

AMERICAN PLAZA TOWERS CONDOMINIUM ASSOCIATION

General Rules; Unit Work Requirements; Schedule of Charges, Fees and Fines; Fine Imposition; Collection Policy; Appeals Committee

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AMERICAN PLAZA TOWERS CONDOMINIUM ASSOCIATION

General Rules; Unit Work Requirements; Schedule of Charges; Fees and Fines; Fine Imposition; Collection Policy; Appeals Committee

PART I: General Rules

NOTE: These Rules are effective March 2, 2020, and supersede all prior rules pertaining to the items covered herein.

See also: Association By-Laws Article 7: Use and Occupancy Restrictions; Rules of Conduct

1 Definitions:

- 1.1 The terms used herein have the meanings set forth in the Association Declaration and Bylaws.
- 1.2 Resident: A unit owner and any other person listed on a current Association Unit Occupancy Form.

2 Resident Information and Reporting:

- 2.1 Each owner must keep a current Unit Occupancy Information Form on file with the Association Management (hereafter "Management").
- 2.2 Hazardous conditions: A resident must report to Management any adverse condition within a Unit that could spread to other Units. These conditions include, but are not limited to, water intrusion, pests, and mold.

3 Leasing/Renting Units and Garage Units: Each Lease or Rental Agreement for a Unit or Garage Unit must require that the owner provide to the tenant, and that the tenant read and comply with, these Rules and the Declaration and the Bylaws of the American Plaza Towers Condominium Association (hereafter "Association").

- 3.1 A Unit or Garage Unit must not be leased/rented for a period of less than 30 days.
- 3.2 A Unit or Garage Unit must not be advertised as available for a rental period of less than 30 days.

- 3.3 If a Unit or Garage Unit is leased/rented, that information must be disclosed to Management within two business days.
- 3.4 A Garage Unit must not be leased/rented to a person who is not a resident.

4 **Common Elements:**

4.1 **General Provisions:**

- 4.1.1 Common elements are unsupervised; users assume all risk.
- 4.1.2 A common element exterior door must never be propped or held open unless a resident or security guard is constantly monitoring the door.
- 4.1.3 Smoking is prohibited in enclosed common elements, breezeways, the garage, and within 25 feet of any entrance or window to the buildings.
- 4.1.4 Skateboarding, skating, scooter riding and similar activities are prohibited.
- 4.1.5 A fire alarm must not be set off except in the event of a fire or similar emergency.
- 4.1.6 Feeding of birds and wildlife is prohibited.

See also: Rule 7.6: Feeding of birds on or from terraces (other than hummingbirds) is prohibited, except for Garden Units.

- 4.1.7 A vehicle using the ramp or the Plaza (Lobby) level must not exceed 20,000 pounds GVW (10 tons gross vehicle weight). A vehicle marked with a rating greater than 20,000 pounds GVW will be deemed in violation of this Rule.

4.2 **Common Element Fobs and Garage Door Remotes:**

- 4.2.1 Management shall provide owners of each Unit with two common element fobs and one garage remote per deeded parking space. Management may make available to owners additional fobs, as well as garage door remotes, in the numbers and at fees set by the Board. An owner who leases or rents a Unit and/or Garage Unit must provide the tenant with common element door fobs and/or garage remotes and is responsible for the security and return of the common element fobs and garage remotes.

4.2.2 Upon the sale of a Unit and/or Garage Unit, the seller is responsible to deliver to the buyer the number of common element door fobs; garage remotes and storage room master keys issued to the Unit by Management.

4.2.3 If a common element fob or garage door remote is lost or stolen, the owner must promptly report the loss to Management and is responsible for the cost of replacement at fees set by the board.

4.3 Pools:

4.3.1 General Rules:

4.3.1.1 Users of the pools must comply with the rules and hours posted at the pools.

4.3.1.2 Pool classes authorized by the Board are open only to residents.

4.3.2 Pool Parties:

4.3.2.1 Pool parties are not allowed, except as authorized under this Rule.

4.3.2.2 The Lincoln Pool may not be reserved for exclusive private use.

4.3.2.3 The Sivers Pool may be rented for exclusive private use for parties for a maximum of two hours between 9:00 am and 6:00 pm.

4.3.2.4 The party host must be a resident.

4.3.2.5 All residents and guests must follow all posted pool rules.

4.3.2.6 The Association will not provide a lifeguard. The resident host or parent/guardian is responsible to ensure all guests are competent swimmers or adequate supervision is provided for non-swimmers.

4.3.2.7 All facilities must be left clean, orderly, and free of garbage.

4.3.2.8 A maximum of one party per calendar year may be reserved for each resident.

4.3.2.9 A fee shall be charged for each Sivers Pool party as shown in the Association Schedule of Charges, Fees, and Fines. (See PART III)

4.3.2.10 The Sivers Pool may not be reserved for exclusive private use on Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, New Year's Eve, New Year's Day, or when the pool is reserved for regularly scheduled water exercise classes.

