in order to minimize damage to the flooring surface and other balcony components:

- Objects containing sharp edges should be used at the resident's own discretion and risk

as they can cause damage to balcony floor coatings. Sharp edges include but are not limited to: table legs, BBQ grills, and high heels. In order to protect the coating caster cups should be installed on sharp objects.

- Potted plants in direct contact with the surface damage the balcony. Damage occurs from watering of the plants, from the fertilizers used on the plants, from the weight of the pots, and from dragging pots across the surface. Potted plants need to be raised up to allow air to circulate and dry the water or pots must have a catch basin underneath to properly drain the water.
- Indoor/outdoor carpet and tile is prohibited as it impairs the balcony coating and changes the drainage patterns. It also locks in moisture and accelerates the deterioration of the balcony coatings.
- Balconies should remain free of debris (i.e.: leaves, trash, etc.). The surface of the balconies should be cleaned with a broom or water to mitigate the build up of dirt and debris.
- Owners should inspect their balconies no less than twice a year and report maintenance issues such as cracks, nails popping up from the subsurface, delaminating paint and bubbles in the coating surface, etc.
- Blocking the drainage is prohibited at all times. Owner must ensure the drainage on their balcony is not blocked and free of debris at all times.

INSPECTION

The Association may, following written notice to the owner, enter the owner's unit or exclusive use common area to inspect the patio and/or balcony to ensure that they are in compliance with this policy. If the Association determines that the owner and/or resident is in violation of this policy, the Association will require the owner to remedy the matter, at the owner's expense. If deemed necessary, the Association will remedy a problem as assess the cost to the unit owner's account giving the owner 30-days from the date of assessment to reimburse the Association.

REIMBURSEMENT

Although the Association is responsible for the maintenance and replacement of balconies, deck coating (water proofing membrane), patio walls and building structure, owners will be held liable for all costs and repairs related to damage they and/or their tenants cause to the aforementioned components.

The Association may recover from the owner any expenses it incurs in connection with damages incurred, in any manner provided by law or the governing documents. If the owner fails to reimburse the Association within 30-days, the owner will be subject to collections fees including, but not limited to administrative, management, collection and attorney fees.

LIABILITY

All owners assume the liability for any damages resulting from the installation of plants. Should you grow vines that are attached to the patio walls (first floor only) you assume responsibility. Should an owner fail to adhere to the aforementioned guidelines and damage their patio or balcony in any way, or cause residual damage to the building, surrounding units and/or common area, the owner will be held fully responsible for all damage and related costs. These include but are not limited to cost of repair, replacement, administrative, management and attorney fees.

Adopted by resolution of the Board of Directors

September 5, 2006