

# PRAIRIE PARK AT SWAN CREEK CONDOMINIUM

## RULES AND REGULATIONS

**WHEREAS**, the Board of Directors (the "**Board**") of Prairie Park at Swan Creek Unit Owners Association, Inc. (the "**Association**") has the responsibility for developing and enforcing rules and regulations for Prairie Park at Swan Creek Condominium (the "**Condominium**") pursuant to Article VIII of the Association's By-Laws.

**NOW, THEREFORE**, the Board adopts the following rules and regulations (the "**Rules and Regulations**") to govern the Condominium:

1. Use of Condominium.

A. No Unit Owner shall use or allow the Unit Owner's Unit, any other Unit, Limited Common Element or Common Element, to be used by the Unit Owner, in any manner that creates a nuisance for others. Each Unit Owner should particularly minimize noise intrusion of any form including, music, machinery and appliances from 11:00 p.m. to 9:00 a.m.

B. No Unit Owner shall damage or interfere with the operation of any Limited Common Elements or Common Elements, including any common structural or mechanical elements.

C. Other than as permitted under Section 7(H) below, no sign, signal, advertisement or illumination shall be posted, inscribed or exposed on or around any window, door or the roof of the Condominium, such that it can be viewed from outside the Condominium or other part of the Condominium except such as shall be approved in writing by the Board, which approval may be withheld in the Board's sole discretion. Nothing shall be projected out of any window, door or roof of the Condominium without Board consent, which consent may be withheld in the Board's sole discretion.

D. Parking Areas.

1) Changing the oil or other fluids of an automobile, motorcycle or other motorized vehicle is not permitted in any interior garage, parking space or any other Common Element or area of the Condominium.

2) Excess oil and/or fluid leaks for any motorized vehicle are prohibited. Fines and costs may be assessed by the Board.

3) Junk vehicles and those without current license plates are prohibited anywhere in the Condominium. A junk vehicle is defined as a vehicle that is non-operational and cannot be moved under its own power.

2. Patios and Balconies.

A. Unit Owners have the exclusive right to use and occupy the patio or balcony adjacent to the Unit Owner's Unit, including the placement of standard patio-type furniture on said patio or balcony.

B. Unit Owners are required to clean and maintain patio and balcony floors and doors in a like-new condition.

C. No Unit Owner may alter, change, add-on to or permanently affix items to the floor or walls of the patios or balconies without prior written approval of the Board, which approval may be withheld in the Board's sole discretion. Notwithstanding the foregoing, the Board shall not approve any alteration, change, add-on or permanent affixture to patios or balconies that would result in the full and total enclosure of such patios or balconies.

D. Unit Owners may only use covered grills for cooking on the patios and balconies. Any grill or other outdoor cooking device must comply with any and all governmental rules and regulations, if any, governing the use of grills or other cooking devices on patios and balconies. The Unit Owner must monitor the grill or cooking device at all times of operation and shall not leave said grill or cooking device unattended when in use. When the Unit Owner is finished cooking, the Unit Owner must douse or otherwise cause the cooking fire to be extinguished immediately.

E. Storage, other than the standard patio furnishings, is not allowed on patios or balconies.

F. No hot tubs or spas shall be permitted on patios or balconies.

3. Guest Parking, Driveways, Walks.

A. Guest parking, driveways and walkways are for the exclusive use of the Unit Owners and their guests, employees, servants, visitors, lessees, employees or invitees.

B. Unauthorized cars in the guest parking areas shall be removed at the sole cost and expense of the owner with the assistance of the Fitchburg Police.

C. All motorized vehicles are to have current registrations and are not to be left in any parking area for extended periods of non-operation, excluding only parking

space(s) assigned to the Unit Owner. An "extended period" is defined as two weeks. Exceptions to this rule will be made for the residents who are absent from the city for more than two weeks. The Board must be notified, in advance, if cars are to be left in the parking areas for more than two weeks.

D. Cars should be parked in a manner so that the car will occupy only one parking space.

E. At no time are cars to be parked off the pavement designated for such parking.

F. Unit Owners are requested to respect the designated handicapped spaces.

G. Cars should be parked in a manner so that no part of the car extends over a sidewalk or driveway.

H. Car radios should be operated in a manner that will not disturb other Unit Owners.

I. Vehicles are limited to a speed of 5 MPH in driveways and garage areas.

J. Any vehicle parked in violation of Board Rules and Regulations will be ticketed. If the violation is not corrected within a reasonable period of time, the vehicle will be towed at the owner's expense.

#### 4. Pets.

A. Pets shall not be maintained for breeding purposes.

B. Any permitted pet shall be carried or kept on a leash at all times when not in the Unit. No pet shall be left unattended in the Common Elements. Unit Owners are responsible for the IMMEDIATE clean up of any defecation discharged by the pet, regardless of the circumstances.

