

# **Rules and Regulations**

**Quadna Mountain  
Townhouses Association  
Hill City, MN 55748**

**Effective January 1, 2016**

## **INTRODUCTION**

The Board of Directors of Quadna Mountain Townhouses Association, (the Board) is charged under Section 6.4 of the Bylaws of the Association with the power to "Adopt, amend and revoke Rules and Regulations not inconsistent with the Governing Documents....."

Every unit owner is responsible for full compliance with the Rules and Regulations of the Association. The Board of Directors is charged with their enforcement.

The Rules and Regulations contained in the following pages are in addition to those stated in the Declaration and Bylaws of Quadna Mountain Townhouses Association. In the event of any conflict among the Minnesota Common Interest Ownership Act (the Act), Declaration, Bylaws or the Rules and Regulations, the Act shall control. Among the Declaration, Bylaws and Rules and Regulations, the Declaration shall control. These Rules and Regulations will not reverse any previous action taken by the Board of Directors that was proper under the Declaration and Bylaws.

Association living is a unique style of ownership. Owners face certain differences that are not generally applicable to single family homeownership but are necessary to maintain the continued attractiveness and uniform appearance of the Association community. This document was written to inform you of the specific rules and regulations that govern the Association and the procedures which must be followed when any change, modification, or alteration to the buildings and grounds is considered.

These rules are intended to seek a balance between consistency and promotion of personal expression.

The recorded Quadna Mountain Townhouses Declaration, which is applicable to the property administered by the Association, restricts the right of a member (owner) to modify the exterior appearance of his home and adjacent common area without the consent of the Board. The Declaration also permits the Board to adopt reasonable Rules and Regulations aimed at controlling activities that disturb or damage our community and to enforce those Rules and Regulations.

Rules and Regulations are important in day-to-day communal living. Reasonable rules will help make the sharing of property convenient and enjoyable for all those involved. When Rules and Regulations are not followed, the Association must act firmly and impartially and, when necessary, impose penalties for violations.

None of the provisions contained in these Rules and Regulations shall be deemed to have been waived by reason of any failure to enforce the same.

Please take the time to familiarize yourself with these Rules and Regulations.



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If the owner fails to obtain the Board's prior written approval, the Board has the right to require the owner to remove or remedy any unapproved changes. If the owner refuses, the Board has the power to fine and to recover by lien all attorney's fees and costs of enforcement, and the costs of restoration. The property will be regularly inspected for unapproved changes.

## **APPROVAL PROCEDURE**

If an owner desires to make a change to the appearance of the front porch, patio, deck, common area or exterior of the dwelling, the owner must submit a written application describing the change and receive the approval of the Board before commencing the project. The owner must proceed in the following manner:

1. Obtain an Architectural Control Change Application form:
  - a. the back of this document
  - b. the management company
  - c. the Association's website, [www.qmta.org](http://www.qmta.org)
2. Submit the Application according to the instructions on the form and include a copy of the plans for landscape or architectural changes. The plans should show exactly what the owner wishes to do. For landscaping, indicate placement of all plantings and edgings and identify all plant materials by both common and botanical names and indicate mature size and height. For building changes, show dimensions of the structure, all materials, sizes, colors and all support structures. The required plans may be drawn up by an outside architect, contractor, landscape architect or the owner. Professional plans are not required, provided that plans are clear and complete. The Board may require the submission of additional information necessary to make its decision.
3. The owner will be notified within 60 days of application receipt as to the decision of the Board. The Board may need more information or clarification, and this may extend the time of approval or denial. Failure to receive written approval within 60 days shall be deemed a disapproval of the Application.
4. In some cases, the Board will give tentative approval to the owner's project based on the owner's willingness to accept the Board's input to the owner's specifications.
5. If the Application is approved, the project must comply strictly in accordance with the plan approved by the Board. If the project is not completed in accordance with the approved specifications, the Board may require the project to be redone in accordance with the approved specifications or be removed. All approved work must be completed within twelve (12) months of approval. If not completed within twelve (12) months, the owner must reapply for approval. All projects must be completed within 30 days of commencement of work or the delivery of any material, or such longer period as approved by the Board.

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6. Any permits required for construction are strictly the responsibility of the owner. The owner is required to obtain or ensure his/her contractor obtains all building permits required by local and state regulations. The contractor shall be properly licensed and insured. If requested to do so, the owner must submit copies of such permits to the Board within ten (10) days of the request. The Board may also request copies of any final inspections and approvals by local and/or state authorities.

## **ARCHITECTURAL CHANGE GUIDELINES**

The goal of the Board is to encourage improvements by owners that will enhance Association property values while ensuring improvements will not interfere with neighbors' rights or cause maintenance problems, now or in the future, for the Association or subsequent owners. The Board will work with owners to help them understand the guidelines and to help develop a plan that will meet these goals and obtain approval.

### **LANDSCAPING**

Plans for all landscaping must be approved by the Board before any work begins. Plans must show how all materials are to be used, including all plants. Plantings must be in conformance with the overall landscaping style of Quadna Mountain Townhouses.

#### Artificial Flowers

Artificial flowers and greenery are permitted only on front porches, patios, decks and as door decorations. See "Exterior siding" under "Miscellaneous Guidelines" for usage on siding.

