

# Arbor Village Condominium Rules

## Rules, Regulations and Architectural Control Standards

### I. Names/Telephone Numbers

Emergency and Local numbers:

Emergency:	911	
Dubuque Police:	563-589-4415	(Dispatch Non-Emergency)
Dubuque Fire:	563-589-4424	(Dispatch Non-Emergency)
City of Dubuque:	563-589-4100	(Information)
Finley Hospital:	563-582-1881	
Mercy Health Center:	563-589-8000	

### II. Introduction

Arbor Village Condominium Association (AVCA) provides this guide pamphlet to the residents of Arbor Village as an introduction and quick reference to the Architectural Standards, Parking Policy, Collection Policy, Rules and Regulations, and By-laws of our community.

The Following Rules, Regulations, and Architectural Control Standards have been adopted by the Board of Directors of the Arbor Village Condominium Association in accordance with the Covenants and By-laws of the Association to not only protect the architectural integrity and harmony of the community, but also to promote the safety and welfare of residents and maintain an acceptable quality of life for its members.

These Rules, Regulations and Standards do not replace the By-laws or the Covenants Conditions and Restrictions (CC&Rs), which are the primary governing document of the Association. All documents are in force. In case of conflict, however, between the wordings of these documents, the By-laws and CC&Rs prevail.

The Rules, Regulations and Standards apply to all property owners, their residents, family members, occupants, agents, visitors, employees and guests; and shall be enforced by the Board of Directors in accordance with applicable CC&Rs and By-laws.

In establishing and maintaining these Rules, Regulations and Standards, the Board has made every effort to ensure that they do not unreasonably affect unit owners' right to the enjoyment and use of their property.

These Rules, Regulations and Standards may be modified, repealed or amended at any time by a resolution of the Board of Directors when deemed in the best interest of unit owners/residents and the community.

### **III. General Information**

When completed, the Arbor Village Condominium Association shall consist of twenty-four (24) condominiums in twelve (12) buildings on Bittersweet Lane in Dubuque, IA.

Property in the development is classified as Residential – Planned Unit Development (PUD) which includes “Open Space, General Common Elements and Limited Common Elements.”

The exterior of the buildings, streets, curbs, sidewalks, lawns and yard areas, trees, plants and shrubs provided by the Developer, and exterior lighting comprise the GENERAL COMMON ELEMENTS. Your Association (AVCA) is responsible for the operational management and oversight of maintenance and improvement of these areas, which are for the EXCLUSIVE use of all the individual residents/unit owners and/or their guests.

The LIMITED COMMON ELEMENTS include decks and patios. In addition, any approved improvements or plantings in the GENERAL COMMON ELEMENTS area or within twelve (12) feet from the back of your unit are considered LIMITED COMMON ELEMENTS. YOU AS A UNIT OWNER SHALL HAVE THE RESPONSIBILITY FOR THE UPKEEP OF THESE AREAS. This includes replacement of plants, shrubs and trees in the front, side, and within 12 ft in the rear of your unit. The lamp post area in front is also included. Replacement of plants in the utility box areas may be done by unit owners if they choose or by association if local owners do not wish to take responsibility for replacement planting.

Trees or plantings in the GENERAL COMMON ELEMENTS OR THE LIMITED COMMON ELEMENTS shall not be so close to any UNIT so that branches or vines, etc can attach to or damage the unit structure, walls, roofs, foundations, downspouts, eaves, etc. Trees, plantings, vines that reach this condition are to be trimmed or corrected by the Unit Owner. If the unit owner fails to correct the situation the Architectural Review Committee will have the offending tree, plant, vine trimmed or removed and will have the option of sending the bill to the Unit Owner.

### **IV. General Rules and Regulations**

These are the general rules and regulations of the Association. Exceptions to these rules and regulations shall be granted only by a written notice from the Board.

Any damage to buildings, grounds, or other common areas or to equipment caused by any owner, guest, family member or pet shall be repaired at the expense of the unit owner. This charge shall be assessed in addition to a fine. Unit owners are fully responsible for the actions of their family members, guests and pets, and shall be held accountable for any damage done to the property.

