

MILLINGTON CONDOMINIUM UNIT OWNER'S ASSOCIATION

RULES and REGULATIONS

March 2009

The following rules and regulations are applicable to all owners, renters and guests. Every effort has been made to insure that these rules and regulations are in compliance with the by-laws of the Association; however, if there is a conflict between these rules and regulations and the by-laws of the Association, then such by-laws shall take precedence. In consideration of one another's interests and to insure the general welfare of all, it is advisable that residents and guests be familiar with and responsible for compliance with these rules and regulations.

PLEASE READ THEM.

Residents (unit owners or renters) shall advise their guests, visitors, and members of their families about these rules and regulations. Your Board of Directors will welcome the assistance of all owners in the enforcement of these regulations. We urge all persons to comply with the rules and regulations and to respect all hosts attempting to enforce them. Reported infractions will be handled at the discretion of management and/or the Board of Directors. Violators will be notified of the procedure to be followed in the investigation and review of the stated infraction. When infractions are reported to the Association Manager, it will be the discretion of the Manager and/or the Board of Directors to what action will be taken. Circumstances will dictate the procedures to be used in handling the infraction. Set procedures are:

- * A phone call.
- * A written notice.
- * An Investigation and review by the Management Company if resolution has not been accomplished within a reasonable length of time. Please note #11 of the State of Ohio Bill 135 found on the back page of the Rules & Regulations for the Violation Procedure.
- * A fine or assessment will be levied by the Board of Directors.

I. FACILITIES

The facilities of Millington are for the use of unit owners, their immediate families, renters and guests as noted and qualified therein.

II. BUILDING AND HOUSE RULES

A. Each Owner must maintain at least one hardwired smoke alarm on each level of the dwelling. They should be checked annually, and the back up battery replaced.

B. Do not disturb your neighbors. Radios, stereos, and television sets should be kept at a reasonable volume at all times. Between the hours of 9:00 pm and 9:00 am, the volume should be low enough so as not to be heard from adjoining units. This includes noise from decks. If speaking to your neighbor does not alleviate the problem, such complaints should be treated as a nuisance and police should be called.

C. Nuisances and Noise. "Undue noise" i.e., that which can be heard within other units, will be considered a nuisance if occurring within the hours of 9:00 pm and 9:00 am.

Examples are but are not limited to: construction projects or the continuous barking of a dog. These should be reported to the office and upon receipt of complaints from two separate parties; the complaint procedure will be followed with the beginning assessment at \$50.00. Garden/Flat unit owners are asked to please consider their up or downstairs neighbors when using fans or appliances. Their sounds may carry through floors or ceilings.

Loud music and rowdy parties should be addressed to the offending neighbor and if the problem continues, reported to the police as disturbing the peace.

D. Children are to be supervised when playing outside and are not permitted to climb on utility boxes, trees, or fences. Children are not to play in the stairways or around the party house. No bikes, blades, or scooters on sidewalks, please.

E. No unit may be used in any way that will endanger the health of or unreasonably disturb other residents. Continuous offensive behavior and/or harassment of a resident will not be tolerated. If complaints are brought to the attention of the Association Manager, the complaint process will be followed.

F. Condominium units may not be used for business or any commercial use involving ingress and egress of clientele. No unit may be used for transient or hotel purposes.

G. One professionally prepared "For Sale" or "For Rent" may be displayed on the interior of one unit window. The only exception is "Open House" signs which may be placed in front of the unit during hours of open house only. No other advertising signage is permitted.

H. the Board of Directors will fine any unit owner if they are delinquent in the payment of monthly maintenance fees or assessments. Fees are due on or before the 10th day of the month. There will be a \$35.00 fine on fees received or postmarked on or after the 11th of the month. There will be a carrying charge of \$25.00 per month for each month a balance is carried beyond 90 days.

The charge for checks returned for NSF will be \$30.00. The charge for filing a lien against a unit will be \$75.00. These charges will be handled in the same manner as fines.

A lien may also be filed for outstanding interest, late fees, enforcement assessments, collection costs, and attorney fees.

The Association may evict tenants who are in violation of the governing documents or restrictions, so long as the unit owner is provided with at least ten days written notice of the intended eviction action. The costs of eviction, including reasonable attorney fees, shall be charged to the unit owner and shall constitute a special assessment against the unit owner.

The Association may suspend the voting privileges and use of recreational facilities when an owner is more than 30 days delinquent.

