



## **SECTION X: NUISANCE AND NOISE POLICY**

### Nuisances

No rubbish or debris of any kind may be placed or permitted to accumulate anywhere in the building and no odor may be permitted to arise there from so as to render the building, or any portion thereof, unsanitary, unsightly, offensive, hazardous or detrimental to any other property in the vicinity thereof or its occupants. Without limiting the generality of any of the foregoing provisions, no shouting, exterior speakers, horns, whistles, bells or other sound devices (other than security devices), noisy, smoky or leaking vehicles, large power equipment or large power tools, unlicensed off-road motor vehicles or other items which may unreasonably interfere with television or radio reception of any homeowner in the building, may be located, used or placed on any portion of the building without the prior written approval of the Board. All storage shall be enclosed in the storage areas or within the enclosed unit so as not to be visible to other owners.

**There shall be no fires whatsoever except in a unit's supplied gas appliance (cook top and fireplace). Wood and charcoal barbecues are strictly prohibited.**

No clothing, towels, household fabrics or other articles of any kind may be hung, dried or aired in any unit or common areas in such a way as to be visible from other units or from the exterior of the building.

Any damage to the building, recreational facility, equipment or any other common area property caused by a homeowner, a homeowner's occupants or a homeowner's employees, guests, invitees, or contractors is the responsibility of the homeowner and all costs of resulting repairs and/or replacements shall be borne by such homeowner.

### Noise

In accordance with the Association's CC&R's, no resident may cause or permit to be cause anything which may become a nuisance or cause unreasonable disturbance or annoyance to other residents, except security devices or devices designated to facilitate a person with a disability in accordance with the Americans with Disabilities Act. The Association has adopted the following policy as a reasonable interpretation of that restriction.

#### Noise in Common Area (not originating with another owner)

Since sound is subjective, the burden rests on the Owner to prove that the noise level is unacceptable, and that the source of the problem is in the Common Area. If the Owner can provide a written report from a licensed acoustical engineer to prove that there is a

problem with the noise level and where in the Common Area it is originating from, the Association will take the appropriate action to resolve the problem.

#### Horns, Whistles, Bells

No horns, whistles, bells or other sound devices, except security devices approved by the Board may be used in any unit.

#### Speakers

No sound system, loudspeakers, entertainment systems or other internal sound, or noise generating or amplifying device may be installed in any wall or ceiling.

#### Musical Instruments

No resident may play or permit to be played any musical instrument in such a way as to unreasonably (i) disturb other residents, or (ii) be heard between the hours of 10:00pm and the following 9:00am in such a way as to disturb other residents.

#### Radio, TV, Stereo

No resident may play or permit to be played any radio, television, stereo or similar device in such a way as to unreasonably (i) disturb other resident, or (ii) be heard by other residents between the hours of 11:00pm and the following 8:00am.

#### Sound Proofing

Owners must ensure that any changes to their unit shall not have the effect of increasing the level of noise or sounds that can be heard outside the unit above a sound rating (impact and airborne sounds) of .52dB(A)/FIIIC. No Owner may take any actions that may interfere with the structural noise mitigation improvements installed in the units, to include flooring, walls or plumbing modifications. Any modifications to the ceiling, floors, walls, which may affect the sound rating must be done in full compliance of the Architectural Guidelines. All plumbing must be properly insulated for sound and must be isolated from walls, studs, joists, ceilings, and flooring. All penetrations or opening for piping electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain required sound ratings.

#### Smoking

**SMOKING IS STRICTLY PROHIBITED IN ALL COMMON AREAS, INCLUDING, BUT NOT LIMITED TO, CORRIDORS, LOBBY AREAS, MAILROOM, MANAGERS' OFFICE, WALKWAYS, COURTYARDS, POOL AREAS, AND ANY OTHER COMMON AREA.**

Further, Smoking within a Unit or in an Exclusive Use Common Area, including, but not limited to, porches, patios, balconies, and parking areas may constitute a "nuisance" which may be shown by a written complaint and evidence by any Occupant that such smoking is emanating from a particular Unit or other area within the Project, together with documentation of a problem or health condition exacerbated as a result of the activity.

### Skateboarding, Rollerblading, Bicycling

For liability reasons, the use of skateboards, scooters, roller skates, roller blades, bicycles or other wheeled toys is not permitted at any time anywhere on the property.

Bicycles should be stored within the unit, within the storage unit, or secured to a bike rack within the parking space. (Please note: not all parking spaces qualify to have a bike rack installed. You must complete an application for review by the Board of Directors and receive written approval prior to installing a bike rack.)

### Solicitation

Door-to-door solicitation, electioneering and other similar activities are strictly prohibited. Violators should be reported immediately to building management. Neither owners nor occupants may distribute or cause to be distributed any advertising material, pamphlet, business card, free newspaper or other printed material of any kind, on or in any portion of the building.

### Storage Limitations

There shall be no storage of any item in or upon any unit or balcony/patio, which is visible from other units or outside the building. There shall be no storage of any item in any parking space, or any portion of the common area.

### Roof

No unauthorized persons may enter the mechanical equipment areas of the roof without authorization from building management.

### Disputes

Because nuisance noise is largely subjective, the Association cannot involve itself in every dispute which may arise between two owners. As a matter of practicality and as a benefit to its membership as a whole, the Board has adopted the following standard for determining when the Association will become involved in such disputes:

1. Multiple Units – If the noise is such that it disturbs more than one unit, the Association will take appropriate action to abate the nuisance if the affected residents request in writing that action be taken by the Board.
2. Single Unit – If the noise is such that it only disturbs a single unit, then the disturbance is not sufficient to cause intervention by the Association and the two parties will be encouraged to resolve their dispute by Alternative Dispute Resolution.