1. Common areas: The lawns and walkways shall not be used for storage or parking or be obstructed in any way. No bicycles, toys, refuse cans or recycle bins, or other personal property shall obstruct entrance ways, walkways, parking or other common areas.
2. Unlawful and Disturbing Noises/Practices: No unit owner shall make or permit any unreasonable noise that will disturb or annoy other residents, or permit anything to be done which will interfere with the rights, comfort and convenience of other residents.
3. Refuse and garbage shall be placed in sealed plastic bags or refuse containers. Refuse cans and sealed plastic bags shall be kept inside each unit until the evening prior to or the day of refuse pickup. Refuse cans may be placed on walkways or common islands in front of a homeowner's unit on the evening prior to or on refuse pick-up days only! Refuse cans must be placed back in your unit by the evening of refuse pick-up day. Arrangements for the removal of bulky items such as mattresses, furniture, appliances, construction materials, etc., must be made with the City of Dubuque Refuse Collection Dept. (563-589-4250) and shall not be placed outside earlier than the day before the scheduled pick-up day.
4. Barbecuing: When not in use, appliances used for outdoor cooking shall be stored out of public view. No smokers are permitted.
5. Defacing of property: Signs, notices, advertisements, or any alteration of exterior surfaces shall not be placed, inscribed, or exposed on any window, door, or other exterior parts of unit, interior surfaces of windows, or on the common areas. Specifically excluded from this regulation are seasonal decorations and "For Sale" signs, in accordance with the Declaration of Covenants, or as approved in writing by the Board.
6. Vandalism: Unit owners and their families, tenants, and guests shall not deface, remove, or destroy, or permit the defacing, removing or destruction of any element of the common areas.
7. Roof installation of television/communication antennas/dishes are prohibited unless approved through the Architectural Review process. Installation of antennas/dishes should be approved with the immediate neighboring unit that it will visually affect. If no solution can be reached, the Architectural Review process will be invoked. Any damage caused by roof exterior surface-mounted antennas or dishes is the responsibility of the unit owner.
8. Firewood stored on the common area and in units and garages is a concern because of the possibility of terminate and insect infestation. Owners who do so shall have periodic inspections of their units and garages for termites and other

insects that thrive on wood stored in cool, moist areas.

## **V. Conduct**

Residential Use: All condominium units shall be used exclusively for residential purposes.

Lease: Each unit must be owner occupied. No condominium unit within the association shall be leased or rented.

No noxious or offensive trade or activity shall be carried on within any condominium unit, nor shall anything be done therein or thereon which may be or become an annoyance to the neighborhood or other owners.

## **VI. Insurance**

Nothing shall be done or maintained in any condominium unit or on any Common Elements, which will increase the rate of insurance on any condominium unit or on the Common Elements, or result in the cancellation thereof, without prior written approval of the Board of Directors.

Nothing shall be done or maintained in any condominium unit or on the Common Elements, which is in violation of any law.

On an annual basis each condominium owner shall take steps to have request his/her insurance company submit a Certificate of Insurance to the secretary of the AVCA.

## **VII. Animals and Pets**

The maintenance, keeping, boarding and/or raising of animals, livestock or poultry of any kind, regardless of number, shall be and is hereby prohibited within any condominium unit or Common Elements. This restriction shall not prohibit the keeping of small dogs, cats, and/or caged birds as domestic pets, provided they are not maintained, kept or bred for commercial purposes and provided further that the keeping of small dogs, cats and/or caged birds will not constitute such type of noxious or offensive activity as covered in Part IV, item 2.

All pets shall be kept leashed and under the control of their owner whenever they are outside the unit, and shall not be allowed to run free or unleashed at any time, or to otherwise interfere with the rights, comfort or convenience of other residents.

An exception to the pet being leashed can be an “invisible fence” (for the purpose of the dog relieving itself) installed on the Common Ground that is attached to the Owner’s unit. The owner, not the Association, then is responsible for any damage (current or future) to utility lines or invisible fence lines or any damage done to the property including the Condo Unit. Like a leashed pet, the Owner must clean up after the pet when it returns to the house.