I. It is required that backings be shades of white. Blinds must be shades of white. The only window treatments permitted are lined drapes, blinds, or curtains **No blankets or sheets will be permitted. Coverings visible from the exterior of the unit must show shades of white.** All unit owners and tenants must hang proper window coverings within the first thirty (30) days of occupancy.

J. Common elements such as entrances, stairways, etc. shall not be obstructed, littered, or defaced in any way. Furniture, even for temporary seating, may not be placed on stairways. Firewood, toys, bikes and other personal property may not be stored on or below stairways. These rules are necessary for fire code safety.

K. Proper rules of sanitation must be observed. There must be no littering. All refuse and trash must be placed in a tightly closed trash bag and placed in the compactor to protect Association residents and property. Christmas trees may be placed near the compactor before the 10th of January each year. Cigarette butts may not be discarded in the grass, mulch areas, or parking lots. Dog stations are not to be used for household trash. Dog stations are for pet waste only.

L. All items for disposal must be placed inside compactor. This includes small furniture. Call the Association office for scheduling a bulk pick-up for larger furniture or appliances. When purchasing a new water heater or major appliance, insist that removal of the used appliance is included in the price.

M. Balconies are not to be used as storage areas for items other than patio furnishings. Clothes or beach towels may not be hung on balconies to dry. Due to weight restrictions, no large pots or barrels may be used as planters (Maximum 25-30 pounds). All planters should be elevated slightly so air can circulate under the pots to prevent wood from rotting. No bags of trash, cleaning equipment, or gardening supplies may be stored on balconies, not even for a short time. No bikes or toys may be stored on balconies. Owners are permitted to stain back decks/ balconies. Colors are limited to a clear coat or painted to match the existing trim color of the building. Paint color may be obtained at the office.

N. One grill or smoker per unit is permitted. Grills and smokers are not to be used or stored on decks and balconies. They may be stored in your limited common area. Barbecue grills are to be kept at least ten feet away from the building when in use to prevent fires. Cooled ashes are not to be dumped in grass or mulch; they should be placed in a plastic bag and disposed of in the compactor. The Association is not responsible for theft or damage to stored grills. The Condominium Insurance coverage dictates that there may be no grilling on balconies.

O. Firewood is to be stacked neatly, no larger than 3ft high by 4ft wide. It must be stored in limited common area. Piles must not be stacked in common area or entryways. There is to be no contact with any wood surface of structure. Bicycles, toys, etc. are to be stored inside units or storage areas when not in use. Storage of toys or bicycles on decks, patios, or stairway areas is not permitted.

P. Pets are permitted but must be cared for in a responsible manner. Two pets are permitted per unit. All pets must be registered with the office within 14 days of entry into the unit.

All dogs and cats must be leashed (6 foot maximum length) upon exit of the unit and in all common elements. Dogs may not be tethered or left unattended in common elements. Dogs must be curbed away from entrances and walkways. Waste matter must be removed immediately. Care must be taken to avoid urine damage to plantings, including grass. Any expense incurred by the Association to clean up after animals and/or replace damaged plantings will be charged to the appropriate unit owner. Assessments will start at \$50 per incident. Continued infractions may require the Board of Directors to order removal of the animal. Continual barking will be considered a nuisance and is prohibited.

Upon receiving complaints, the Association Manager will inform the pet owner of the complaint. If the problem persists, a written notice will be sent to the unit owner. If the problem is not corrected, a \$50 fine will be assessed and thereafter the Board of Directors may order removal of the animal. It will be the responsibility of the unit owner to assure that tenants comply with these rules and regulations.

Q. Window air conditioners are not permitted. Window installed fans are not permitted.

R. No exterior structural changes are to be made without the approval of the Association. No unit owner or tenant may hang or place anything on the outside walls, such as radio or TV antennas, signs, awnings, etc. Unit owners or tenants shall not erect or cause to be erected any outdoor clothes line.

Installation of a satellite TV dish requires approval from the Association. Send installation proposal to the site manager who will contact the Board of Directors. Drawings of any installation must be submitted for APPROVAL OF BOTH THE ASSOCIATION AND THE OWNER (in the event of a tenant installation) PRIOR TO INSTALLATION. The Written approval will be maintained in the files.