#### Flowerpots and flower boxes

Well-tended flowerpots and boxes are permitted as long as they are of reasonable size and weight. This includes freestanding hanging baskets (on a pole). No flower container may be placed on the grassed areas. Any damages to the exterior of the dwelling will be repaired at the expense of the owner.

#### Shrubs and Trees

Removal and replacement of shrubs and trees requires the approval of the Board. Approval of requests for tree and shrub planting may be subject to like size and like kind. No fruit trees or hedges are permitted.

#### Vegetable Gardens

Container grown vegetables, e.g. cherry tomatoes, are acceptable on patios, decks, or rock areas. Full-scale vegetable gardens are not permitted.

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**DWELLING ARCHITECTURAL CHANGES**

All alterations to the exterior of the dwelling, including patios and decks, require approval of the plan by the Board. Construction must be completed within 30 days of commencement of work or delivery of material, whichever is earlier, or such longer period as approved by the Board.

The Board also requires the owner (or his/her contractor) to determine and obtain all building permits required by local or state ordinances and to abide by all ordinances that apply. Permits are also required for most interior alterations. The cost of a building permit will provide the services of a building inspector to come out and insure that all work has been done properly and safely. Any alterations where a required building permit was not obtained may relieve the Association of any maintenance or insurance obligation. Building permits must be posted during construction.

The architectural approval process is intended to ensure that proposed changes are consistent with the architectural standards of Quadna Mountain Townhouses and will not create an undue maintenance burden for the Association or unduly infringe on the rights of other owners. The owner submitting the architectural request is wholly responsible for the adequacy of the plans or specifications submitted and for determining whether the alterations/improvements comply with the requirements of local and state ordinances.

**Miscellaneous Guidelines**

Air Conditioners

Window air conditioners are not permitted.

Animal Kennels

Kennels, cages, animal houses or runs are not permitted.

Antennas and Satellite Dishes

The following are not permitted: exterior antenna used for amateur radio, CB radio, FM or AM radio, or satellite radio.

The following are permitted:

1. Dish antenna one meter or less in diameter designed to receive direct broadcast satellite service or to receive and transmit fixed wireless signals via satellite.
2. Antenna/Dish one meter in diameter or less designed to receive wireless cable or to receive or transmit fixed wireless signals other than by satellite.
3. Commercially available analog and digital television antennas.

A resident may install no more than one antenna or dish for each type of service.

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Antenna/satellite dishes must be installed on the roof above the unit, with no part of the antenna/satellite dish higher than the peak of the roof. Professional installation is recommended.

If an acceptable quality signal may be received by placing an antenna inside a dwelling, then outdoor installation is prohibited.

Cable runs must be as short as possible with only one entry point into the dwelling through an attic vent. The cable must be painted to match the roof color.

The Owner of a dwelling with an antenna or dish is responsible for all costs related to the antenna/dish installation, maintenance or use; including repair of damage to property and medical expenses incurred by injured persons.

If maintenance on the dwelling requires the temporary removal of the antenna or dish, the Association shall provide the Owner with ten days written notice. Owners shall be responsible for removing the antenna or dish before maintenance begins and replacing the antenna afterwards. If the antenna or dish is not removed within the required time, the Association may then do so at the Owner's expense, and the Association will not be liable for damage to the antenna or dish caused by its removal.

Repair or removal of a damaged antenna or dish must occur within 72 hours of discovery of such damage.

Antennas or dishes no longer in service must be removed, together with all related wiring and hardware, within 30 days following discontinuation of service.

Upon removal of an antenna or dish, the Owner/resident must restore the mounting location and cable attachment and entry points to its original condition including repair of holes.

Awnings

Awnings and shades are not permitted.

Birdfeeders and Birdhouses

Birdfeeders and birdhouses, not to exceed 18" in length, width, or height, are permitted but may not be attached to the steel siding or placed in maintained lawn areas. Homeowners are responsible for cleanup of feed debris. Feeding of birds or animals, which by their attraction creates a nuisance for neighbors, is prohibited, and may result in request for removal of birdfeeders. A total of two birdfeeders are allowed.

Clotheslines

Clotheslines are not permitted. Temporary usage of clothing racks for drying swimsuits or towels is permitted.

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Decks, Patios

Hot tubs/spas are not permitted.

Carpeting (i.e. indoor/outdoor) is not permitted.

Yard furniture is allowed on patio and deck areas. Portable yard furniture that may be easily removed, such as lawn chairs, may be used on grass areas but must be removed after each use.

Doors

Storm doors with full glass are permitted as long as the color is matched to the siding. Trim hardware should be consistent with existing door hardware.

Changes in exterior door color is not permitted.

Exterior Light Fixtures

Although the Association will repair and replace the exterior light fixtures and photocells, the owner is responsible for the replacement of light bulbs, cleaning, and maintaining the switches and wiring.

Light bulbs for existing fixtures may only be of color and type as originally installed and must not exceed recommended wattage.

The installation of any additional outside lighting, both on the unit and in the common areas, must be approved by the Board.

Sidewalk lights, including solar lights, require Board approval. The preferred style is low profile and must be installed in rocked areas only, not in the grass area.

Exterior Siding

No holes may be put in the exterior steel siding.

Fences

Fences are not permitted without Board approval.

Fire Pits

In-ground fire pits are not permitted.

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Flags

Decorative and/or seasonally appropriate flags are permitted to be displayed and must either be temporarily installed in the landscape rocks or on the patio or deck railing. No permanent installations are permitted without Board approval. Decorative flags may not exceed 3'x5' in size. Flags for sports teams may only be displayed during that team's season.

