

BREAKAWAY WEST

RULES & REGULATIONS EFFECTIVE 2/16/2010 Building Manager (970) 476-2196

These Rules & Regulations are incorporated in the Breakaway West Association By-Laws or have been passed by the Board of Directors.

1. VEHICLES & PARKING

- a. To park at Breakaway West, a vehicle must be operable, have current registration, a Breakaway West parking pass and liability insurance and be in presentable condition as determined by the HOA Board of Directors.
- b. All vehicles parked at Breakaway West must be moved on a regular basis to provide for snow plowing and snow removal.
- c. Motorcycles and motorized bikes are considered vehicles. Any other type of motorized or oversized vehicles, including but not limited to RV's, trailers, snowmobiles, boats and ATV's are prohibited in common parking areas. Motorized vehicles of any type may not be stored on any deck, patio, balcony, or under stairways.
- d. Illegally parked vehicles, vehicles without a valid Breakaway West parking pass or derelict vehicles will be towed. The fines and fees to recover a vehicle will be the responsibility of the vehicle owner and/or unit owner.
- e. The Association has the authority to have any vehicle towed that is blocking the driveways, another vehicle and/or garage space without the owner's consent. Fees incurred will be the responsibility of the vehicle owner and/or unit owner.
- f. Vehicles must have a valid parking pass displayed in the front windshield at all times or will be ticketed and towed.
- g. Vehicle repairs, other than emergency repairs to remove a vehicle from the premises, are not allowed.
- h. Vehicles may not be washed on the premises.

2. PETS

- a. Only unit owners are allowed to have pets.
- b. Domesticated household animals, not to exceed two in number, may be kept by owners as household pets, so long as such pets do not create a nuisance to any other resident.
- c. All pets must have the appropriate licensing and vaccinations that are required by the Town of Vail or Eagle County.
- d. Pets are not permitted in the pool or the deck area and enclosed area around the pool at any time.
- e. Owners will not allow their guests, short-term or long-term tenants to have pets of any kind at the property at any time. Any lease, verbal or written, between an owner or owner's leasing agent and a tenant shall clearly state that "No pets are permitted at any time".
- f. Pets that create a nuisance, including noise or odor, personal injury or property damage will not be tolerated. Repeat violations of the Pet Policy may cause the Association's Board of Directors to vote for permanent removal of the pet from the complex. Expenses/costs resulting from damage or cleanup caused by any pet will be the responsibility of the homeowner/pet owner.

3. BALCONIES

- a. Balconies are "LIMITED COMMON AREAS" – no storage of personal items is permitted. This includes laundry, bicycles, boats, camping equipment, furniture etc. ONLY GAS OR ELECTRIC BARBEQUES AND DECK FURNITURE ARE PERMITTED!
- b. Bicycles may not be stored on a balcony, deck, patio or any common area except any area designated by the building manager or BOD as a bicycle storage area.
- c. Satellite dishes are permitted on balconies only with written consent designating the location by the BOD.

4. **NOISE**

- a. Residents shall exercise extreme care not to disturb other residents. Special attention should be given to the use of televisions, radios, musical instruments, power tools, hand tools, and similar equipment.
- b. Excessive noise before 8:00 AM or after 10:00 PM will not be tolerated. The noise regulations will encompass the Vail Town Code and will be enforced by the Vail Police Department.
- c. No amplified sounds of any nature may be emitted from any window, balcony, deck or patio.

5. **GARAGE SPACES**

Only the respective owner or the building manager may use his/her garage space for vehicle parking and incidental storage of personal items only.

6. **GARBAGE**

- a. All trash must be put in the designated "Bear Proof" dumpsters. It is required to latch the dumpster enclosure door after depositing trash.
- b. No trash may be left at anytime on the walkways outside a unit.
- c. Anyone leaving garbage in common areas will be billed for its removal and assessed the applicable fines by the HOA or the Town of Vail.

7. **POOL & EXERCISE ROOM**

- a. GUESTS must be accompanied by a resident of Breakaway West. All Breakaway West Owners and tenants are limited to a maximum of 4 guests at the pool at any given time.
- b. Children must be accompanied by an adult and are not permitted to use exercise equipment.
- c. ALL POSTED RULES MUST BE OBSERVED
- d. NO GLASS OF ANY KIND IS PERMITTED IN THE POOL/HOT TUB AREA AT ANY TIME.
- e. Manager may evict anyone at any time and any resident may report any disturbance to police after pool or exercise room closes (10:00 PM) Any after hours use will be considered trespassing.
- f. No recreation equipment including balls, horseshoes, racket sports equipment are permitted in the pool at any time or may be used on the pool deck or adjacent grass enclosed area. Children's pool toys are permitted as long as they do not adversely affect the quiet enjoyment of the other pool area users.
- g. No radios or amplified music is allowed at the pool or exercise room at any time.
- h. No barbeque grills of any kind are permitted on the pool deck at any time.

