

The Village at Riverbend Condominium Association

Modification of Common and Limited Common Areas

Adopted by the Board of Directors September 26, 2020

1. Authority for regulations relating to Modification of Common Area and Limited Common Area

These Rules and Regulations are promulgated by authority of the Board of Directors, including that authority set forth in Sections 2H(iii-vi) and Section 5 of the Association's Declaration and the authority found in Article II, Section 8 of the Association's Bylaws.

2. Owner's Certification of Review of Condominium Documents

Prior to initiating a petition for modification, an Owner will be required to review, and certify that he/she/they have reviewed the applicable Association documents, including but not limited to the Association Declaration, Bylaws, and existing Rules and Regulations, portions of which are copied below.

Section 2H (iii): No waste shall be committed in the Common Area or Limited Common Area and specifically no trees, shrubbery, or brush shall be planted or cut without the prior consent of the Association.

Section 2H (iv): No structures of any type or nature, however temporary, shall be erected, placed, or permitted on the Common Area or Limited Common Area.

Section 2H (xi): Nothing shall be altered or constructed in or removed from the Common Area, including Limited Common Area, except upon written consent of the Board of Directors.

Section 2H (vi): No fires are permitted on the Common Area, except in places which may from time to time be designed for such use by the Board of Directors.

Section 5: No unit owner shall, without first obtaining written consent of the Board of Directors, make or permit to be made any structural alteration, improvement, or addition in or to his unit or in or to the exterior of the buildings or other Common Area, or Limited Common Area. No unit owner shall do any act or work that will impair the structural soundness or integrity of the buildings or safety of the property or impair any easement or hereditament without the written consent of all unit owners. No unit owner shall paint or decorate any portion of any porch, patio, storage area, or balcony without first obtaining written consent of the Board of Directors.

The complete Declaration can be downloaded from the Village at Riverbend website:
<http://villageatriverbend.net>.

3. Definitions

Common Area: Defined in the Declaration as "all portions of the Condominium other than the Units" (Section 1 "Definitions," page 2). "Common Area" generally refers to any part of the property that is not inside an individual condominium unit, including but not limited to exterior walls and roof,

lawn areas, amenities, and parking lots. "Limited Common Area" is a subset of the Common Area that is assigned to individual units; see below.

Limited Common Area: Defined in the Declaration as "a portion of the Common Area reserved for the exclusive use of the owners of one or more, but less than all, of the Units" (Section 1 "Definitions," page 2). "Limited Common Area" generally refers to decks, patios, wood bins and garages.

4. Prohibited Modifications – Common and Limited Common Areas

In addition to the limitations imposed by Sections 2H (iii-vi) of the Association's Declaration, the Board of Directors, pursuant to the powers found in Article II, Section 8 of the Association Bylaws, prohibits the following additional modifications to the Common Area and Limited Common Area:

- Flame-bearing objects including but not limited to charcoal grills, fire pits and torches
- Fencing including but not limited to chained, galvanized metal, barbed wire, and wood
- In-ground vegetable gardens or clinging vines or ivy
- Wind chimes
- Water-bearing structures including but not limited to ponds, fountains and bird baths
- Freestanding external structures or structures directly attached to building exteriors (e.g., storage sheds, other architectural alterations) with the exception of structures that serve as protective coverings for Board-approved energy equipment
- Enclosure of a patio or deck
- Rubbish, debris, litter, or other objectionable materials on a patio or deck
- Unused or discarded items on a patio or deck
- Modifications that encroach upon the Limited Common Area of any other unit
- Modifications that would impact the health/safety of any other residents
- Modifications that would result in an increase of the Association's insurance costs
- Exterior colored light bulbs
- Decorative light strings attached to buildings or decks

5. Permitted Modifications – Common and Limited Common Areas

The following uses of Common Area and Limited Common Area are otherwise acceptable without approval:

- Outdoor furniture
- Gas or electric grills (Note: Per Association rules and the fire code, gas grills are allowed on patios only and must be moved at least 10 feet away from the building when in use; only electric grills are allowed to be stored and used on decks.)
- Decorative items reasonable and appropriate for a deck or patio
- Solar lights with the following restrictions: limit of two lights per unit; only one may be placed in the front of the building in a mulched area
- Small decorative flags in mulched areas
- Small, decorative entryway signs with language limited to traditional greetings (e.g., "Welcome") and/or owner name

- Bird feeders with the following restrictions: limit of one bird feeder per unit; all bird feeders are prohibited from April 1 to December 1; no bird feeders may be attached to buildings or placed on patios/decks; bird feeders must be placed a sufficient distance away from buildings to prevent rodent infestations; and placement must not interfere with property maintenance (e.g., mowing).