4.4 **Trash and Recycling:**

4.4.1 **Trash Chutes:**

- 4.4.1.1 Trash chutes must be used only during the hours posted on the chutes.
- 4.4.1.2 Trash dropped into chutes must be in secured plastic garbage bags.
- 4.4.1.3 Hazardous materials, cardboard boxes, coat hangers, oversized trash, or newspapers must not be placed in trash chutes.

4.4.2 **Recycling and Refuse (Garbage/Trash) Rooms:**

- 4.4.2.1 Residents must sort their refuse and recyclables and place them in the proper containers. Cardboard boxes must be broken down.
- 4.4.2.2 Motor vehicle tires, furniture, paint, major appliances, other large items, or items specifically prohibited by signs in the Recycling and Refuse Rooms must not be left in the recycling/refuse rooms.
- 4.4.2.3 Hazardous materials must not be left in the Recycling and Refuse Rooms, except items for which there are special containers.

4.5 **Bulletin Boards:**

- 4.5.1 Residents may post permitted notices on the designated portion of bulletin boards in the Information Centers.
- 4.5.2 Permitted notices are limited to Association, community and charitable events; advertisement of goods and services for sale by an owner or resident; and advertisement for sale or lease of a Unit or Garage Unit.
- 4.5.3 Postings must state the date of posting and are limited to 30 days.

4.6 **Plaza (Lobby) Level Parking:**

See also: Rule 4.1: A vehicle using the ramp or the Plaza (Lobby) level must not exceed 20,000 pounds GVW (10 tons gross vehicle weight). A vehicle marked with a rating greater than 20,000 pounds GVW will be deemed in violation of this Rule.

- 4.6.1 **Visitors:** Parking for persons visiting a resident is restricted to parking spaces not designated for residents.
- 4.6.2 **Residents:** Parking by residents is limited to 30 minutes. Resident vehicles must display a current resident parking pass. Residents temporarily displaced from their Garage Units by Association activity may park in spaces assigned to them by Management.

4.6.3 **Parking Passes:** All visitors must obtain and display a current parking pass.

There are three types: Short-Term, Long-Term, and Contractor.

4.6.3.1 **Short-Term Pass:** For 8 hours or less. A visitor may only use one Short Term Pass per calendar day. A Short-Term Pass must not be used to park and leave Association property unless the resident being visited will be accompanying the visitor. There are two types: Paper and Owner (Plastic).

4.6.3.1.1 **Paper Pass:** A Short-Term Pass issued by Management.

4.6.3.1.1.1 A Short-Term Paper Pass must be clearly displayed on the vehicle's dashboard.

4.6.3.1.1.2 The issuance of Short-Term Paper Passes is limited to 10 per calendar day per Unit.

4.6.3.1.2 **Owner Pass (Plastic):** Management shall provide the Owner(s) of each Unit not more than two permanent Short-Term passes. The Board reserves the right to cancel, alter, or revoke an Owner Pass at any time.

4.6.3.1.2.1 An Owner Pass must not be used for more than a total of 8 hours per calendar day.

4.6.3.1.2.2 An Owner Pass is only for use by visitors and must not be provided to contractors (i.e., a person doing work or providing services in a Unit). The term "contractor" does not apply to health care providers, persons solely taking pictures, or persons who are visually examining a Unit for purposes such as estimate/bid preparation or construction oversight.

4.6.3.1.2.3 An Owner Pass must be hung from the vehicle's rearview mirror.

4.6.3.1.2.4 Owners who lease/rent out a Unit may provide their tenants with the Unit's Owner Passes; however, the owner remains

responsible for the security and return of such passes.

4.6.3.1.2.5 Upon the sale of Unit, the selling owner must deliver to the buyer two (2) plastic Guest Parking Permits.

4.6.3.1.2.6 If an Owner Pass is lost or stolen, the owner must promptly report the loss to Management.

4.6.3.1.2.7 Upon request, the Board may authorize the issuance of a replacement Owner Pass at a fee set by the Board.

4.6.3.2 **Long-Term Passes (Paper):** For 8 to 24 hours per calendar day and issued by Management. There is a limit of 14 passes per Unit per calendar month. One pass may cover multiple days, but each calendar day will count toward the 14 Long Term Passes allowed per month.

4.6.3.3 **Contractor Passes (Paper):** A unique day pass issued by Management for use solely by contractors.

See also: Rule 4.6.3.1.2: Definition of "contractor".

4.6.4 **Parking Violations:**

4.6.4.1 A warning will be issued for a first offense before a vehicle is fined or towed. However, in addition to any other penalty provided in these Rules, a vehicle parked outside of a parking space designated for its use may be towed without prior warning at the expense of the vehicle owner.

