

Resolution

Maple Court Home Owners' Association, Inc.

POLICY RESOLUTION NUMBER: 2009-10

Relating to Amending the Rules and Regulations of the Maple Court Home Owners' Association

WHEREAS, Section 6 of the Certificate of Incorporation of the Maple Court Home Owners' Association, Inc. ("Association") states that the activities, property and affairs of the Association shall be managed by a Board of Directors, as provided from time to time in the bylaws of the Association; and

WHEREAS, Article VII Section 1(a) of the By-laws of Maple Court Home Owners' Association, Inc. ("Bylaws") assigns the Board of Directors the power to adopt and publish rules and regulations governing the use of the Common Areas and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, Article VII Section 1(c) of the Bylaws states that the Board of Directors shall exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership the Association by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;

WHEREAS, the Board of Directors has determined that there is a need to amend its rules and regulations;

FURTHERMORE, it is to the benefit of all owners and residents that rules and regulations for common good and enjoyment of the property are implemented; and

FURTHERMORE, the preservation, protection and enhancement of the community's property values and assets are goals of the Association.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1: That the Board of Directors hereby amends the rules and regulations of the Maple Court Home Owners' Association as fully set forth in **EXHIBIT A**, attached hereto and made a part hereof.

Section 2: That the Secretary of the Board of Directors and Association is hereby directed to have these rules printed immediately for distribution, record them in the appropriate book of resolutions, and to give notice to all homeowners with the date when the rules or changes therein shall go into operation. A sample publication notice is attached hereto and made a part hereof as **EXHIBIT B**.

Section 3: That the President of the Board of Directors and Association is hereby directed to post this resolution and a copy of the rules and regulations on the Maple Court website at <http://www.maplecourt.org>.

Section 4: The rules shall be in full force and effect on December 1, 2009.

Section 5: This Resolution shall supersede any resolution or motions, or parts of resolutions or motions, in conflict with any part herein, and any such resolutions or motions, are hereby repealed.

Section 6: If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Resolution.

Maple Court Home Owners' Association, Inc.
RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2009-10

Pertaining to: Amending the Rules and Regulations of the Maple Court Home Owners' Assn

Duly adopted at a meeting of the Board of Directors held: October 18, 2009

Motion by: _____ Seconded by: _____

	VOTE: YES	NO	ABSTAIN	ABSENT
_____ Matthew J. Cook, President	_____	_____	_____	_____
_____ Michael Girard, Vice President	_____	_____	_____	_____
_____ Robert Hertel, Treasurer	_____	_____	_____	_____
_____ Deb Yurko, Secretary	_____	_____	_____	_____
_____ Jean Sablan, Member at Large	_____	_____	_____	_____

ATTEST:

Secretary Date

FILE:
Book of Minutes – Year 2009
Book of Resolutions:

	Book No.	Page No.
Policy	1	_____
Administrative	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective date: December 1, 2009

EXHIBIT A

**Amended Rules and Regulations of the
Maple Court Home Owners' Association, Inc.**

Dear Fellow Members:

INTRODUCTION: It is to the benefit of all owners and residents that rules and regulations for common good and enjoyment of the property are implemented. The preservation, protection and enhancement of the community's property values and assets are goals of the Association. These amended rules and regulations are implemented and adopted by the Maple Court Home Owners' Association, Inc. Board of Directors on October 18, 2009 to promote harmonious community living and to ensure that all residents can use and enjoy the property.

EFFECTIVE DATE: December 1, 2009

These Rules and Regulations SUPERSEDE ANY and ALL PREVIOUSLY PROMULGATED rules and regulations adopted by the Board.

I. Common Areas

1. Do not disturb plants and topsoil on the common areas unless authorized by the board.
2. Do not discard refuse or yard waste or dump or store materials on the common area.
3. Refrain from loud and boisterous activity when using the common areas or roadway at night.
4. Respect private residential property bordering the common areas. Persons and pets that stray onto private property without permission of the owner are trespassing.
5. Participate in group neighborhood activities to maintain the common area of the property and roadway by removing litter, leaves, rubbish, and weeds or mowing, planting, and tending to the common landscape areas or other maintenance activities designated by the board to improve the property. Nothing herein shall be interpreted to discourage persons from participating in supplemental individual or group maintenance efforts of the common property or roadway.
6. Common areas and elements may only be used for the purposes for which they were designed. No person will undertake activities that permanently destroy or damage the physical improvements on the premises, or interfere with their proper use by others, or commit any vandalism, boisterous or improper behavior on the common elements or restricted and limited use common elements (i.e. garage), which interferes with or limits the enjoyment of the common area or elements by others.
7. Residents and their guests should respect the property and privacy rights of others and should not engage in activities that would be inconsistent with the goals of the Association.