Dogs may be walked on common grassy areas and must be cleaned up after.

Pets must be vaccinated and kept in accordance with the City of Dubuque Animal Control and Animal License laws and regulations. Contact the City of Dubuque Animal Control Dept. (563-589-4185) or the Animal License Department (563-589-4122) for more information. City Code Chapter 7, Article II, Section 7-45.

Pets not vaccinated due to allergy or other health conditions must have a certificate from a licensed veterinarian describing the reason for the lack of vaccination. A copy this certificate shall be filed with the secretary of AVCA.

Owners shall be responsible for all damages caused by their pets to common areas and to the property of others.

Any animal which becomes a nuisance must be permanently removed at the request of the Board. (Nuisance shall include barking, scratching, etc.)

As a safety measure it is advised that no pet shall be left unattended in a condominium unit for any unreasonable period of time.

A unit owner shall be responsible for any pets brought to Arbor Village Condominium by his/her guests.

No exotic pets/animals shall be allowed within the AVCA.

## **VIII. Motor Vehicle Operation**

Given the nature of the Arbor Village layout, no junk vehicle or other vehicle on which current registration plates are not displayed, no trailer, truck, camper, house trailer, or boat shall be kept on any Common Elements.

No repair or extraordinary maintenance of automobiles or other vehicles may be undertaken on any of the Common Elements. Minor vehicle repair work shall be permitted in emergency cases only, provided that the area is cleaned after repairs have been completed.

Parking policy: For the parking regulations and policies that prevail across the City of Dubuque, please refer to the Dubuque City Code, Article IX, Division 3, Sections 32-423.

## **9-15-321.760: INTENT AND PURPOSE:**

The presence of unattended and unmoved motor vehicles in or about public places for more than twenty four (24) hours tends to impede traffic in the street, interfere with the enjoyment of property, reduce the value of private property, invite vandalism and plundering, create fire hazards, extend and aggravate urban blight, and result in a serious hazard to the public health, safety, comfort, community welfare, and happiness of the residents of the city. (Ord. 44-08, 6-16-2008)

## **9-15-321.761: DEFINITION:**

An "unattended motor vehicle", for the purpose of this chapter, means an operable or nonoperable vehicle which has remained in a stationary position on a public way for twenty four (24) hours or more. (Ord. 44-08, 6-16-2008)

## **9-15-321.762: UNATTENDED VEHICLES:**

- A. It shall be unlawful for any person to permit an unattended vehicle to stand or park in or about a public place for twenty four (24) hours or more without such vehicle being moved.
- B. The city manager, upon initiative or upon complaint, may take into custody any vehicle standing or parking in violation of this chapter.
- C. Upon evidence that the vehicle has been parked on a public way for more than twenty four (24) hours without being moved, city manager shall issue a notice of fine under section 9-14-321.621 of this title. If such vehicle has not been moved within twenty four (24) hours from the time of notice of fine, or if there is evidence that the vehicle has been parked for more than forty eight (48) hours before receiving the notice of fine, the city manager may cause removal of the vehicle. When conditions permit, the city manager shall make a reasonable effort to contact the last registered owner of the vehicle before summarily removing the vehicle. (Ord. 44-08, 6-16-2008)

On-street parking within Arbor Village: In light of the fact that Bittersweet Lane in Arbor Village culminates in a cul-de-sac dead end, for safety purposes (to facilitate ingress and egress) it is strongly recommended that residents and their guests park their vehicles in driveways and limit curbside parking whenever possible.

It is also recommended that whenever residents anticipate the need to make extensive use of curbside parking for guests or their own purposes, they inform their neighbors in advance. This "good neighbor" policy is intended to reinforce the practice of open communication and cooperation among the residents of Arbor Village.