U.S. and Minnesota State flags are permitted to be displayed. A flag not exceeding 3' x 5' may be mounted to a post or deck railing by an approved flag holder. All displays of the U.S. flag must comply with the United States "Flag Code".

Flower Beds

Homeowners may plant annuals or perennials of their choice in flower beds adjacent to their dwelling with Board approval. Owners are responsible for keeping beds properly maintained and free of weeds. All annual plant material must be removed at the end of the season. Vegetable plants and artificial flowers are not allowed in these areas.

Holiday Decorations

Holiday decorations, other than for winter holidays, may remain up for a maximum of three weeks and be confined to the owner's patio, deck or windows. Winter holiday decorations are allowed from November 15<sup>th</sup> through the last day of February.

All decorations must be hung without damage to the dwelling. Nails and screws may not be used. Roof clips or other non-damaging methods of hanging are allowed.

Ornamental Statuary

Approval is needed for placement of benches, statuary, large boulders, etc. in the landscape bed areas of the common areas. Approval will not be given for placement in the grassed areas.

Painting

All painting of the exterior of the dwelling by an owner is prohibited. An owner may "touch up" any painted areas such as thresholds, patios, and doorways without the consent of the Board. The same exterior paint color and type that is on these items must be used.

Recreational Equipment

No recreational equipment may be erected upon or under or affixed to any portion of the dwelling, patio or common areas. This includes, but is not limited to basketball hoops, volleyball net standards, sand boxes, play equipment and similar equipment. All damage to landscaping resulting from

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recreational activities is the responsibility of the owner. No swing sets or gym sets are permitted in the common areas. No hot tubs or spas are permitted.

Temporary use of grassed areas for lawn games is permitted but equipment must be picked up when done.

Solar Panels or Skylights

Solar panels, skylights and Solar tubes may be permitted but require Board approval.

Storage Sheds

Additional storage sheds or any other additional building or structure, either attached or detached, temporary or permanent, are not permitted.

Tree Rings

Tree rings are not permitted.

Utility Box Landscaping

Landscaping of utility boxes are the responsibility of the Association.

Vegetable Gardens

Container grown vegetables, e.g. cherry tomatoes, are acceptable on decks or patios. Full-scale vegetable gardens are not permitted. Vegetables planted in the ground are not permitted.

Windows and Doors

When replacing windows and doors, our standards must be followed. Please check our website [www.qmta.org](http://www.qmta.org) for current manufacturer and model information.

Only curtains, drapes, blinds, shutters and shades are to be used for permanent internal window coverings. Blankets, sheets, etc. are not permitted as window coverings. Window coverings shall be kept in a good state of repair.

Screens must be kept in a good state of repair. Homeowner is responsible for maintaining screens in accordance with our standards.

No changes to exterior appearance are permitted.

Plastic window film is to be installed only on the interior.

Security bars on windows are not permitted.



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**02.00 DWELLINGS**

**02.01** After proper notification to the Owner or Resident, the Board or its designees shall have the right to enter any dwelling during reasonable hours as may be necessary for the operation of the Association. (Proper notification would be phone contact ahead of time or written notice with sufficient time allowed – at least 48 hours). The Board or its designees shall have the right to enter any dwelling at any time in the event of an **EMERGENCY**.

**02.02** Each dwelling owner is responsible for maintaining his/her heating and plumbing fixtures, to avoid waste of water and frozen pipes. The Association reserves the right to make periodic heat check inspections to monitor compliance.

**02.03** If an owner declines to allow Association staff to perform heat checks, they must install equipment that will detect interior temperatures lower than 45 degrees and will transmit a signal to a person or company who will be able to investigate and take corrective action before freeze damages occur.

**02.04** Any change within the Dwelling affecting the Common Elements, such as electrical, plumbing, heating or load-bearing walls, must be approved in writing by the Board of Directors before work begins. Plumbing work should be arranged in advance with Association staff as it may require the water be turned off to the entire building.

**02.05** Only curtains, drapes, blinds and shades are to be used for permanent window coverings. Window coverings shall be of a light, neutral color and kept in a good state of repair. Sheets, blankets, etc. are not allowed.

**02.06** By law, every Dwelling must have a working smoke detector and carbon monoxide sensor. It is the responsibility of each Resident to periodically test these safety devices and replace backup batteries.

**02.07** Window air conditioning units are not allowed. In-unit air conditioners are allowed, and can be vented outside via the window. The exhaust vent may not protrude outside of the screen.

**03.00 COMMUNITY BUILDING**

**03.01** The Community Building is available for year-round use. The Community Building hours are from 8 AM to 10 PM.

**03.02** Community Building reservations are restricted to Quadna Mountain Owners and Residents only, by prior registration on a first-come, first-served basis. Adult Owners and Residents (18 years and older) may reserve the Community Building and obtain a key by calling the Maintenance Shop.