II. Motor Vehicles and Parking

1. All persons shall comply with state laws, Department of Motor Vehicle regulations, and posted traffic signs while on the Association roads, drives, and parking lots.
2. The speed limit on the common roadway and parking lot is 10 miles per hour.
3. Lot owners, residents and visitors shall only park vehicles in the community that possess valid state license plates, registration and inspection stickers. Any vehicle not displaying current state marker plates, registration and/or inspection stickers that are parked in the common area will be removed by or on behalf of the board at the risk and expense of the owner.
4. All paved roadways within the association not expressly marked for parking are considered fire lanes and "No Parking" zones. Any vehicle parked in these locations for more than 15 minutes to load or unload the vehicle is subject to immediate towing at the vehicle owner's risk and expense. Residents, who wish to utilize certain areas of the roadway for temporary on-street parking, must request a variance in advance from the Board of Directors to permit such parking.
5. Vehicles may not be parked on unpaved portions of the common area.
6. No vehicle may be parked on any area of any lot other than the driveway designated for that purpose.
7. The use of parking areas as a commuter lot or staging area for carpools is expressly forbidden.
8. No vehicle may be parked in any location within the community that would interfere with access by any resident to his/her lot, mailbox, driveway or garage or that would impede access to the property or portions of the property by an emergency vehicle.
9. During snow storms and 12 hours after snow storms, all cars in the parking lot must be parked to one side of the lot to allow the snow plow to clear the majority of the spaces. Whenever possible during times when snow is predicted or falling and 12 hours after the storm, owners, residents, tenants and guests should utilize residential lot driveways and garages to park vehicles rather than the parking lot to assist the snow plow operators with removing snow throughout the property.
10. If replowing snow is necessary because a car, or other obstruction, is left on the street or parking lot, the person responsible (e.g. owner, tenant, or resident) or their host in the case of guests and visitors shall pay all expenses involved, including towing or removal of the obstruction and/or replowing of snow in the area of the obstruction.
11. Residents may not maintain more than three (3) vehicles on the premises. Premises, for the purpose of this rule, are defined as residential lots of the owner(s) and common area, being the real property owned by the Association. Three-cars may be parked with one car garaged and two (2) cars uncovered. For the two (2) uncovered vehicles, not more than one (1) vehicle per resident property shall be on common property in locations designated by the board for the purpose of parking.

12. [In addition to Article V, Use Restrictions, Section 2 of the Declaration] No snowmobiles, all-terrain vehicles (ATV), go-karts, dune buggies, motorcycles, mini-motorcycles, mini bikes, pocket bikes, motorized dirt bikes, or other loud-engine motorized recreational vehicles, registered or unregistered, shall be run or operated upon any Lot, Common Property, or upon any roadways serving the property. Motor driven cycles (i.e. mopeds or scooters) having a motor that produces 5 brake horsepower or less (or 3.7 kW or less) and a seat height of at least 26 inches are allowed to be operated on the roadways serving the property but may not be driven on the sidewalks or unpaved common areas.
13. Except in connection with construction and maintenance activities, no commercial vehicles (vehicles with commercial marking plates, commercial lettering or equipment is visible or which are larger than normally used for noncommercial purposes), taxicabs, school or church buses, trailers, camp trailers, campers, pop-up camper or tent trailer, motor homes, mobile homes, recreational vehicles, other larger vehicles that exceed seven feet in height, nine feet in width, or 18 feet in length, including ground maintenance equipment, boat or boat accessory, snowmobiles, all terrain vehicle or dune buggies, may be parked, stored or used on any portion of the common area or any portion of a lot or on any roadway within or adjacent to the property. Parking of all such vehicles and related equipment, other than on a temporary and non-recurring basis, shall be in garages or in areas designated by the board, if any. For the purposes of this subsection, a temporary basis is defined as any period of time up to but not exceeding 7 total days within a single calendar year. The board has no obligation to designate any such area or permit parking of such vehicles because they are difficult to maneuver on the narrow private road and/or would take up a limited number of common parking spaces.
14. No unregistered, abandoned, inoperable, unused or junk automobiles shall be parked within the community. Unregistered, abandoned, inoperable, or junk vehicles will be towed away at Owner's expense. For the purposes of this subsection, the following definitions apply:

A junk motor vehicle is a vehicle that either cannot mechanically be operated on public streets or does not comply with state motor vehicle laws and regulations and therefore cannot legally be operated on public streets.