Neutral color satellite dishes (gray, black, white, and beige) must be professionally installed with cable entry holes properly drilled and caulked. They must be circular and be no more than one meter in diameter. Smaller sizes are suggested. They may be mounted on a 2" pole or commercial mount classified as an integral part of the dish. It may not be taller than 3' high. The dish MAY NOT be attached to the building walls, fences or roof in any way. There may be no more than one dish per unit.

It will be the unit owner's responsibility to maintain the installation. Installations not in compliance will be removed and any associated fees charged to the unit owner. These charges will be handled in the same manner as late fees.

S. No renovation may be performed in any unit which could impair the structural integrity of the condominium. Plans for ANY major changes to a unit should be submitted to the Board of Directors for approval BEFORE the changes are made.

T. Although the Association carries a master insurance policy on the property, each unit owner must carry insurance on his individual unit. Please contact your own agent for appropriate coverage.

U. Timely notifications regarding ongoing security issues or serious incidents of violent crime may be posted above the mailboxes when corroborated by a copy of the appropriate Police Report. Timely is defined as one week. Names and/or addresses will not be posted. These notifications will be on Millington letterhead. Any other notifications will be removed. Millington will provide space for Block Watch and/or Safety meetings in the party house at no charge. Reservations should be made as usual.

V. Feeding of any wildlife is not permitted. Attracting critters and birds to the buildings may lead to great expense if exterminating services are required.

W. Garage sales are not permitted. The association will hold an annual neighborhood sale during the summer.

X. Owners and residents may plant in their limited common area. The planter must maintain plants. Planting in common area is done at the planter's risk. The board has final discretion on the appearance of plantings. Green stakes are available from the on-site office to define your private landscape and prevent contracted landscapers from going in your area.

Y. Pliers and vice grips should not be used on outdoor spigots if there is no handle. Please call the office if a handle is needed.

Z. Soliciting is not permitted on property this includes door to door and distributions. This includes but is not limited to owners and residents. Please notify the office of any soliciting. Note: Fund-raising, religious, youth, and school sponsored, fraternal, and political are exempt.

EXTERIOR DECORATIONS

A. No signs may be displayed to the public view on the exterior or interior of a unit except those approved by the Board. One professionally prepared sign advertising the unit for sale or lease may be placed on the **interior** side of a window.

B. Holiday decorations are permitted, but should be displayed only during the holiday season.

C. College flags or team banners may be displayed only on game day.

FIREARMS

No firearms, including BB guns, bows and arrows, slingshots or other weapons discharging a projectile, may be discharged on the condominium property.

A. Parking is limited to two vehicles per unit. Town House residents having one vehicle in their driveway prior to using additional parking. Garden/Flat residents may use two lined spaces on a first come first served basis. All parking must be in lined spaces. Town home residents may not use the parking provided for the Garden/Flat units.

B. No repairs or maintenance may be performed on any vehicle in the parking lots, except emergency repairs (i.e., changing a flat tire), which must be completed within 24 hours.

C. Vehicles which do not have current license plates or which are not operational cannot be parked or stored. Designated handicap parking is reserved for those vehicles carrying a valid state issued handicap emblem. Offenders will be towed. Property management staff will randomly monitor designated handicap spaces to ensure parking is by permit only. Additional handicap spaces will be created as needed upon the request of a resident with a valid state emblem.

D. No junk vehicles, boats, trailers, recreation or commercial vehicles, or the equivalent may be parked on property without permission of the Board of Directors.

E. No vehicle may be parked in such a manner as to impede or prevent the normal flow of traffic or to cause a safety hazard. Parking on any street is prohibited. Vehicles may be towed without warning.

F. Any abandoned vehicle will be towed. If you have a vehicle that is not driven for more than two weeks, please notify the office. If a vehicle appears damaged, or has flat tires, and has not been moved in a two week period, it will be classified as abandoned and will be towed.

G. No parking is permitted in front of the compactor.

H. Violation of these rules will result in towing of offending vehicles at the owner's expense.

- I. Driving or parking any vehicle in grassy areas or sidewalks is prohibited. Violators will be fined \$25.00 or the cost of correcting the property damage (whichever is greater) for each violation.
- II. Vehicles which do not have current license plates or are not operational

PONDS AND WATERWAYS

Ponds and waterways are for the enjoyment of all unit owners since Millington Condominiums is a member of the "Mill Run Owners Association". All owners and residents are subject to the rules and covenants of the Mill Run Association. Swimming, wading, feeding ducks, and other wildlife, or throwing debris or other items into the ponds or waterways is prohibited by unit owners and their guests.