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- 03.03** The Quadna Mountain Adult Owner/Resident who reserved the Community Building must be present at all times while the Building is in use. The Building may not be rented out or used independently in any way not affiliated with the Quadna Mountain Owner/Resident who reserved the Building.
- 03.04** The Owner/Resident reserving the Community Building is responsible for cleaning the Building by no later than 8 AM the following day. The Building will be inspected within the first two business days after use. Any cleaning and repair costs will become an assessment to the Unit Owner who reserved or authorized the reservation of the room.
- 03.05** If the Community Building key is not returned, a \$50.00 charge will be assessed to the Unit Owner.
- 03.06** Occupancy is limited to 50 persons.
- 03.07** All doors must be closed and locked when leaving the Community Building unattended. No exits may be blocked during use of the room.
- 03.08** No smoking is allowed in the Community Building.
- 03.09** Any person violating these rules may be asked to leave the Community Building and may have their Community Building privileges suspended and/or be subject to fines as outlined in the Association's Rules Enforcement Policy.

#### **04.00 DECKS AND PATIOS**

- 04.01** Altering, changing or permanently affixing items to patio or deck floors, walls, or railings is not allowed without specific written approval of the Board. Nothing is to be attached to the siding or trim of the buildings.
- 04.02** Laundry, bedding, dust mops, and rugs are not to be hung or shaken from decks, patios, or windows. Clotheslines are not permitted. Temporary usage of clothing racks for drying swimsuits or towels is permitted.
- 04.03** Decks may contain deck furniture, cooking grilles, and seasonal potted plants. Storage of all other items is prohibited. Requests for variances must be made in writing to the Board, except for Holiday Decorations described in Section 05.00.
- 04.04** Birdfeeders and birdhouses, not to exceed 18" in length, width, or height, are permitted but may not be attached to the steel siding or placed in maintained lawn areas. Homeowners are responsible for cleanup of feed debris. Feeding of birds or animals, which by their attraction creates a nuisance for neighbors is prohibited, and may result in request for removal of birdfeeders. A total of two birdfeeders are allowed.

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- 04.05** Among items not allowed are kitchen or office furniture, sofas, and appliances with an open flame that are intended for recreational purposes and not cooking, such as fire pits and chimneas.
- 04.06** Toys, bicycles and tricycles are allowed only from May 1 thru October 31. All furnishings and decorations must be confined to the deck or patio and not placed on the ground.
- 04.07** Plants and flowers are allowed. Plants must be placed in heavy containers to prevent their being upset by strong winds. Containers on top of, or attached to deck railings or privacy walls, should be securely fastened to avoid injury to persons or the structure. All plants and flowers must be alive and well-kept (dead material removed, free of weeds, etc.).
- 04.08** During the winter months, plant containers may be stored on decks, but dead plants should be removed. To help maintain a pleasing appearance, during the growing season empty plant containers must be removed from patios and decks and stored inside.
- 04.09** Holiday decorations, other than for winter holidays, are allowed to be placed on decks, patios, and windows, but may remain for a maximum of three weeks. Winter holiday decorations are allowed from November 15<sup>th</sup> through the last day of February.
- 04.10** No exterior shades or awnings are permitted.

**05.00** **DECORATIONS, FLAGS, SIGNS**

- 05.01** Decorations that appear to be identified with a specific holiday may be displayed no earlier than 14 days before the holiday and removed within 7 days following that holiday. Decorations may be placed on Unit entry doors, patios, decks and windows.

**EXCEPTION:** Christmas /Hanukkah/Kwanza decorations may be up from November 15<sup>th</sup> through the last day of February.

The Board reserves the right to declare certain decorations to be publicly offensive and inappropriate and demand their removal.

- 05.02** String lights that appear to be identified with a specific holiday may be displayed no earlier than 14 days before the holiday and removed within 7 days following that holiday. String lights may be placed only on the privacy fence, and electrical cords cannot be placed over driveways or sidewalks.

**EXCEPTION:** String lights for Christmas/Hanukkah/Kwanza may also be displayed on shrubs and trees from November 15<sup>th</sup> through the last day of February.

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- 05.03** Decorative and/or seasonally appropriate flags are permitted to be displayed and must either be temporarily installed in the landscape rocks or on the railing. No permanent installations are permitted without Board approval. Decorative flags may not exceed 3'x5' in size. Flags for sports teams may only be displayed during that team's season.
- 05.04** U.S. and Minnesota State flags are permitted to be displayed. A flag not exceeding 3' x 5' may be mounted to a post or deck railing by an approved flag holder. All displays of the US flag must comply with the United States "Flag Code".
- 05.05** No signs or other emblems or placards shall be placed on or about the grounds or in Unit windows, except as authorized by the Board.

**EXCEPTIONS:** Safety or security decals are allowed on doors and windows; and one "For Sale" sign of not more than five (5) square feet shall be allowed to be maintained on any Unit but cannot be attached to the Dwelling by means of nails or screws.

**06.00** **PARKING LOTS**

- 06.01** The use of parking spaces by Residents is limited to three per Unit.
- 06.02** Parking spaces with an electrical outlet are reserved for the exclusive use of the Owner/Resident of the Unit identified on the post. At no time should persons plug into an outlet other than one connected to their own electrical panel, without first obtaining the permission of the resident who supplies electricity to that outlet.
- 06.03** Vehicles must be parked without crowding or otherwise inconveniencing neighboring spaces or extending into the driveway.
- 06.04** No storage containers, buses, tractor/trailers, or any vehicles in excess of 9,000 pounds gross weight shall be parked anywhere on Quadna Mountain Townhouses property.
- 06.05** No inoperable vehicles, not in a good state of repair, or not currently licensed for road use, shall be left standing anywhere on Quadna Mountain Townhouses property. Vehicles not allowed includes any vehicle which:
- Does not have current license plates.
  - Has a flat tire or broken-out window.
  - Has a hood or trunk which cannot be properly closed and locked.
  - Is leaking fluid such as gas or oil.
  - Is up on blocks or any kind of jack.
  - Cannot be started when it must be moved for snow removal or other parking lot maintenance.

