Rules and Regulations of the Evergreens Condominium Association

Updated 5/6/2025

The purpose of this document is to provide each Owner/tenant with an easy-to-ready document that provides guidance on common topics. Each Owner/renter is expected to always follow these guidelines or receive Board approval to deviate from the guidelines. If there is a topic or issue that is not addressed in this document, submit or contact the Board with your question/concern before acting on it.

Voting rights. The Board of Directors is elected by the Unit Owners at the annual meeting. Other topics, such as updates to the Evergreens Condominium Owners Association, Inc. By-Laws will be reviewed and voted upon by Unit Owners at this meeting. Please refer to the Evergreens Association By-Laws and the Declaration for complete information on Association Ownership and the role and responsibility of Unit Owners and the Board of Directors.

Rules of conduct. These Rules and Regulations concerning the use of the Units and the Common Elements (the exteriors of the Units and the grounds) may be amended and disseminated by the Board of Directors. Copies of such Rules and Regulations shall be furnished by the Board of Directors to each Unit Owner within one week of taking Ownership or occupancy of the property. The Board of Directors is responsible to deliver updated copies of the Rules and Regulations to all Owners and occupants anytime a change is made to the document.

Maintenance issues and process. The Board of Directors serves as the Maintenance Committee. Each spring the Board will conduct a walk around to identify maintenance issues. The Committee will evaluate, prioritize the issue, and estimate the cost of the maintenance or repair and schedule repair if approved.

Homeowners may notify any Board member or the Property Administrator of a maintenance issue to be considered for repair/fix. Requests can be made by e-mail (preferred) or phone.

The Association shall have the irrevocable right to have access to each Unit during reasonable hours as may be necessary for the maintenance, repair or replacement of any of the Common Elements or at any time for making emergency repairs necessary to prevent damage to the Common Elements or to another Unit or Units. A Unit Owner will be notified in writing by the Board concerning the need to access a Unit in non-emergency situations.

Additions, alternations or improvements by Unit Owners. The homeowner can submit a request for an enhancement or modification to their home by completing an Evergreens Condominium Association Request Approval Form (see separate attachment). The request will be reviewed by the Board of Directors and will provide approval or deny request. Every attempt will be made to return the form to the homeowner within 1 week. All materials and work to complete an approved enhancement is at the homeowner's expense. Examples: install a storm door, install a Dish, install additional exterior lighting, plant a tree, add a garden area, put up a fence, etc. Any future repair and maintenance of any additions, alterations or improvements shall be at the Unit Owner's expense.

Signage. The only signage Unit Owners are permitted to display on the Common Elements, which includes all yards and grassy areas, is a "For Sale" sign.

Vehicles. No vehicles, boats, trailers, or recreational vehicles shall be stored in common areas, except as stated in the Bylaws and Declaration of the Association. No vehicles shall be parked in such a manner as to impede or prevent any entrance to or exit from the property or common areas of driveways. During the snow season, a snow removal service will clear driveways when snowfall is 2 inches or greater. For safety reasons, it is requested that the owner/tenant move any vehicle parked in a driveway to allow the driveway to be cleared completely. If the vehicle is not moved and it interferes with snow removal, the homeowner is responsible for clearing the snow within eight hours from when the snow removal service has completed their work.

Garage doors, driveways and common areas. As a rule, and a courtesy to your neighbors, garage doors should be kept closed. Owners are not allowed to install any recreational equipment, structure or furniture on the driveways or common areas (lawns). Seasonal, temporary outdoor furniture is allowed on porches, decks, patios and entrances.

Pets and animals. No cats, dogs, rabbits, birds, reptiles, livestock, fowl or poultry (hereinafter referred to as "animals") shall be raised, bred or kept in any Unit or in the Common Elements, except as follows:

1. Owners may choose to have no more than two domestic pets if they are kept indoors and in compliance with Town of Medary pet ordinance 6.02. Renters may own pets only with approval from the Property Owner and will then be responsible to adhere to the same rules as Owners.