8. **SHOWER CURTAINS AND SHOWER DOORS**

Shower curtains must be tucked in the tub and shower doors must be shut properly to prevent damage to the unit below.

9. **EMERGENCIES**

- a. The heating system, plumbing systems, fire sprinkler system, fire alarms and electrical systems are the responsibility of the Manger. If you notice any problems you are required to contact the manager immediately. (970) 476-2196
- b. All Owners, tenants and guests are required to vacate the property immediately when the fire alarm sounds.

10. **GAS FIREPLACES**

NO WOOD, PAPER OR ANY OTHER ITEMS ARE TO BE BURNED IN THE FIREPLACES!-
ANYONE PUTTING ANY ITEMS IN A GAS FIREPLACE WILL BE HELD RESPONSIBLE FOR ANY
DAMAGE OR REPAIRS TO THE FIREPLACE AND THE BUILDING!

11. **FLAT ROOFS**

- a. NO ONE IS ALLOWED ON ANY ROOFS AT ANY TIME!

- b. No personal property of any kind may be put on any roof at any time.

12. SMOKING

- a. Smoking is prohibited in all the Common areas including parking areas, walkways, pool area and exercise room.
- b. Smoking is permitted within the individual airspace of a unit and on the balcony or patio space associated with the unit. Smoking materials must be properly extinguished and disposed of.
- c. Smokers must make every effort not to allow smoke to drift into adjacent units or balconies.

13. INDIVIDUAL UNITS

- a. Owners of units must keep the Association current with their contact information including, mailing address, email address, and telephone numbers. This information will not be disclosed, sold or given to third parties outside the homeowners' association.
- b. All personal property must be kept within the individual condominium units and may not be stored on any common area deck, walkway or patio at any time.
- c. The Association and its authorized representatives have the right to enter units as necessary and appropriate for the performance of the duties and functions which they are obligated or permitted to perform under the governing documents of the Association.
- d. To ensure a consistent appearance all window coverings must be a commonly accepted window treatment such as blinds, drapes or shades and be professional in appearance. Bedding, plastic or other materials not intended for window coverings will not be permitted.
- e. Each unit shall maintain a minimum interior temperature of 55 degrees Fahrenheit at all times.
- f. The storage of flammable or hazardous material that may unreasonably jeopardize the safety or welfare of any person or property is not permitted in any unit.
- g. All units are to be designated primarily as residential property. Residents may conduct limited business activities in a unit provided there is no public access and it complies with all Town of Vail codes. Residents and owners may not display any signs indentifying a business, for rent and any other advertisement.
- h. Owners are to provide a copy of these rules and regulations to their guests

14. LEASING OF INDIVIDUAL UNITS

- a. Owners of units may rent or lease their units in conformance with local zoning laws, ordinances and regulations
- b. Leases must be in writing and must state that the lease is subject to the provisions of all governing documents of the Association.
- c. Leases will further state that failure to comply with the terms of the Association governing documents can be considered a default under the lease.
- d. A copy of the Association governing documents, including these Rules and Regulations must be attached to the lease and must be reviewed with the tenant at the time of the lease signing.
- e. Owners must notify the Association Manager of all contact information for the tenant.
- f. Owners are required to inform all long-term tenants that "a renter's insurance policy" is required.
- g. Tenant is required to provide Owner a copy of the "renter's insurance policy."
- h. Owners are required to attach these rules and regulations to any long-term lease.

15. CONSTRUCTION POLICY

- a. Approval in writing from the BOD is required for any interior unit work that involves penetrating floors, ceilings or walls, or any renovation work that requires a building permit from the Town of Vail.
- b. A request for approval for work must be submitted to the Building Manager in writing in advance of the date work is to begin. **WORK MAY NOT BEGIN, INCLUDING DEMOLITION AND DELIVERY OF BUIDNG MATERIALS, UNTIL WRITTEN APPROVAL IS RECEIVED.**
- c. The BOD must review all renovation requests in a timely manner.
 - a. All requests will be reviewed within 30 days of receipt of the request
 - b. BOD must respond in writing to the homeowner within 45 days of receipt of each request.
- d. The BOD may, from time to time or on a continuous basis, form a committee of unit owners to assist in the approval process. The BOD retains the final approval authority.