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- 06.06** The parking lot is not to be used for the storage of vehicles. Any motor vehicle which has not been operated on the public streets within the previous 14 days is considered a stored vehicle and is prohibited.
- 06.07** Vehicles in the parking lots are not to be covered by car covers, tarps, etc. (This does not apply to golf carts, which can be covered.)
- 06.08** Motorcycles/mopeds must be parked in the parking lots rather than on sidewalks or lawn areas, or patios. A block of wood or similar protection must be used under the kickstand to prevent damage to the asphalt surface.
- 06.09** The parking or operation of any vehicle is not permitted on any part of the property except the driveways and parking lots.
- 06.10** Operation of ATV's and golf carts shall be restricted to marked roadways only for the purpose of reaching the trail system so designated for their use. No one under 16 is allowed to drive golf carts on Association property. Observe all posted signs. Golf cars with golf turf tires may operate on a designated path from buildings 9, 10, and 11 to the maintenance shed road. No ATV type tires are allowed.
- 06.11** From May 1<sup>st</sup> through October 15<sup>th</sup>, not more than one boat and/or one boat trailer per unit may be parked in the parking lots. Boats or trailers cannot be parked anywhere on the property from October 16<sup>th</sup> through April 30<sup>th</sup>.
- 06.12** Not more than one RV or camper trailer from a unit can be parked in the parking lot at a given time and for not more than three consecutive days. There must be an interval of at least seven days between visits and the total number of days per calendar year that an RV or camper trailer can visit a unit cannot exceed 30 days. ("Day" shall be defined as any portion of one calendar day).
- 06.13** From November 1<sup>st</sup> through March 31<sup>st</sup> snowmobiles and/or snowmobile trailers can be kept on the property. Snowmobiles and trailers cannot be parked anywhere on the property from April 1<sup>st</sup> through October 31<sup>st</sup>.
- 06.14** Utility trailers from a particular unit cannot be parked on the property for more than 10 days in a calendar year. ("Day" shall be defined as any portion of one calendar day).
- 06.15** ATVs are subject to the same Rules as motor vehicles.
- 06.16** Following snowfalls of 2" or greater, vehicles should be moved to a space that has been plowed to allow the Association to clear snow efficiently.
- 06.17** Changing of oil and other such maintenance work on vehicles is prohibited. However, emergency repair such as changing tires or batteries, and adding oil, anti-freeze or washer fluid are permitted in the parking lots.

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- 06.18** Petroleum products (gasoline, oil, or transmission fluid) are harmful to asphalt surfaces, and anti-freeze can damage the environment. Vehicles must be kept in a good state of repair so that they do not leak fluids onto the parking surfaces.
- 06.19** There is a 10 MPH speed limit in the driveways and parking lots.
- 06.20** Strict compliance with regulatory signs posted by the Association and/or City is expected. Such signs include No Parking, designated Fire Lane, Speed Limit, etc.
- 06.21** Upon written request by the Association, a Resident must provide the Association with the following information concerning the vehicles they park on the Property: make, model, year, color and license number.
- 06.22** The Board or its designees are authorized to order improperly parked vehicles towed from the Property at the vehicle owner's expense and **WITHOUT PRIOR WARNING**.
- 07.00** **PETS**
- 07.01** A maximum of two cats and/or dogs per dwelling are allowed. No exotic pets are allowed. Pets may not be kept or bred for commercial purposes.
- 07.02** All pets must be maintained in accordance with Hill City ordinances which requires that all dogs and cats within the city limits be kept under restraint. No dog or cat shall be allowed out of its owner's Dwelling unless carried by its owner or on a leash not to exceed 8' in length.
- 07.03** Tethers are allowed, but must not exceed 8' in length and must not allow the dog or cat to reach common sidewalks or yard areas not directly in front of or behind the pet owner's Dwelling.
- 07.04** The owner of the pet is solely responsible for cleaning up after the pet immediately. City code requires anyone who owns or has control of a dog or cat to remove any fecal matter the animal deposits on public or private property.
- 07.05** If someone is walking a dog, they must have in their possession a means to collect and dispose of the dog's fecal matter. This includes both soiling in the pet owner's yard and in any other yards, driveways, parking lots, sidewalks or trails.
- 07.06** No pet shall be permitted to bark, howl or make other loud noises, or create disturbances for such a time as disturbs other residents' rest or the peaceful and quiet enjoyment of their units.