4.6.4.2 Repeat offenses are subject to a fine and/or towing at the owner's expense.

4.6.4.3 A vehicle parked outside a parking space designated for its use may be towed without a prior warning, and at the expense of the vehicle owner.

5 Resident Activities Affecting the Common Elements:

5.1 Moves and Deliveries:

- 5.1.1 Moves and deliveries require a security guard if a resident will not be constantly available to monitor any exterior door which will be used. "Major deliveries" means deliveries of large furniture or fixtures, major appliances, and remodel or construction materials. Any delivery which will require a security guard must be scheduled with Management at least 5 business days in advance.
- 5.1.2 Moves and deliveries are limited to between 8:00 a.m. and 5:00 p.m. on Monday through Saturday, except on major holidays as specified in the Unit Work Requirements in Part II.
- 5.1.3 Moves and deliveries must be made through a Tradesmen's entrance or garage as directed by Management. A resident involved with a move or delivery at Lincoln Tower must notify Management of the length of the truck to be used, including any ramp.
- 5.1.4 The Association shall provide a security guard as appropriate to monitor a move or delivery. The resident is responsible for all expenses related to the move or delivery.
- 5.1.5 Fees: A move-in fee must be paid to Management at the time of scheduling the move-in. A fee will be charged for any delivery requiring a security guard.

***See also:** Rule 4.1: A vehicle using the ramp or the Plaza (Lobby) level must not exceed 20,000 pounds GVW (10 tons gross vehicle weight). A vehicle marked with a rating greater than 20,000 pounds GVW will be deemed in violation of this Rule.*

***See also:** Rule 4.1: A common element exterior door must never be propped or held open unless a resident or security guard is constantly present.*

5.2 Units Open to the Public: Whenever a Unit is open to the public, whether for a realtor open house, an estate sale or any other activity, the owner must comply with the following:

- 5.2.1 Unit owners who intend to open a Unit to the public must notify Management, providing the name, address and phone number of the person in charge of the activity.
- 5.2.2 Such activities must only be held between the hours of 10:00 am and 5:00 pm.
- 5.2.3 No signs are permitted on Association property other than during the hours when the activity is open to the public.
- 5.2.4 Stand-alone signs are permitted as follows: one sign is permitted at the base of the driveway entrance, one at the top of the driveway, and one at the front of the tower in which the activity is held. Signs must not be placed in flower beds.
- 5.2.5 Non-resident visitors of the event must be escorted from the building entry to the Unit and back by a representative of the unit owner. Non-resident visitors to the event must not be allowed access via the remote entry system.
- 5.2.6 The person responsible for escorting visitors to the Unit may place a small informative note at the front door such as “back soon” or “wait for next escort.”
- 5.2.7 A realtor lock box must not be attached to the Unit door.

See also: Rule 6.5: Realtor lock boxes must be stored with Management.

5.3 Pets: Residents are responsible for the actions of their pets and the pets of their guests.

- 5.3.1 Pets that are regularly taken through or walked in common areas must be registered with Management by filling out the pet registration section of the Unit Occupancy Information Form.
- 5.3.2 Pets in a common element area, whether indoors or outdoors, must be kept under the physical control of a person responsible for the pet. “Physical control” means the pet is carried in a cage or other container, or on a leash or harness, which is held by the responsible person.

- 5.3.3 No pets are allowed in social, recreational, or planted areas of Association property, other than lawn areas. Pets may transit through lobby areas but are not allowed to loiter.
- 5.3.4 The person responsible for the pet should prevent the pet from depositing pet waste on any interior surface or solid exterior surface of Association property. The person responsible for a pet at the time must remove and dispose of any solid waste deposited by the pet on Association property. If a pet deposits solid or liquid waste in any building on Association property, the responsible person must immediately remove the waste and contact Management so the area may be disinfected.
- 5.3.5 The Board of Directors may determine that a pet is a nuisance and require the pet be immediately and permanently removed from Association property for any of the following reasons:
 - 5.3.5.1 The pet demonstrates menacing behavior other than self-defense towards persons or other pets. A single event of menacing towards a person is sufficient to require removal of a pet.
 - 5.3.5.2 The pet or person responsible for the pet repeatedly violates the terms of Rule 5.3.
 - 5.3.5.3 The pet creates a nuisance by repeated barking or making other noise audible beyond the Unit in which the pet lives.
 - 5.3.5.4 The pet owner fails to maintain sanitary conditions in the Unit in which the pet lives to the extent that pet odors reach beyond the Unit.
 - 5.3.5.5 The pet engages in any other behavior the Board determines to be a nuisance.
- 5.3.6 If a resident has a service or emotional support animal for which the resident would like an accommodation from these rules, the resident must submit the request in writing to Management.