C. Unit Owners are pecuniarily liable for any damage to the property of the Condominium or other Unit Owners to include, but not be limited to carpeting, doors, walls, plantings or lawns caused by their pet.

D. All pet rules and regulations are subject to revision from time to time, by the Board, in the Board's sole discretion.

#### 5. Storage Areas.

A. Storage Areas. The Board shall have the ability to make rules and regulations, from time-to-time, for the use of the Storage Areas.

6. Miscellaneous.

A. Solicitation. Soliciting is prohibited. No Unit Owner, other person, organization or entity shall solicit or be allowed to solicit for the sale of goods or services or for donations anywhere in the Condominium.

B. Personal Property. Neither the Board nor the Association is responsible for personal property of Unit Owners left in cars in the garage or elsewhere on the Condominium, including Common Elements and Limited Common Elements.

C. Trash Disposal. Trash must be placed in the receptacles provided for that purpose in the Common Elements. No trash or other debris is to be left in any Limited Common Element or Common Element at any time, except in a designated trash receptacle.

D. Recycling. Unit Owners shall comply with any and all recycling laws and shall place recyclable material in the receptacles provided.

7. Compliance and Enforcement of Rules and Regulations.

A. General Compliance. Each Unit Owner is responsible for full compliance with the Rules and Regulations by the Unit Owners and all family members, guests, visitors, lessees, employees, servants, invitees and other persons the Unit Owner brings or allows to enter the Condominium.

B. Responsibility for Losses or Damages. Losses or damages to Common Elements caused by a Unit Owner or the Unit Owner's family members, guests, visitors, lessees, employees, servants, invitees or other persons shall be replaced or paid for by the responsible Unit Owner upon written demand from the Board.

C. Enforcement of Rules and Regulations. Routine enforcement of all Rules and Regulations is to be conducted by the Board following policies and procedures established by the Board from time to time and in the Board's sole discretion.

D. Violation of Law. The Fitchburg Police Department may be called for violations of the law and any violation of the law shall be considered a violation of the Rules and Regulations.

E. Loss of Personal Property. Any Unit Owner suspecting the loss or damage of any of personal property should immediately bring it to the attention of the Board and the Fitchburg Police Department.

F. Reporting Violations of Rules and Regulations. Any Unit Owner may report any infraction of the established Rules and Regulations to the Board.

G. Amendment of Rules and Regulations. The Board reserves the right to amend, alter or cancel any of these Rules and Regulations and to make such other Rules and Regulations as may be deemed necessary for the safety, care and cleanliness of the Condominium and for securing the comfort and convenience of all Unit Owners.

H. Holiday Decorations. Temporary holiday decorations may be placed during November, December and January, provided the decoration and its arrangement is approved by the Board or conforms to the established policy set and approved by the Board.

I. Notification of Violations. Any violations of these Rules and Regulations should be made known to the Board, which will then notify, in writing, the Unit Owner alleged to have violated the Rules and Regulations. Each day of nonconformance after written notice of the violation may, in the Board's sole discretion, be considered a separate violation, and another notice will be given by the Board.

1) If (1) a Rule or Regulation is repeatedly violated, or (2) a violation is not corrected after a reasonable length of time, as determined in the sole discretion the Board, or (3) a violation is judged by the Board to be a serious enough infraction to warrant immediate action, the Unit Owner or other person accused of the violation will be given written notice by the Board to appear before the Board for a hearing. If possible, the hearing will be held within three (3) days of said written notice.

2) Any Unit Owner or other person may appear before the Board to present their views. The Unit Owner or other person accused of the violation will have the opportunity to present witnesses and information in their defense. However, if the Unit Owner or other person fails to appear at the hearing, determination of guilt will be made by default and an appropriate penalty assessed by the Board, in the Board's sole discretion.

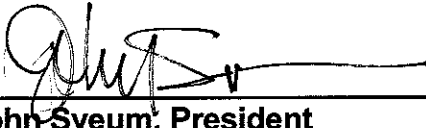
3) If the Board finds that there was a violation of a Rule or Regulation, the Board will determine an appropriate penalty. This penalty may be in the form of a fine, a restriction on use of Common Element, payment of damages and/or a recommendation for eviction of a renter.

J. Capitalized Terms. All capitalized terms in these Rules and Regulations shall have the same meaning as set forth in the Declaration, the Association's Articles of Organization or the Association's By-Laws. As used herein, the term "Unit

Owner" shall include such Unit Owner's guests, family members, visitors, lessees, invitees, employees, servants or other person the Unit Owner has permitted or caused to be permitted to be on, in or around the Condominium.

**IN WITNESS WHEREOF**, the President of the Association has signed these Rules and Regulations to be executed as of the 6<sup>th</sup> day of June, 2006.

**PRAIRIE PARK AT SWAN CREEK  
CONDOMINIUMS ASSOCIATION, INC.**

By:   
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John Sveum, President