

DRAFT

Nov. 12, 2015

Eagle's Nest Board of Directors

PROPOSED AMENDMENTS TO THE BYLAWS OF EAGLE'S NEST CONDOMINIUM ASSOCIATION

The Declaration says:

ARTICLE 17.
AMENDMENTS TO BYLAWS

Following Notice and Comment to all Unit Owners, the Bylaws may be amended by vote of two-thirds (2/3) of the members of the Executive Board at any meeting duly called for such purpose.

Bylaws say:

ARTICLE VI
GENERAL

Section 2. **Amendment**. These Bylaws may be amended at a regular or special meeting by the Unit Owners, by a vote of a majority of a quorum of Unit Owners present in person or by proxy, except as otherwise provided by the Declaration. ... in case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE II
OWNERS

Section 5. **Quorum**. Except as otherwise provided herein, Unit Owners present in person or by proxy, but not less than one tenth (1/10) of the votes of the Association, shall constitute a quorum at any meeting of Unit Owners.

Amendment (1)

reword BYLAWS ARTICLE I BOARD OF DIRECTORS

Section 1. **Number and Qualifications.**

(b) The terms of the Directors shall be for ~~one (1) year~~ **[three (3) years]**, but any Director may be re-elected any number of times. **The Board of Directors shall create a transition plan to determine which Directors shall serve 1, 2, and 3 years to establish staggered terms, after which all Directors shall be elected to regular 3-year terms.**

Amendment (2)

reword BYLAWS ARTICLE II OWNERS

Secton 1. **Annual Meetings**. Annual meetings of the Unit Owners shall be held ~~on the second Tuesday of October~~ **[in December unless otherwise determined by the Board]**. At such meetings, the Board of Directors shall be elected and other business which properly comes before the Unit Owners may be transacted.

The Declaration also says:

ARTICLE 4.
PERSONS SUBJECT TO DOCUMENTS AND THE ACT

Section 4.2. **COMPLIANCE WITH RULES.**

Subject to Notice and Comment, the Executive Board may adopt Rules regarding the use and occupancy of Units, Common Elements, Limited Common Elements, and the activities of occupants of the Units. All Unit Owners, tenants, mortgagees, and occupants of the Units shall comply with the Rules.

Amendment (3) either attach a list of "Rules" to the Bylaws -- or --
add new ARTICLE VII **RULES FOR A POSITIVE PROPERTY ENVIRONMENT**

Section 1. **Storage.**

- (a) Storage Building - [outline the required approval process]
- [attach diagram or list the structural requirements]
- (b) Other than usual grill, deck or patio furniture, or decorative items, all personal items must be shielded from public view by privacy fence. These other items are allowed in view outside of a privacy fence only for short term use. Privacy fences shall be of the chain link style, _____ feet in height, follow the rear or side unit boundaries and be slatted.

Section 2. **Safety.**

- (a) Streets are vehicle driving areas. Toys, games or other play are not allowed in these areas. Rocks or other debris may not be brought into streets.
- (b) Owner vehicles shall be parked only in the owner's parking spaces or the vehicle shared parking areas, and shall not be parked along streets.
- (c) [in effect 8-1-11] Owners are required to provide enclosures for their pets in compliance with Sections 11.2, 11.3 and 11.6 of the ~~Offering~~ Declaration. Owners of pets are not allowed to use common areas for **[deposit or]** disposal of pet waste.
- (d) No fires are allowed in any areas other than those related to outdoor cooking appliances.
- (e) [in effect 8-1-11] All outdoor cooking appliances (Grills etc.) shall be located on the rear or side deck area of the unit. All outdoor cooking devices shall be of gas (propane) and no charcoal fuels be allowed.

Section 3. **Shared Parking Area.**

- (a) Owners, renters, or their guests may use the shared parking area on a first come-first served basis.
- (b) Use of shared parking for storage of vehicles not in regular use is prohibited.
- (c) Trailers or vans are not allowed on Eagle's Nest property other than for short-term loading/unloading.
- (d) [In effect 8-1-11] Each unit that desires more than the 2 parking spaces provided will have to file an application with the Board for the number of spaces they will request. This request form will be provided on the HOA website and will require a \$25 fee for each space per month.

Section 4. **Business Prohibited.**

- (a) No signs promoting business may be posted on Eagle's Nest property.
- (b) Business activity leading to traffic by non-owners or non-residents is prohibited.

Section 5. **Appearances.**

- (a) No graffiti or defacement of any property located at Eagle's Nest is allowed.
- (b) Toys, yard tools and other personal items shall be out of sight each evening.
- (c) Garbage containers shall be out of sight except when commercial pick-up is scheduled.
- (d) Windows or doors shall not be covered with insulation showing manufacturers' lettering, sagging or broken coverings, or other unsightly coverings.
- (e) [In effect 8-1-11] Owners and/or residents are to maintain yard in compliance with Section 9.3 of the Initial Declaration to standards set by the Board, ~~such standards are to include but not be limited to a "uniform green color", and maintained to height of no greater than 3 inches.~~ All edges and borders to buildings are to be rimmed to maintain an attractive appearance. ~~Failure to follow these standards will result in a warning from the Board with penalties of \$0 for the first and \$25 for the second warnings, followed by a penalty of \$50 for the third. There will be a 7 day time frame between warnings to allow time for compliance.~~

Section 6. **Noise.**

- (a) Only normal or usual vehicle noise is allowed. Revving engines or squealing tires is prohibited.
- (b) Only quiet outdoor activities are allowed before 8am or after 10pm unless given permission by the Board.

Section 7. **Compliance and Fines.**

- (a) Any owner or resident may notify any member of the Board of Directors of a possible violation of HOA Declarations, Bylaws or rules. The Board shall investigate promptly, take action if warranted and notify the complainant of its decision.
- (b) [In effect 6-1-10] Fines for Violations of the Declaration for Eagle Nest Condominiums, **[Bylaws, Rules]** and late fees:
 - Written Warning : for 1st offense
 - \$50.00 fine : for 2nd offense
 - \$75.00 fine : for 3rd offense
 - ~~Currently \$50 should it raise~~
 - All fines will be deposited into the reserves funds. If you see anyone in violation it is your duty to report to a board member. (Un-removed trash, fencing etc).

OR---

[In effect 8-1-11] Failure to follow these standards [yard maintenance] will result in a warning from the Board with penalties of \$0 for the first and \$25 for the second warnings, followed by a penalty of \$50 for the third. There will be a 7 day time frame between warnings to allow time for compliance.

The Secretary is directed to prepare and provide an updated copy of the Bylaws that includes any items retained from the "Fine Schedule" of 6-1-10 and the "Letter of Rules" of 8-1-11, and disseminate the updated copy to all unit owners. The "Fine Schedule" of 6-1-10 and the "Letter of Rules" of 8-1-11 shall no longer be in effect as separate authoritative documents.