- e. Depending on the complexity of the project, the BOD may request the assistance of an architect, the Association's attorney, an engineer, or construction manager to represent the Association and to review or manage the renovation. The cost of these services will be the responsibility of the unit owner and will be disclosed and agreed to in writing by the unit owner before the services are engaged and fees are incurred.
- f. Owners, residents and contractors are prohibited from moving, painting, or otherwise tampering with the fire alarm system, heating system or fire sprinkler system. The building manager will assist in arranging to take of any these systems "off line" as necessary. The appropriate charges for taking any system off line and back on line will be billed to the owner.
- g. All contractors working on projects approved by the BOD, (carpet installers, painters, plumbers, electricians, maintenance workers and others) must contact the building manager to get a parking permit
- h. Construction contractors and sub contractors are not permitted to use the common area trash dumpsters for disposing of construction materials, carpet, furniture, appliances or any other materials removed from individual units. Unit owners will be billed by the Association for trash removal fees for any items put in the common dumpsters except normal household trash.
- i. All contractors and sub-contractors must be licensed by the Town of Vail and carry the appropriate liability insurance and workman's compensation insurance as deemed appropriate by the BOD and deliver a copy of their insurance certificate to the Building manager prior to beginning any work. Furthermore, owners may be required to show evidence of a "Builders Risk Insurance Policy" for major renovations as deemed appropriate by the BOD.
- j. Hours of work that create noise or other disturbance, including but not limited to demolition, drilling, hammering, or deliveries are limited to 8:00 AM through 6:00 PM except during the period of November 20th to April 20th when the hours shall be from 9:00 AM to 5:00 PM.
- k. Owners will be responsible for any damage to common areas or other units caused by their actions or the actions of their contractors or agents. The unit owner may document any pre-existing damage to the common areas before the project commences; otherwise any damage will be assumed to be the result of the work on the project.
- l. Building materials, supplies, tools and equipment may not be stored in or on any common area including but not limited to driveways, parking areas, walkways, stairways, lawns, balconies or individual garage spaces without prior written consent of the BOD.
- m. Owners and contractors will take precautions to protect the common areas. Common areas including walkways, decks and elevator will be cleaned on a daily basis at the completion of each day's work. The unit owner will be held ultimately responsible for the performance of the contractor.
- n. Association trash dumpsters are not to be used for disposing of construction debris. All such debris will be removed from the property on a daily basis unless another agreement is provided in writing by the BOD.

RULES VIOLATION

1. Owners, Residents and Guests at Breakaway West are obligated to be aware of and adhere to the Rules and Regulations that the Breakaway West Condominium Association Board of Directors may from time to time adopt. **OWNERS WILL BE HELD RESPONSIBLE AND LIABLE FOR THE ACTIONS OF THEIR TENANTS, GUESTS AND/OR OCCUPANTS OF THEIR UNIT.**
2. The BOD is authorized by the governing documents of the Association to enforce the rules and regulations. Enforcement may include monetary penalties and/or suspension of member rights granted under the governing documents of the Association.
3. The BOD will not impose a fine, suspend voting, or suspend any rights of an Association member, tenant or other resident of the property for violations unless and until the procedure is followed:

Written demand to cease and desist from the alleged violation will be served on the alleged violator and the unit owner (if different) in writing via email, certified mail or posted on the unit door specifying:

- a. The alleged violation;
- b. The action required to abate the violation
- c. If the violation is not ongoing or continuing, a warning that any similar violation may result in imposition of a fine and/or sanction;

- d. Or, if the violation is ongoing or continuing for a time period of not less than three days during which the violation may be abated without further fine and/or sanction
 - e. In the event the violation is for the Construction Policy or non owner pet policy the time period for abatement of the violation is 24 hours.
 - f. Violation of the Trash Policy requires immediate abatement. If the owner, tenant or guest can not be located, the building manager will abate and the fine will be immediately assessed.
4. The following schedule of fines will apply to violations and will be billed to the property owner:
- a. \$100 per day, beginning 24 hours after notice is given of the violation, for a non-approved construction project that is continuing until the project is paused and approval is sought
 - b. \$100 per day, beginning 24 hours after notice is given of the violation non-owner pet policy
 - c. \$100 for Trash Policy Violation - beginning immediately if the owner, tenant or guest can not be located for immediate abatement.
 - d. All other violations will result in a \$100 fine per day for a first violation.
\$150 fine per day for the second violation of the same nature.
\$200 fine per day for each subsequent violation of the same nature.

In addition to imposing fines as specified above, the Board may take action to force an eviction of a non-complying tenant and to recover expenses incurred by the Association to correct damages to Common Elements and/or other Units resulting from a violation or attorney's fees for eviction.

The foregoing Rules and Regulations were adopted by the Board of Directors of Breakaway West Association on February 16, 2010.

By:


Bruce Chapman Secretary

