

## **BIRCH RUN HOMEOWNER'S ASSOCIATION HOUSE RULES**

Effective Date: October 1, 2004

It is the responsibility of each owner and resident to be familiar with the Declarations, Bylaws and House Rules (collectively the "governing documents") of the Birch Run Homeowners' Association. The Board of Directors has the authority to adopt and enforce such additional rules as it may deem necessary or advisable, to amend same and impose reasonable fines, penalties or legal action upon owners for violations. Owners are responsible for actions of their guests and occupants, and all leases must condition tenancy upon compliance with the governing documents.

### Maintenance

1. All owners shall keep their properties repaired and maintained in good order and condition. Property maintenance includes, but is not limited to regular painting or staining of houses, fences, decks, mailboxes and planters; regular mowing of grass and care of yard; regular removal of snow from driveways and sidewalks; and timely repair of damaged property
2. No additions or modifications to the exterior of houses or landscaping are permitted without written approval of the Architectural Control Committee (A.C.C.).
3. Owners are encouraged to use licensed, bonded and insured contractors for repairs and alterations. Repairs or alterations performed by owners shall be in accordance with Municipality of Anchorage Codes.
4. The Association shall be responsible for maintenance of the common fences and will require access periodically to perform painting or repairs on both sides of the fence.

### Use Restrictions

1. Lots are restricted to single-family residential usage as indicated in Article IV of the Declarations. Professional and administrative occupations may be carried on within residences on lots so long as there exists no external evidence thereof. No commercial activity is allowed in common areas.
2. No unlawful use shall be made of any part of the Association.
3. Pets may not cause a nuisance to others. The Borough Animal Control Regulations are in effect and will be strictly enforced. Here are some general rules:
  - A. Dogs shall not be allowed to bark incessantly. Owners of barking dogs are best dealt with as neighbors. Letting the owner know, on a personal level, that the dog's noise is disrupting your life can be very effective. If these methods fail then you should call the Anchorage Animal Care & Control Center at 343-8119.
  - B. Pet owners shall promptly remove and properly dispose of any pet waste. Anchorage has a municipal ordinance requiring pet owners to "scoop up" after their pets, both at home and in public places. Dog droppings are a nuisance and a health hazard. They attract flies, spread disease, and dog waste is one of the worst causes of water pollution.

- C. Pet owners shall keep their pet under control at all times and shall not allow it to roam neighborhoods or have access to other peoples' property.

**Control** means to simultaneously monitor, direct, and restrict an animal's movement and activities, and may include using a leash, harness, fence or kennel, or voice commands to which the pet responds promptly and accurately.

#### Leasing

1. Lot owners who lease their property to another party shall report to the Management Agent (Snow's Management, Inc.) within ten (10) days of occupancy or signing of a lease agreement, whichever is earlier. The owner shall provide the tenant's name, mailing address, and contact phone numbers. Copies of all governing documents must be provided to the tenants. This is the responsibility of the unit owner. Leases must require compliance with the Declarations, Bylaws and House Rules as a condition of occupancy. The attached Tenant Registration sheet is to be completed, signed and sent to the Management Agent within the time period stated above. A copy of the lease shall also be submitted.
2. Each lot owner should be aware that they are responsible for the actions of the tenants.
3. Lot owners will be notified of violations and will be expected to ensure compliance of tenants and guests. Fines, if necessary, will be levied against the lot owner, rather than the tenant.

#### Parking and Common Areas

1. Vehicles, trailers, campers and recreational vehicles may not be parked in common areas for longer than 48-hours or on lawn areas of owner's lots for any period of time. Vehicles temporarily parked in the street shall not obstruct access to driveways and must be in operational condition.
2. Vehicles with expired registrations are considered not to be in operating condition. Non-operational vehicles may not be stored anywhere on the lot.
3. Common areas or lots shall not be obstructed or littered.
4. Each lot owner shall be liable to the Association for any damages to the common areas or any equipment thereon which may be sustained by reason of the negligence of said lot owner or his guests, invitees or tenants.

#### Miscellaneous

1. Residents may not cause a nuisance to others. This includes, but is not limited to noise. Owners are encouraged to refrain from lawn mowing and trimming activities before 9:00 a.m. and no later than 10:00 p.m.
2. All residents are required to dispose of refuse in a sanitary manner. Trash shall be placed in sealed plastic bags or garbage cans. Any refuse too large or unacceptable for curbside refuse pickup shall be disposed of elsewhere in an approved manner.
3. To avoid attracting bears and other large animals, it is recommended that lot owners take down or empty birdfeeders between April 15<sup>th</sup> and November 15<sup>th</sup>. Similarly, during this time period, it is recommended that trash be placed out at the curb on the morning of pickup.

### Fine Schedule and Procedure

The above rules, in addition to provisions of the Declaration and Bylaws, will be enforced with minimum fine of \$25.00 per violation. Minor “first offenses” may result in a written warning from the Management Agent before imposition of fines. Acceptable corrective action shall be taken by the owner within the period of time specified in the warning letter. Violations which are deemed to be “serious” may warrant larger fines, up to any amount deemed “reasonable” for purposes of Alaska Statute 34.08.320(a)(11). Ongoing, recurring or intentional violations may result in progressively severe fines which may be levied at the discretion of the Board of Directors.

In addition to fines which may be levied, the Board of Directors may institute legal proceedings to correct violations (i.e. vehicle towing, etc.), charging all associated costs back to the offending owner as additional assessments. If the Association must retain legal counsel to enforce provisions of the governing documents, legal costs may be assessed against the owner as additional fines.

At the direction of the Board of Directors, notices of fines shall be sent by the Management Agent to the owner’s address by first class mail. Hand delivery to the owner shall be an acceptable alternate form of notice. Fines shall be tentatively assessed as additional homeowner dues immediately following the infraction, and will become final unless appealed to the Board of Directors in writing within thirty calendar days thereafter. Homeowners may address the Board of Directors at the next meeting to appeal any fine, provided the owner files a written notice of appeal with the Management Agent within thirty calendar days after the fine is levied. Fines will be levied to ensure compliance with Association rules and regulations, rather than to raise revenue.

Lot owners with complaints or concerns regarding violations of the governing documents shall contact the Management Agent via telephone or in writing.

## **Tenant Registration**

Lot/Block No. \_\_\_\_\_ Address: \_\_\_\_\_

Tenant's Name \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Name(s) of every other person residing at address (including ages of minors):

\_\_\_\_\_

List and describe any pets, including type, breed, name, and description:

\_\_\_\_\_

\_\_\_\_\_

Tenant Vehicles:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ License \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ License \_\_\_\_\_

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Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Owner hereby certifies that the Tenant has been provided a copy of the House Rules, Declaration, and Bylaws and that the Lease Agreement requires compliance with the rules.

\_\_\_\_\_

(Signature of Owner)

Please return to:

Snow's Management, Inc.  
200 W. 34<sup>th</sup> Avenue, PMB #966  
Anchorage, AK 99503  
Ph# 563-8333, Fax# 563-8313