6. Guidelines for Proposed Modifications

Modifications that are not strictly prohibited, or expressly allowed, will require prior written approval from the Board of Directors prior to any work being started.

General Guidelines:

- Proposed modifications are permissible only with written and documented approval of the Board of Directors.
- **If an unauthorized modification to the Common Area or Limited Common Area was made prior to adoption of these regulations, that modification is not exempt and will require formal approval from the Board of Directors.**
- The Board of Directors shall have final authority and responsibility to create the recorded modification and its details as long as it may impact Common or Limited Common Area. This is to ensure protection from liability and to ensure uniformity in appearance of similar modifications. All costs associated with an approved modification are the sole responsibility of the unit owner.
- Routine upkeep/maintenance of approved modifications is the responsibility of the unit owner at all times. If not properly maintained, the Association retains the right to have maintenance work done or to have the modification removed and the area restored to pre-modification condition at the sole expense of the unit owner.
- Any Common Area approved for an owner-initiated modification remains the property of the Association, not the owner.

Guidelines for Plantings:

- Potted and hanging planters are allowed on patios and entryways without special permission.
- In-ground plantings are limited to annual and perennial flowers and foliage plants and are allowed in the existing mulched areas in the back of the owner's unit.
- An owner shall not enlarge or reshape the existing mulched areas.
- Plantings must not impede grounds maintenance, block walkways, external vents or heating/cooling units or be considered a safety hazard. Such plantings should not obstruct your neighbors' site view nor be an invasive species.
- Other plantings such as trees or shrubs, and flowers, or planting in other than the specified locations above require written authorization from the Board of Directors submitted on the modification application form. The following conditions also apply:
 - Once planted by the unit owner any plantings become the property of the Association and may not be moved or removed without the written permission of the Board of Directors.
 - If a unit owner sells or desires to no longer have the planting, the unit owner is solely responsible for restoring the landscaping to its original condition per Association guidelines, including all associated costs.

Guidelines for Other Modifications:

- Any authorized modification not maintained in good state shall be removed/restored to the original state or condition as deemed necessary by the Board of Directors. All costs for restoration approved by the Board, including but not limited to attorney fees, court filings, and contract work, are the sole responsibility of the unit owner.
- No modification of any sort will be approved if it interferes with property maintenance (e.g., mowing, snow plowing), if it is deemed hazardous, or if it infringes on the Limited Common Area of an abutting unit. The Board will consult with the Management and Property Management companies to make these determinations.

7. Penalties for Noncompliance

Any unit owner who adds any modification not approved by the Board is subject to the following:

- A written notice from the Board president will document the improper modification and the unit owner will be given 15 days to remove the modification and restore any altered elements of the Common Area or Limited Common Area to its original state. All costs, including any costs, fees (including attorney's fees), and interest associated with any fines related to non-compliance, as well as any costs associated with remediation, are the sole responsibility of the unit owner.
- If the unit owner fails to comply with a directive as stated above, the unit owner shall be fined \$50 per week until the unit owner complies with the request.
- The Association will file a lien against the violating unit owner following 28 days of non-compliance.

8. Application Process for Proposed Modifications

- Any unit owner seeking to modify a Common Area or Limited Common Area (beyond exemptions as specified above) shall submit a written proposal using the attached form, *Request for Permission to Modify Common or Limited Common Area*.
- The applicant must notify in writing abutting unit owners that are directly affected by the proposed modification and inform them they have the right to submit comments to the Board at directors@villageatriverbend.net. Comments by an abutter may be used by the Board in its deliberations for approval/denial, but the absolute authority to approve or deny a proposed modification lies solely with the Board.
- The completed form and supporting documents must be submitted directly to the Board of Directors. Email is preferred: directors@villageatriverbend.net
- A final and binding decision by the Board will be rendered within 14 days from receipt of an application that is deemed complete.