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- 07.07** Any damage to the grounds caused by a pet shall be the full responsibility of the unit owner to make restitution. This includes lawn damage, which if not repaired by June 1<sup>st</sup> will be repaired by the Association at the expense of the responsible unit owner.
- 07.08** "Invisible Fencing" or the like is not allowed.
- 07.09** The Board shall have authority to determine in its sole and absolute discretion whether a particular pet shall be permanently removed from the property based upon the pet's behavior or the failure of the pet's owner to comply with these pet Rules and Regulations, applicable governmental restrictions, laws or ordinances, or any additional restrictions approved by the Board. Such action may be taken in addition to, or in lieu of, any fines which may be assessed.
- 08.00** **SWIMMING POOL**
- 08.01** **WARNING - NO LIFEGUARD ON DUTY!** All persons using the pools do so at their own risk. The Association and Management Company assume no responsibility for any accident, injury, or loss in connection with such use. Persons using the pools agree to hold the Association and the Management Company harmless for any claim for loss of life or personal injury, or any loss or damage to personal property.
- 08.02** Swimming pool hours are from 10:00 AM to 10:00 PM daily during the pool season, which is the Saturday before Memorial Day through Labor Day. The Association retains the right to close the pools at any time for maintenance or due to inclement weather conditions.
- 08.03** The pool gates must be kept closed at all times. Access is by means of a Pool/Wood Shed key that can be obtained from the Association at a cost of \$50.
- 08.04** Pool privileges will be suspended if outstanding assessments or other charges against a Unit become more than 60 days delinquent.
- 08.05** Use of the swimming pools is reserved for Residents and their invited guests. Residents may invite up to two guests per Unit at a time to use these facilities. The Resident must be present when guests are in the pool area and be responsible for their conduct and safety.
- 08.06** Children under 14 years of age are not permitted to enter the pool area or use the swimming pools unless accompanied by a Resident adult 18 years of age or older. The accompanying adult assumes full responsibility for the children's safety and behavior.
- 08.07** Association equipment and furniture shall not be removed from the pool area.
- 08.08** Safety equipment is for use in the event of an emergency. It is not to be used for any other purpose.

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- 08.09** Any individuals who do not have full and complete control of their bladder or bowel are prohibited from entering the pool. This includes infants who are not yet “potty trained”.
- 08.10** There is no running, pushing, scuffling, excessive splashing, spitting, or spouting water from the mouth allowed in the pool area.
- 08.11** No glass is permitted in the pool areas. Beverages must be in cans or plastic containers.
- 08.12** Hairpins, loose jewelry and other such materials shall be removed before entering the pool.
- 08.13** Diving is prohibited.
- 08.14** Loud music or parties that infringe on others’ use and enjoyment of the pool and pool area will not be permitted.
- 08.15** Residents and guests shall not use flotation devices that are unsafe or would impede the use of the pool by others, such as air mattresses.
- 08.16** Bicycles, skateboards, rollerblades or play equipment are not allowed in or around the pool area.
- 08.17** Proper swimming attire is to be worn in the pool at all times. Cut-off jeans are not allowed.
- 08.18** To keep the pool area neat, please place all refuse in the containers provided, and tidy your area when leaving the pool.
- 08.19** Users are to read and abide by the posted regulations in the pool area. The Association reserves the right to curtail or terminate any activity that is deemed excessive or unreasonable.
- 08.20** Persons violating these rules may be asked to leave the pool area, have their pool privileges suspended, and be subject to fines as detailed in the Association’s Rules Enforcement Policy.

### **09.00 TENNIS/PICKLEBALL COURTS**

- 09.01** Only tennis or pickleball play is permitted on the court.
- 09.02** Only tennis shoes are acceptable footwear on the court. It is also required that all participants wear proper attire, including shirts.
- 09.03** Limit your time to allow other Residents to play. Play a tiebreaker at 6-6, and do not start a new set if other Residents are waiting to play. Players who are only practicing can use the court for only one hour when other residents are waiting to play.
- 09.04** Use of the tennis courts is limited to Residents and their invited guests.

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**10.00 DOCK**

- 10.01** Long-term dock usage is not permitted (longer than 7 days). **On the fishing opener weekend and on holiday weekends,** Residents should restrict their use to one day. Violations should be reported via website for appropriate action.
- 10.02** Boats on the shore are subject to the above restrictions.

**11.00 FIREPLACES, FIREWOOD**

- 11.01** The wood provided by the Association is to be used only at Quadna Mountain Townhouses and is not to be transported off the property. Firewood is intended for use for recreational and enjoyment purposes only and not for heating purposes.
- 11.02** The fireplaces are not intended to be the primary source of heat during the winter months. The fireplace option installed by the builder in the early 1970's was a Preway prefabricated zero clearance wood burning fireplace. The Preway installation manual warns that, "This fireplace is NOT intended as a furnace intended to heat an entire home. Use for supplemental heating only."
- 11.03** The minimum code requirement 40 years ago required that a zero clearance fireplace only had to withstand a 1700 degree fire for 10 minutes without "burn-thru". Due to a history of fires, the code requirement was increased so that fireplaces must now withstand a 2100 degree fire for three separate 10 minute intervals within one hour.
- 11.04** Parts are no longer available for Preway fireplaces as the company went out of business in 1988. Given its design life of about 30 years, if you are experiencing problems with your Preway fireplace, replacement is a far safer option than attempting to repair it.
- 11.05** Flammable liquids should **NOT** be used to start a fire in the fireplaces.
- 11.06** It is the responsibility of each Owner to periodically inspect their fireplace and flue pipe to ensure that it remains safe for use.
- 11.07** Firewood can be a harboring place for rodents and other undesirables. Firewood should not be stored outside a Dwelling but instead must be brought inside.