## **IX. Decorations**

Whereas it is presumed that all property owners in Arbor Village Condo Association are concerned about the aesthetic condition of their individual property and the subdivision and would do nothing to intentionally damage either; and

Whereas it is acknowledged that in a situation of close communal living, it is necessary that a certain tolerance be afforded our neighbors in respect to their individual outdoor decoration preferences; and

Whereas the decision to refrain from using decorative items and plantings is a form of decorating preferred by some homeowners; and

Whereas it is necessary for the homeowner's association to establish certain reasonable guidelines to maintain the general appearance of the subdivision yet allow a reasonable amount of creative differences;

IT IS, THEREFORE, moved that it shall be the policy of this association to allow reasonable diverse decoration that will serve to beautify our subdivision and at the same time respect reasonable individual preferences of the homeowners in our subdivision.

To further that policy there shall be no rules specifically banning any reasonable decorating in regard to decorative items, number, size and location. Plantings in the common flowerbed areas, front stoop and head of the driveway shall be covered by the existing rules. Nothing may be attached to the area or cause damage to the structure.

To protect the beauty of our subdivision from occasional drastic decorating schemes, it shall be the rule that any homeowner may circulate a petition requesting that specific decorating items be removed. If the petition is signed by a majority of the property owners, it shall be presented to the homeowner by a member of the Board of Directors with a notice to correct the specific condition. A failure to correct said conditions within the specified time shall constitute a violation of the existing rules and dealt with accordingly.

Seasonal exterior decorations are permitted as per the approved and current Arbor Village Condominium Rules.

## **X. Display of American Flag**

The American flag can be displayed on the following Holidays: Memorial Day, Flag Day, Fourth of July, Labor Day and Veterans Day. The flag can go up the day before the Holiday, the Holiday, and must be removed the day after the Holiday.

Displaying the flag is at the option of the owner. Those who choose to display will place their holders between the sidewalk and the curb at a location set by the Building and Grounds Committee . The flag will not exceed 2 1/2 ' x 4' in size on a pole not to exceed ten foot set 15" in the ground. The holders should be capped whenever they are not in use and should be set at ground level. Set up, removal, and storage of the flag is the owners responsibility.

Flags can be ordered and purchased through the Building and Grounds Committee or be supplied by the owner.

The holder is ONLY for the American flag use.

## **XI. Commercial Use**

1. All signs indicating that a unit is “for sale” shall be placed on the outside of that unit. All signs will be of commercial quality. Only one such sign shall be permitted per unit.
2. Signs indicating that there is an “open house” may be placed at the entrance to Arbor Village and the unit no earlier than twenty four (24) hours before, and must be removed no later than two (2) hours after the event.
3. No signs shall be placed in such a manner as to be viewed from the common elements with the following exceptions:
  - a. Signs indicating a unit is “for sale”.
  - b. Signs indicating “open house”.
  - c. Security system window stickers.
  - d. Any sign which has written approval of the Board.
4. No unit shall be used for any commercial purpose.

## **XII. Architectural Maintenance/Control**

No structural alteration (construction, addition or removal) of any condominium unit or Common Element shall be commenced or conducted except in strict accordance with the provisions of the By-laws.

All changes proposed by the unit owner to the exterior of his/her unit shall be submitted in writing to the Architectural Control Committee. All requests shall include a written description and a diagram of the proposed changes, and must be signed by the unit owner. The Committee shall submit their recommendation to the Board of Directors. Once written approval has been received from the Board and changes have been made, the unit owner must contact the



Committee so that a final inspection may be made and signed off by the Committee. The Committee shall submit their final inspection report to the Board of Directors.

No owner or resident shall make or cause to be made any change outside his/her unit without the prior express written approval of the Board of Directors unless the Board of Directors fails to respond within 60 days of a written request submitted by the unit owner.

The Architectural Control Committee is an advisory committee to the Board of Directors. The Board of Directors shall make final decisions.