2. Dogs and cats shall not be left outside unattended, whether tied up or not. While walking your dog the animal shall be supervised and leashed always. In all cases the Owner shall immediately clean up and dispose of all feces when and where deposited, no exception, no excuse.

3. If an animal causes or creates a nuisance or unreasonable disturbance, the Owner or any other person having control of the animal shall be given two written notices by the Board or managing agent to correct the problem. All subsequent violations shall be referred to the local Sheriff's Department for compliance with the Town of Medary animal ordinance number 6.02. Such ordinance provides for the regulation of the care, maintenance and control of animals and provides for its enforcement, and penalties, in the interest of public health, safety, welfare and convenience.

Community septic systems and wells. Owners shall take precautions to never dump grease, oil or any hazardous substance down any drain or disposal system. Owners should not alter or modify any piping, venting or components related to or part of their septic system or drain field.

The Association is generally responsible for the mechanics of the common elements such as wells and septic systems. Any problems should be reported immediately to the Property Administrator.

Appropriate behavior. No noxious or offensive activity shall be conducted in any Unit or in the Common Elements, either willfully or negligently, which may be or become an annoyance or nuisance to other Unit Owners, or in such ways as to be injurious to the reputation of the Condominium Association.

No loud noises shall be permitted on the Property. No noisy vehicles will be operated on the property. No exterior speakers, horns, whistles, bells fireworks or other sound devices shall be used or placed on any portion of the Property or exposed to view without the prior written approval from the Board. Unit Owners may be requested to remove wind chimes, bells, loud stereos, or other devices at the request of a neighbor.

Fireworks. No fireworks shall be permitted on the Property. Fireworks are a noise, fire and injury hazard that creates potential liability issues for all unit owners in the association.

Maintenance of Unit interiors. All maintenance, repairs and replacements within the Unit to include doors and windows, all internal installations of appliances and fixtures, interior walls and flooring, and any portion of a utility service located within the Unit are the responsibility of the Unit Owner.

A minimum temperature of 50 degrees Fahrenheit must be maintained in all Units during the cold weather months between November 1st and May 1st to prevent potential damage to common walls through freezing of pipes. Any damage will be repaired by the Association and paid by Unit Owner.

Patios, decks, balconies, porches. Each Owner is responsible for repair, maintenance and appearance of their patio, deck, balcony, or porch. Each Owner has the responsibility, at his or her own expense, for breakage, damage, malfunction and ordinary wear and tear. Patios, decks, balconies or porches that are damaged to the extent that structural damage to the Unit may occur will be repaired or replaced by the Association.

A Unit Owner shall not change the appearance, paint or decorate any exterior surface (for example, patio, deck, balcony, porch, front door, garage door, etc.) without submitting a request to the Board of Directors. Color changes must maintain a neutral color scheme and be approved by the Board of Directors.

Furniture, grills, plants and other decorations should not detract from the visual attractiveness of these areas. Damage created by hanging plants or other decorations shall be the responsibility of the Unit Owners. Unit Owners are also responsible for the overall condition of plants and other decorations and the Association has the right to remove empty planters, planters with dead plants and other decorations that are in poor condition with three days' notice. These areas shall not be used for storage of trash cans, toys, bicycles, spare tires, boxes, etc. Furniture shall not be placed on the lawns.

Holiday decorations shall be removed within a reasonable amount of time following the Holiday.

Driveways, sidewalks, steps/stoops. These are considered Common Elements and belong to the Association. Any structural damage will be repaired or replaced by the Association after Board/Maintenance Committee evaluation and approval. To report any damage, please use the Maintenance Request form.

Trash, garbage and other wastes. Trash shall be kept in enclosed sanitary containers if left outside overnight to prevent wild animals and varmints from rummaging.

Trees, shrubs and other plantings. Trees, shrubs and other plantings are part of the Common Elements and belong to the Association.