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**12.00 TRASH REMOVAL**

- 12.01** The trash removal service contracted for by the Association is intended for use by residents in disposal of normal everyday trash and garbage. The trash contract does not include removal of the following items:
- ❖ Construction debris (includes lumber, carpet, sheetrock, tile, doors, cabinets, plumbing fixtures and the like). Contractors should be instructed to remove all such material from the premises.
  - ❖ Large items such as mattresses, sofas, chairs, desks, dressers, etc. Separate arrangements should be made by the Resident/Owner for the removal of large items at their own cost. Often this is most easily accomplished by making those arrangements with the company delivering the new furniture.
  - ❖ Appliances such as refrigerators, microwaves, stoves, air conditioners, washers and dryers, and dishwashers. Many appliances contain material deemed hazardous, such as Freon in refrigerators and air conditioners, and require special handling. Again, it is usually easiest (and cheapest) to arrange for removal with the delivery company.
  - ❖ Hazardous materials – examples include paint (unless completely dried), TV's, computer monitors, microwaves, refrigerators, air conditioners, fluorescent light bulbs, vehicle batteries, tires and motor oil.
- 12.02** Non-hazardous recyclables (newspapers, cardboard, cans, glass and plastic bottles), can be placed in the dumpsters. Those items will be sorted and separated by the trash hauler.
- 12.03** Hazardous materials must be disposed of in a manner consistent with the requirements of the Minnesota Pollution Agency and other governmental regulations.
- 12.04** If you are moving out and have an unusually large amount of trash to dispose of, don't monopolize the entire dumpster, use several dumpster areas if necessary. Be considerate and use common sense.
- 12.05** Trash removal is for Quadna Mountain Townhouse Residents only for the trash associated with your living at Quadna Mountain. Trash from outside sources is not permitted at any time.

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**13.00 PROPANE POLICY**

- 13.01** Any unpaid propane account balances as of June 15<sup>th</sup> of each year will be posted to the Owner's assessment account and will be subject to the same late fees and interest as are charged for other delinquent assessment amounts.
- 13.02** Each Owner must have a minimum credit balance of \$500 on deposit by October 1<sup>st</sup> of each year. If this requirement has not been met, a notice will be sent to the Owner reminding them that the necessary funds must be deposited by no later than November 1<sup>st</sup>.
- 13.03** If the minimum \$500 credit balance has not yet been deposited by November 1<sup>st</sup>, a warning letter will be sent to the Owner, informing them that they are subject to the termination of gas service 10 days after the date of the letter unless the required funds are deposited.

**14.00 SALE AND LEASE OF UNITS**

- 14.01** The Minnesota Common Interest Ownership Act requires that the seller provide the buyer with a "Resale Disclosure Certificate." The statute gives the buyer a 10-day rescission period following receipt of the Certificate. The Certificate can be obtained from the Management Company at a cost of \$200, payable in advance. (The fee amount is subject to change.)
- 14.02** To establish their membership privileges and voting rights in the Association, buyers must provide the Management Company with a copy of the document evidencing transfer of Ownership rights. Owners must also provide contact information for themselves and emergency contacts.
- 14.03** Each Unit is for residential use only. No overt business activity will be permitted.
- 14.04** One "For Sale" sign of not more than five (5) square feet shall be allowed to be maintained on any Unit. Two additional "For Sale" signs may also be posted during Open House hours only.
- 14.05** Owners who elect to lease their units are to notify the Management Company in writing prior to the inception of the lease. This notification is to include a copy of the lease with the following information concerning the Renter:
- a. Unit address
  - b. Name of Renter(s)
  - c. Number of Residents
  - d. Number and kind of pets
  - e. Motor vehicle information
- 14.06** Unit leases must be in writing and shall be for a minimum of one month.

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- 14.07** Sub-letting will not be allowed and individual rooms or areas may not be rented to different tenants.
- 14.08** Every lease must provide that the terms of the lease shall be subject in all respects to the provisions of the Declaration, the Bylaws, and Rules and Regulations, and that any failure by the Renter(s) to comply with the terms of these documents shall be a default under the lease.
- 14.09** All rules, regulations and restrictions of the Association apply to all Residents, Renters as well as Owners. Owners are required to furnish a copy of the Rules and Regulations to their Renters.
- 14.10** The Unit Owner is responsible for the actions of all Unit Residents. This includes payment of any fines assessed and the repair costs of any damages caused to the Common Elements or the portions of the Unit which are maintained by the Association.
- 14.11** Move-ins and move-outs must be conducted between the hours of 8:00 A.M. and 8:00 P.M.
- 14.12** Trucks, vans or other vehicles used for moving must park only on asphalt areas without blocking the normal flow of traffic.
- 14.13** Rules 14.03, 14.05, 14.06 and 14.07 do not apply to units leased out by or through an arrangement with QMR COOP or a unit which is occupied by reason of a timeshare exchange program.
- 15.00** **PAYMENT AND DELINQUENCY POLICY**
- 15.01** The Annual Assessment for each Unit is payable in 12 equal monthly installments, due on the 1<sup>st</sup> day of each calendar month.
- 15.02** A statement shall be mailed to each Owner on or about the 26<sup>th</sup> of each month. In addition to other relevant information, the statement will disclose the previous account balance, all new charges, payments received since the last billing, and the total amount which will be owed for the first of the next immediate month. Failure to receive a statement does not relieve the Owner of the obligation to make timely payment.
- 15.03** A late fee of \$25.00 will be assessed against all Owner accounts which were in a delinquent status at the close of business on the 15<sup>th</sup> of each month. The date received will be the date upon which payments will be credited to the respective Owner accounts.
- 15.04** In addition to a late fee against the Unit Owner, the Residents of a Unit with assessments delinquent for more than 60 days will be ineligible to use the pools until all delinquent amounts have been collected. (Renters of delinquent Unit Owners will also be ineligible to use the above amenities.)
- 15.05** Payments received will be applied to the oldest outstanding amounts first.