IV. INVESTOR RULES

A. Owners who lease or rent their units must obtain written rental permission from the Association Board of Directors and supply management with a copy of the lease and the names and phone numbers of the residents. Within the lease, all tenants must agree to abide by the Millington Declarations, By-Laws, Rules and Regulations. All such residents must be given a copy of these Rules and Regulations.

B. Investor owners must keep the Association informed of their current address and home and work phone numbers.

C. No lease shall be for less than six months.

D. Occupancy restrictions are:

One bedroom unit - 2 persons, two bedroom - 4 persons, and three bedroom unit-6 persons.

E. Investors may rent the party house under the same rules and regulations as owner-occupiers. Investors will be issued pool/tennis keys upon request.

V. RECREATION AREAS

These rules make clear the obligations, consideration, and responsibilities of all residents and their guests toward each other and the community property.

THE PARTY HOUSE (CLUBHOUSE)

A. Use of the party house is limited to owners of Millington Condominium and their guests and to tenants of Millington Condominium and their guests with the written permission of the appropriate landlord. A party shall be defined as any group of six or more unrelated persons. Rental rates for the use of the clubhouse are: \$50.00 rental, \$100.00 refundable security deposit. It is specifically understood that reimbursement for loss or damage will be based upon actual charges for replacement or repair with no deduction for depreciation. Rental includes use of the party room, kitchen, and rest rooms. Two separate checks will be left with the Association Manager: one in the amount of \$50.00 as a non-refundable rental fee and one in the amount of \$100.00 as a refundable deposit. If damage should exceed the \$100.00 deposit, the hosts or the appropriate owner shall be liable for the excess amount upon presentation of an itemized bill.

B. The hours for use of the part house are 11: 00 AM through 2:00 AM. Parties must end by 2:00 AM unless special permission has been granted by the Board of Directors or the party is a special Association event.

C. Designated party house parking is the party house lot.

D. Maximum occupancy of 50 persons is permitted.

E. Reservations should be made at least two weeks in advance and a contract must be signed. Keys for the party house must be picked up from the Management Office during normal business hours. Keys must be returned the following day; they may be deposited in the mailbox.

F. Residents will be held responsible for the conduct of their guests and for compliance with rules.

G. The hosts are responsible for leaving the facilities in the same condition as accepted. If not, a portion of the deposit will be retained to cover cost of professional cleaning and/or to rectify any faulty condition resulting from the party. Should the damage exceed \$100.00, hosts and/or owners will be liable for the excess amount of the damage upon presentation of an itemized bill.

H. The party house may not be used in conjunction with the swimming pool. The pool may not be used or rented for a private party.

I. Equipment, including furniture, is NOT to be removed from the party house.

J. The Association is not responsible for personal property of the guests.

K. There shall be no solicitation of funds in the party house for any cause, charity, or purpose what so ever, unless specifically authorized by the Board of Directors.

L. Persons under 18 years of age are not permitted into the party house unless accompanied by an adult except for the use of the restrooms and phone.

M. Persons must be 21 years of age to rent the party house. Chaperons must be present at parties where guests are under 21. No one under the age of 21 may consume alcohol while attending a party in the clubhouse. Illegal drugs are prohibited. No "open" parties are permitted. The host must be acquainted with all guests at the party.

N. The Board of Directors has the authority to deny party house privileges, or to impose additional restrictions to persons or for functions, which, in their opinion, may not be in keeping with the character of Millington Condominium.

O. The host agrees to be present at the event, personally liable and to save the Board of Directors of Millington Condominiums harmless from all lawsuits in connection with a scheduled party into the clubhouse and from liability or death of any person whomsoever. The host further agrees that they are personally responsible for the conduct of their guests and for compliance with the rules herein and for any damage which may occur during the scheduled event.