An inoperable motor vehicle shall refer to any vehicle parked in the common parking areas not bearing a current and valid state license plate and or any vehicle that has not been noticeably moved by its owner for a period of 4 weeks or longer.

Inoperative, unused or abandoned vehicle shall mean any automobile, truck, boat, trailer, camper, camp trailer, or similar vehicle which has not been driven under its own propulsion or has not been moved for a period of thirty (30) days or longer, or which does not have an operable propulsion system.

To "abandon" means to leave a thing with the intention not to retain possession of or assert ownership over it. It is prima facie evidence of the necessary intent that:

- the vehicle has been left for more than 30 days noticeably unmoved; or
- license plates or other identifying marks have been removed from the vehicle; or
- the vehicle has been damaged or deteriorated so extensively that it has value only for junk or salvage; or

15. No vehicle displaying "for sale" signs may be parked in the common area.
16. Any vehicle with gasoline, oil, or emission leaks parked in the common area must be repaired by the owner or removed from the property.
17. Frequent, ongoing or prolonged sounding of a vehicle horn within the association is not allowed except in cases of emergency.
18. Frequent, ongoing or prolonged revving of a vehicle engine within the association is not allowed.
19. Vehicles equipped with faulty or "sport" mufflers or that otherwise fail to keep vehicle noise at the level of an average passenger vehicle are not allowed on the property.
20. No unattended motor vehicle shall be suspended off the ground on blocks or supports of any kind, for either maintenance or storage, within the bounds of the community, including residential lot driveways.
21. All owners and residents are responsible for informing their tenants, guests, children, and visitors about the Association's parking restrictions.
22. All towing shall be at the expense of the vehicle owner. Furthermore, the vehicle owner (i.e., a lot owner or a lot owner's guest, tenant, invitee, etc.) shall bear full and complete responsibility for the towing enforcement and shall agree to hold the association, its officers, board, and agents harmless from any and all liability, costs, or fees that may incur in defending any enforcement actions undertaken which were not directly authorized by the board or its designee.
23. Owners of lots whose tenants, residents and/or guests violate the motor vehicle and parking policies shall be held liable for any damages to the Association caused directly or indirectly by the violation including the cost of enforcement and any legal costs.

III. Rubbish

1. Trash containment. Trash or yard waste may not be stored in or outside any building in such manner as to permit the spread or encouragement of fire or vermin.
2. Trash Barrel Storage. Garbage barrels should be stored in the garage or neatly and appropriately stored discretely at the side of the house. Barrels must always be covered with the lid closed, especially if kept outdoors, and in sanitary condition so as not to attract wild animals or insects.
3. Weekly Pickup. Trash barrels should be placed curbside on the designated side of the road no later than 6:00 AM on the day of trash collection. Many people roll them out the night before. Please place the barrel, with the handle facing away from the street, within 2 feet of the curb, and free of obstructions like mailboxes, shrubs, your recycle bin or other impediments so the truck's lifting mechanism can wrap around the barrel to grab it.

4. Remove Barrels Promptly after Pickup. Trash barrels and recycling bins should be removed promptly from curbside with 12 hours of trash collection.
5. All trash must fit comfortably within the barrel with the lid closed or just slightly raised on the trash collection day. Do not overfill the container. Trash may not be left beside the barrel; it must fit within the barrel to be picked up. To accommodate everyone's trash and recycling, any large quantities should be held for later pickups. Bulky items should be brought to the Town's bulky waste disposal and recycling facility.
6. Only regular household trash that is not recyclable or hazardous may be placed in trash barrels for curbside pickup.