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- 15.06** Any account which becomes delinquent by 75 days or more will be referred to legal counsel for collection. All expenses relating to the collection of an account will be charged to the delinquent Owner.
- 15.07** There will be a \$30.00 charge (or maximum allowed by statute) for any NSF check received in payment of fees, fines or assessments.

**Part III REMEDIES**

Each Owner and occupant, and any other person owning or acquiring any interest in the Property, shall be governed by and comply with the provisions of the Act, the Governing Documents, the Rules and Regulations, the decisions of the Association, and such amendments as may be made from time to time. A failure to comply shall entitle the Association to the relief set forth in Section 14 of the Declaration, in addition to the rights and remedies authorized elsewhere by the Governing Documents and the Act.

**Entitlement to Relief**

The Association may commence legal action to recover sums due, for damages, for injunctive relief or to foreclose a lien owned by it, or any combination thereof, or an action for any other relief authorized by the Governing Documents or available at law or in equity. Legal relief may be sought by the Association against any owner, or by an owner against the Association or another owner, to enforce compliance with the Governing Documents, the Rules and Regulations, the Act or the decisions of the Association.

**Sanctions and Remedies**

In addition to any other remedies or sanctions, expressed or implied, administrative or legal, the Association shall have the right, but not the obligation, to implement any one or more of the actions referred to in the Declaration. Refer to the Declaration Section 14 to understand the rights and obligations of ownership that refer to remedies.

**Costs of Proceeding and Attorneys' Fees**

The Association is entitled to recover all of its costs, expenses, and reasonable attorneys' fees, in the collection of any and all delinquent assessments, late fees and fines.

**Reporting Violations**

Unit owners and residents are encouraged to attempt to resolve individual differences with their neighbors before seeking recourse through the Rules and Regulations channel. An owner or resident may deliver to a member of the Board or the Management Company a written and signed complaint or email stating which rule is being violated, by whom and when (date and time). The Board or its designee will review each complaint and notify the complainant of the final action taken in each case.

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**Penalties for Violations**

Except as otherwise stated herein, the penalties for violations of the Rules and Regulations will be administered as follows for violations that pose no immediate hazard to the Quadna Mountain Townhouse community. The Board reserves the right to take more stringent action when a violation is viewed as presenting an immediate hazard to the community or the behavior was particularly egregious.

**Penalties will be assessed and enforced by the Board or its designees.**

- a) First Offense: Warning to the violator by way of letter or posted warning, and/or personal contact.
- b) Second Offense: For non-compliance within 7 days of letter, warning and/or contact: \$50.00 fine for breaking same rule, within 12 months of previous violation.
- c) Third Offense: \$100.00 fine for breaking the same rule, within 12 months of the previous violation.
- d) Fourth or More Offense: \$200.00 fine for breaking same rule, within 12 months of previous violation.
- e) All Fines are: Due and payable with the following month's Association assessment. Any fines not paid when due are subject to the same delinquency policy as set forth in the Payment and Delinquency Policy.

**Continuing Non-compliance**

In the case of continuing non-compliance beyond the date when a fine was assessed under (b), a fine of \$10.00 will be assessed for each and every day of non-compliance. "Continuing non-compliance" as opposed to "offense", refers to those instances when a Unit Owner or Resident has created a condition which is in violation of the Rules and Regulations. An example would be a deck storage violation, or an unapproved architectural modification, such as non-conforming sidewalk lights.

**Appeal Procedure**

The Board provides for an appeal process as described below in order to ensure the opportunity for a fair hearing and due process.

1. Alleged violator delivers a written request to the Board or Management Company within the 10 day grace period provided in the violation notice.
2. A hearing will be conducted by the Board within thirty days\* after the written request is received.
3. Proposed sanctions will be delayed until after the hearing and final decision by the Board.
4. Within ten days after the hearing, the Board will communicate in writing the decision to all parties involved. Remedies will be effective immediately.

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**Hearing**

The following procedures will govern the conduct of hearings.

1. A quorum of the Board must be present.
2. Any Board member who has a personal interest in the matter shall excuse him/herself from the hearing process.
3. The alleged violator must be informed of the date, time and place of the hearing with at least 10 days\* notice.
4. The Board President will normally chair the hearing and the Board Secretary will take minutes of the proceedings.
5. Attendance at the hearing will be limited to the following persons: Board Members and any agents of the Board; the complainant; the Unit Owner; the alleged violator if the Unit Owner is a non-resident; and any other persons who have evidence or testimony to offer. Any of the parties may elect to be represented by legal counsel, but must notify the other parties at least five days prior to the hearing date.
6. All parties will be given the opportunity to present their case and to ask questions of persons offering opposing evidence or testimony.
7. Upon the conclusion of testimony and statements, all other parties will be excused and the Board and its agents and/or legal representative will deliberate in private. The complainant and Unit Owner will be sent written notice of the Board's decision within ten days.
8. The decision of the Board shall be final and binding on all parties.

\*Note: Time limitations may be extended or reduced upon mutual agreement between the Unit Owner and the Board. If the violation has created an emergency situation, a shorter notice period may also be utilized.

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