MILLINGTON CONDOMINIUM UNIT OWNER'S ASSOCIATION

RULES and REGULATIONS SWIMMING POOL AREA

POOL HOURS -- 9:00 AM TO DUSK

- A. All persons using the pool area do so at their own risk. The management and Board of Directors assume NO responsibility for any accidents or injury. The management or Board of Directors is not responsible for any lost or damaged property.
- B. Guests are limited to no more than 3 per unit.
- C. Children under the age of 18 must be accompanied by a parent or other adult over the age of 18 at all times since there is no lifeguard on duty. Parents must accompany small children into the clubhouse to use restrooms; children may not play in the clubhouse. No resident should swim alone - use the buddy system.
- D. Swim diapers must be used on toddlers using the pool.
- E. Running, ball playing and mischievous play is not permitted. Radio volume should be kept low. Floats, fins, snorkels, etc. may be used but must be removed if requested by other swimmers. All persons are expected to be courteous.
- F. NO PETS are allowed in or about the pool area.
- G. GLASS IS FORBIDDEN in the pool area. Cold drinks are permitted in cans, plastic or paper cups ONLY.
- H. Use receptacles provided for disposal of trash and cigarettes.
- I. If hair is longer than shoulder length, braid it, confine it in a pony tail, or wear a bathing cap. Loose hair cannot be back washed from the filter and reduces its efficiency.
- J. Cut-offs are prohibited. Threads cannot be back washed from the filters.
- K. Towel off suntan lotion or oil before entering pool. Oil "gums" tile and dilutes chemicals. Persons using oil or lotions must cover the chairs or lounges with large towels before laying on them.
- L. Avoid swimming if you have a cold, infection, or infectious condition.
- M. The pool may be closed at any time due to operational difficulties or weather, at management's discretion.
- N. Replacement pool keys are \$50.00.

TENNIS COURT

- A. Tennis shoes must be worn on the court.
- B. Deposit trash in container provided.
- C. If players are waiting; the current match must be completed within one hour.
- D. Do not play when the court is wet.
- E. The tennis court is for the use of residents and owners of Millington Condominium ONLY.
- F. Tennis court keys are available at the office.

State of Ohio House Bill 135 (effective July, 2004)

1. "Common Areas and Facilities" are now called "Common Elements"
2. Enforcement Assessments (5311.081(C) - permits the right of the Board to levy enforcement assessments for rule violations.
3. Lien for late fees and enforcement assessments (5311.18(A)(1) - a condominium lien may be filed not only for past due maintenance fees and assessments, but also for outstanding interest, late fees, enforcement assessment, collection costs, and attorney fees.
4. Association may evict tenants (5311.19(B)(1) - The Association may evict tenants who are in violation of the governing documents or restrictions, so long as the unit owner is provided with at least ten days (10) written notice of the intended eviction action. The costs of eviction, including reasonable attorney fees, shall be charged to the unit owner and shall constitute a special assessment against the unit owner.
5. Suspend Use and Voting Privileges of Delinquent Owners (5311.081(B)(18) - Board may suspend the voting privileges and use of recreational facilities when an owner is more than thirty (30) days delinquent.
6. 5311.21 permits the Association to retain common profits at year end and apply them toward reserves.
7. The Association must allow owners to display the United States flag.
8. Budgets must provide adequate funds for repair and replacement of major capital items, but not less than 10% of the operating budget unless 51% of the owners annually approve a lesser amount.
9. Board meetings may be held by any communication method. Instead of a meeting, the Board may take action with the unanimous written consent of the Board members.
10. Owners in a foreclosure action cannot assert as a defense that the Association breached it's duty.

11. PROCEDURE FOR ENFORCEMENT OF VIOLATIONS (per State of Ohio House Bill 135, July 2004)

Notice. Prior to imposing charges for damages to the Common Elements or other property, or assessments for the enforcement of violations of the provisions of the Declaration, By-Laws or rules and regulations of the Association, the Board shall give the Owners of the Unit written notice containing:

- (1) A description of the property damages or the violation.
- (2) The amount of the proposed charge or assessment.
- (3) A statement that the owner has a right to a hearing before the Board to contest the proposed charge or assessment.
- (4) A statement setting forth the procedure to request a hearing.
- (5) A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.

Hearing. A Unit Owner may request a hearing by delivering written notice of such request no later than the tenth day after receiving the violation notice. If the Unit Owner fails to make a timely request for a hearing, the right to such hearing shall be considered waived, and the Board may immediately impose the charge for damages or enforcement assessment referenced in the notice, or may allow a reasonable time to cure the violation before imposing a charge or assessment. If a unit owner requests a hearing, the Board shall not levy the charge or assessment before holding a hearing, and will, at least seven days prior to the hearing, provide the Unit Owner with a notice of the date, time and location of the hearing. Within 30 days following a hearing at which the Board imposes a charge or assessment, the Board shall deliver a written notice of the charge or assessment to the Unit Owner.