Unit owners are responsible to help care for the trees, shrubs and other plantings around their unit to maintain and sustain attractive grounds within the Association. The Association will regularly fertilize, mow and trim grass, and perform annual trimming of trees, shrubs and other plantings regardless of who planted them. Owners will be advised in advance of the trimming time frame. If an owner wishes to do their own trimming, they may do so.

The Association will pay for the removal of dead trees, stumps, shrubs and other plantings as required to keep the property well maintained. At the discretion of the Board, dead trees, shrubs and other plantings will be replaced by the Association. The Association will pay for 50% of the replacement or addition of any new trees. The condo owner will be responsible for the remaining 50%.

All trees, shrubs and other plantings within or outside the landscape rocks surrounding our homes must be approved by the Board. Owners can use the Evergreens Condominium Association "Request for Approval Form" to request board approval.

New trees, shrubs and other plantings will not be allowed over an existing septic drain field, reserve septic drain field, irrigation lines, well lines or utilities (gas, electric, cable).

Trees, shrubs and other plantings are part of the Common Elements and belong to the Association. Removal of any Common Elements require approval of the Board per the Evergreens Condominium Association "Request for Approval Form".

Vegetable and flower gardens. The planting of a garden or a grouping of plants must be approved by the Board of Directors who will determine size and location. If the Owner sells the Unit, it will be his/her responsibility to remove the garden and return the space to lawn or have the new Owner request approval to maintain the garden. Owners can plant items in the rock beds surrounding their unit. Any plantings surrounding the units, whether planted by the owner or by the association, must be maintained by the owner or he/she will be asked to remove them.

Rental of Unit. Homeowners are to be the primary resident of their unit. If circumstances arise where the homeowner is having trouble selling their unit, a rental proposal may be presented to the Board. Each request will be considered on an individual basis. A copy of the lease and owner's contact information must be provided. The unit owner will be responsible to ensure that any renters comply with all rules and regulations. No unit shall be rented as a vacation rental.

Adherence to the Rules and Regulations and governing By-Laws. Each Unit Owner shall observe and perform these rules and ensure that such Owner's family members, invitees and tenants observe and perform these rules. In the event expenses are incurred due to violations or rules by invitees, the Owner shall be responsible for payment of the same.

When an Owner or Tenant does not conform to these Rules and Regulations and is reported to a Board member, the following procedures will be followed:

1. A member of the Board will contact the Unit Owner by telephone to inform the Unit Owner of the violation and give the Unit Owner the option to correct the violation within 10 days.

2. If the violation is not corrected within 10 days of telephone contact, the Board will notify the Owner in writing of the violation of these rules and request compliance within 10 days from the date of the letter. Any Owner who receives a violation letter may appeal the letter to the Board at their next regularly scheduled meeting.

3. If the first violation is not corrected within 10 days or another violation of the same rule occurs within 90 days, the Board will write the violator a second letter requesting compliance within five calendar days. The Owner will be responsible for paying a minimum $50 charge to cover the costs of writing the second letter. If the violation is not corrected within five calendar days from the date the second letter was received, the Unit Owner will be charged a daily fine of $10 per day until the violation is corrected. Violations may be corrected by the maintenance staff. Maintenance staff time will be charged to the Unit Owner at the rate of $25 per hour with a minimum one-hour charge. Any other costs incurred by the Association to enforce rules such as towing, attorney fees, etc. will be the cost of the Unit Owner.

4. If compliance is not accomplished, the Board may authorize an attorney to enforce the rules and collect all applicable costs from the Unit Owner.

5. The above Enforcement Procedures are not exclusive. If the Board in its sole discretion determines that circumstances so warrant, it may proceed immediately, and without giving the above written notices to the Unit Owner/Resident, to exercise any remedy provided in the Declaration of by law or equity, including turning the violation over to an attorney for enforcement and/or filing a lawsuit.

The foregoing regulations are subject to amendment and the dissemination of further regulations.