### **Policy**

1. The architectural covenant imposes a legal requirement on the Association to approve or disapprove construction of new structures, exterior additions or alterations to the original design of the units, and all subsequent alterations thereto BEFORE they are started by the unit owner. The Board of Directors has delegated to the Architectural Control Committee the task of reviewing applications and making recommendations to the Board for the approval or disapproval.
2. It should be noted that approval of any project does not preclude subsequent adoption of more restrictive or more liberal standards where deemed necessary to maintain or improve overall architectural standards and harmony. No amendment shall affect any project approved prior to adoption of such amendment.
3. Any project or exterior modification which was completed prior to the issuance of these regulations which would normally require Board approval prior to initiation shall not be construed as setting a precedent, and will require Board approval before any major repairs, changes, and/or additions are made to said project or modification.
4. Before making any exterior changes or initiating any project, which might be contrary to the architectural/maintenance standards, unit owners are reminded that non-approved changes can not only be aesthetically offensive to their neighbors, but can also decrease the value of all units.
5. Any project, exterior modification, or other act in violation of these standards is subject to a citation by the Board and may require corrective action to bring the violation into immediate or future compliance with these standards.

### **XIII. Enforcement/Penalties.**

A system of penalties has been established to ensure compliance with the Rules and Regulations of the Association. The Board believes that the enforcement procedure shall result in greater community awareness of reasonable conduct that all unit owners have the right to expect from each other. If the violator is not a unit owner, the owner shall be provided with copies of all

correspondence pertaining to the violation and any ensuing penalties and hearings. The unit owner shall be ultimately responsible for all fines and the removal of all violations.

Fines may be imposed for violation of any of the above rules, according to the following schedule:

1 <sup>st</sup> violation, after written warning	- \$25.00
Repeated violation	- \$50.00

The Board of Directors may not impose any fine or infringe upon any rights of a unit owner for violations of the rules until the following procedures have been complied with.

1. If a violation of the rules is alleged in a written complaint to the Board, the Board shall notify the alleged violator in writing by certified mail to cease and desist from the violation. This notification will include: (a) the nature of the alleged violation; (b) the action required to remove the violation, and (c) notification of a grace period of ten (10) days, within which the violation may be removed without penalty. Should the violation continue beyond the grace period, a fine shall be imposed.
2. The violator may request a hearing within ten (10) days after imposition of the fine. The request must be made in writing and be addressed to the Board of Directors. The hearing shall be held in executive session (that is, a closed session) of the Board, and will afford the violator a reasonable opportunity to be heard. The violator may present his/her case to the Board, and the Board shall decide, based on the available information regarding the alleged violation, whether or not any fines and/or penalties should be lifted.
3. If a violation is repeated within twelve (12) months of the first notice, a fine shall be imposed without a grace period.
4. The decision of the Board in such matter can be appealed to the Iowa District Court.
5. If any unit owner fails to comply with the Rules and Regulations or By-laws, or with any decision rendered under the Rules and Regulations and By-laws, the unit owner may be sued for damages or injunctive relief, or both, by the Board. The prevailing party in any such proceeding may be entitled to an award for legal fees, as determined by the court.

A fine shall be applied to the unit owner regardless of whether the offender is the unit owner, a guest or a household member. The payment of a fine does not relieve the offender of the obligation of correcting the violation. If the Association incurs expenses to correct the violation, this expense will be applied to the unit owner. If the bill is not paid by the unit owner, a higher fine may be imposed.

If this fine remains unpaid, a lien shall be placed against the unit in questions. This means that the unit cannot be sold unless the fine and all associated expenses in filing the lien are paid, and the lien has been removed. In addition, the Board of Directors may foreclose on a lien if it is

deemed necessary. Other penalties for not paying the aforementioned fines and expenses may also be considered including, but not limited to, the following:

- a. Suing the unit owner for damages.
- b. Imposing criminal penalties through the proper authorities (violations of county or state laws).

Passed, approved and adopted this 18<sup>th</sup> day of September, 2008.

Amendment #1 approved and adopted on the 3<sup>rd</sup> day of February, 2011.

Amendment #2 approved and adopted on the 12<sup>th</sup> day of September, 2011.

Passed, approved and adopted on 14<sup>th</sup> of August 2014.

Passed, approved and adopted on 6<sup>th</sup> of August 2015.

Amendment approved and adopted on 16<sup>th</sup> of Dec 2019