See also: Rule 7.6: Unattended pets must not be sequestered on a terrace.

5.4 Electricity Usage:

- 5.4.1 Electrical outlets may be used by residents for occasional short-term use, such as to vacuum a car or breezeway, to buff a car, or to recharge a battery (excluding electric vehicles).
- 5.4.2 Long term use of common element electric service (including electric vehicles) requires Board approval and payment of any applicable fee.

6 Personal Property Parked or Stored in Common Elements:

6.1 Bicycles:

- 6.1.1 Each bicycle owned by a resident and parked in common elements must be registered with Management and display an identifying sticker issued by Management.
- 6.1.2 Garage Parking:
 - 6.1.2.1 Bicycles must only be parked in a designated bicycle rack assigned to it by Management, except a bicycle parked within a Garage Unit may be locked to an adjacent common element rail.
 - 6.1.2.2 Assignment of bicycle rack spaces is limited to one space per person and two spaces per family unit.
 - 6.1.2.3 Bicycles must be maintained in operable condition. If a bicycle is not in operable condition, Management shall notify the registered owner who shall then have two weeks to correct the problem.
 - 6.1.2.4 Keys to the bike room shall be issued to residents to whom bicycle rack spaces in the bike room are assigned at a refundable fee as set by the Board. Such keys remain the property of the Association. Upon termination of assignment of all of a resident's spaces in the bike room, the resident must return all of the resident's bike room keys to Management.
- 6.1.3 Plaza (Lobby) Level Parking: Bicycle racks are also located on the Plaza parking level.
 - 6.1.3.1 Visitors must not park in a rack for over 24 hours without Management approval.

6.1.3.2 Residents must not park in a rack for more than 30 minutes.

6.1.4 Bicycles must not be taken through the building lobbies.

See also: Rule 7.5: Bicycles are not permitted within four feet of a terrace railing.

6.2 Watercraft:

6.2.1 The Board may designate common element wall space for storage of kayaks, canoes, and similar narrow beam watercraft owned and used by residents.

Watercraft stored in common elements must not be more than 18 feet in length, three feet in width, and 75 pounds in weight.

6.2.2 Residents approved to store their watercraft in common elements must provide their own racks and pay the cost of installation by Management, unless a previously installed rack is available.

6.2.3 Once installed, racks become the property of the Association. Rack space will be assigned by Management. No person may use a rack space not assigned to that person. Once a rack space has been assigned to a resident, the resident shall have exclusive use of the rack space as long as he or she continues to store a watercraft on the rack.

6.2.4 Residents approved to store watercraft in common elements must provide Management identifying information for the watercraft.

6.3 Wine Room:

6.3.1 Lockers in the wine room are assigned to residents by Management. Once a locker has been assigned, the resident shall have exclusive use of that locker.

6.3.2 If no lockers are available when a request is received, residents with the largest number of multiple lockers must surrender one or more excess lockers as necessary to meet the demand.

6.4 Grocery Carts: As long as they do not interfere with the ordinary use of the common elements, and are clearly labeled with the owner's Garage Unit number, residents may store personal grocery carts in common elements in the immediate vicinity of their Garage Units.

6.5 Realtor Lock Boxes must be stored with Management.

7 Family Units:

See also: APTCA By-Laws Article 7: Use and Occupancy Restrictions; Rules of Conduct (e.g., Water Beds Prohibited, etc.).

- 7.1 **Work in a Unit (Remodeling, Redecorating, Repairing, etc.):** Residents must comply with the Unit Work Requirements in PART II.
- 7.2 **Water Heaters:** An automatic leak detection and shut-off valve must be installed for every water heater.

See also: PART II Requirement 22: Water Heaters.

- 7.3 **Hot Tubs:** Hot tubs are prohibited, including on terraces.
- 7.4 **Noise: Residents must exercise extreme care to not create disturbances or make noise that may disturb other residents.**

7.5 Terraces (Balconies):

- 7.5.1 Except as reasonably necessary to facilitate remodeling or other work in a Unit, nothing may be kept on a terrace other than furnishings designed for outdoor use, electric barbecues, decorations, plant containers, plants, air conditioners, heat pumps, satellite dishes and bicycles.
- 7.5.2 Heat pumps, air conditioners and bicycles must not be placed within four feet of the railing.
- 7.5.3 Work on terraces must comply with the Unit Work Requirements in PART II.
- 7.5.4 Nothing may be thrown or allowed to fall from a Unit or Common Area Breezeway.
- 7.5.5 Nothing may be attached to or left sitting on the top or exterior sides of the terrace railings except:
 - 7.5.5.1 Plant containers, decorations and security features on the top of perimeter walls of the garden unit terraces.
 - 7.5.5.2 Items permanently attached to the tops of the railings before January 22, 2015.