IV. Pets and Companion Animals

1. All pets and companion animals must be in compliance with town ordinances and state law regarding inoculations, licensing, and leashing.
2. No pets or companion animals may be raised, kept, bred, or maintained for any commercial purposes.
3. Any person who owns a dog or has custody of a dog, which dog has caused its feces to be deposited upon any common property, roadway, sidewalk or upon the lot or property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. Nothing herein shall be construed to apply to the situation where a dog is on its owner's or custodian's property or where the dog owner or custodian has the permission of the owner. Any dog which serves as a guide dog shall be exempt from the provisions of this section while such dog is accompanying a blind person.
4. No person shall own or harbor a pet or companion animal which is a nuisance by reason of vicious disposition or excessive barking, howling, whining, crying or other disturbance, or by such barking or crying or other disturbance is a source of annoyance to any person residing in the immediate vicinity and which disturbs another resident's peaceful enjoyment of his or her home or the common areas.
5. No owner or keeper of any dog shall allow such dog to roam at large upon the land of another and not under control of the owner or keeper or the agent of the owner or keeper, nor allow such dog to roam at large on any portion of the roadway or common area and not attended or under control of such owner or keeper or his agent. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of the roadway or common area when such dog is not attended by or under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this subsection.
6. Our community association subscribes to the policy of the American Association of Zoos and Aquariums with regard to harboring wild animals as pets. "In view of the hazards both to animals and to man, and due to the specialized expertise required to properly care for captive wildlife, the American Association of Zoos and Aquariums recommends that wild animals not be kept as pets, and further, that the general public keep only domestic animals as pets." Therefore, our community association specifically prohibits persons from harboring wild animals other than domestic animals as defined by the

Humane Society of the United States. Residents who fail to comply with the terms of this policy will be reported to local animal-control authorities.

7. Each resident who owns, is in custody of or is in control of a pet or companion animal shall be deemed to have agreed to indemnify, hold harmless, and defend the Association, each of its Members, and its representatives against all liability, judgments, expense (including reasonable attorney fees) or claims by third parties for any injury to any person or damage to property of any kind whatsoever caused by the resident's pet(s) or companion animal(s).

V. Miscellaneous

1. Only the compact, space-saving umbrella style outdoor clothes dryer lines in a square or octagonal shape are allowed and must be installed in the rear of the house or concealed from view by landscaping or fencing so the outdoor clothes dryer is not visible from the front or side street(s) adjacent to the lot. Clothes lines may not be run from trees or posts or attached to the buildings and strung across the yard.
2. Lot owners and residents will keep their lots in a good state of preservation, repair and cleanliness and will prevent the accumulation of materials that will constitute a danger or promote the spread of vermin, odors, or conditions constituting a danger or nuisance to the common elements or other residential lots.
3. No owner or other person having lawful possession or control of a building or other structure within the Association will permit the building or structure to become blighted or unsafe, as defined in Simsbury Town Code § 123-3, or to remain in a blighted or unsafe condition.
4. No hunting or discharge of firearms, dangerous devices, or weapons of whatsoever shall be permitted on the Common Property or on any Lot. A dangerous device shall be defined as any air rifle or pistol, BB gun, slingshot, crossbow, bow and arrow or any other device capable of projecting an object with sufficient force so as it may cause injury to persons or animals or it may cause property damage.
5. No immoral, improper, offensive or unlawful use may be made of the common interest community. Lot owners and residents will comply with and conform to all applicable laws and regulations of the United States and state and local ordinances, rules, and regulations. The violating lot owners shall hold the Association or other unit owners and members harmless from all fines, penalties, costs and prosecutions for the violation thereof or noncompliance therewith.

VI. Complaints and Rule Violations

1. Complaints. If someone is believed to be in violation of any of the provisions of the Declaration, By-Laws, or Rules and Regulations, a signed, written complain must be submitted by an owner, resident, or member of the Board of Directors, to the Secretary of the Maple Court Home Owners' Association detailing the nature of the complaint and factual details including the alleged violator and the date and approximate time of the alleged violation.

2. The Board of Directors shall adopt policies and procedures for the enforcement of the rules and regulations.

EXHIBIT B

**NOTICE OF AMENDMENT OF THE RULES AND REGULATIONS OF THE
MAPLE COURT HOME OWNERS' ASSOCIATION, INC.**

Notice is hereby given by the Board of Directors of the Maple Court Home Owners' Association, Inc. (the "Association") that the Rules and Regulations of the Association have been amended at its October 18, 2009, meeting, and that said Rules and Regulations become effective on December 1, 2009.

Copies of the Rules and Regulations are available for review at the Maple Court Home Owners' Association website at <http://www.maplecourt.org> or are available upon request from the Secretary or President of the Association by writing to Maple Court Home Owners' Association, Inc., 1 Maple Court, Simsbury, CT 06070.

/s/ Matthew J. Cook, President
Board of Directors
Maple Court Home Owners' Association, Inc