

*Macassar Gardens Condominium Association
Reference Guide to Operating Rules
As of January 2019*

This document is a reference guide to the current Operating Rules of the Macassar Gardens Condominium Association. This guide is not a replacement for the original set of condominium Bylaws that each unit owner received upon purchasing property here. Furthermore, this guide is not meant to be all-inclusive regarding the responsibilities of each unit owner and the Association. The Board reserves the right to exercise discretion in making decisions concerning the guidelines in the following pages.

Responsibilities of the Association:

1. Providing liability, structural, and property insurance for the exterior of the buildings and the common property.
2. Performing MAJOR repairs, for example: gutters, soffit and fascia, roofs, replacement of brick, pointing of the buildings, gutter cleaning, replacement of the common sidewalk along the street, paving and upkeep of common driveways.
3. Providing lawn maintenance and the trimming of large trees.
4. Providing snow removal and salt for the main access driveways.
5. Collection of condo fees, including additional assessments, as necessary, and disbursement of the funds to secure services providing for the common care and upkeep.
6. Uphold and enforce the Bylaws of the Condominium Association.

Powers of the Association

These powers are directly granted to the Association by State law at 68 Pa C.S.A. §3302.

General Rule - Subject to the provisions of the declaration, the association, even if unincorporated, may:

1. Adopt and amend bylaws and rules and regulations.
2. Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from unit owners.
3. Hire and terminate managing agents and other employees, agents and independent contractors.

4. Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium.
5. Make contracts and incur liabilities.
6. Regulate the use, maintenance, repair, replacement and modification of common elements.
7. Cause additional improvements to be made as a part of the common elements.
8. Acquire, hold, encumber and convey in its own name any right, title or interest to real or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to the provisions of section 3318 (relating to conveyance or encumbrance of common elements).
9. Grant easements, leases, licenses and concessions through or over the common elements, but any such easement, lease, license or concession:
 - a. that is not for the benefit of all or substantially all of the unit owners shall not be granted without the same unit owner approval that is required for an amendment to the declaration; or
 - b. that materially impairs any right or benefit that one or more unit owners may have with respect to the common elements shall not be granted without the prior written approval of those unit owners.
10. Impose and receive any payments, fees or charges for the use, rental or operation of the common elements other than limited common elements described in section 1202(2) and (4) (relating to unit boundaries)
11. Impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws and rules and regulations of the association.
12. Impose reasonable charges for the preparation and recording of amendments to the declaration, resale certificates required by section 3407 (relating to resale of units) or statements of unpaid assessments.
13. Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.
14. Exercise any other powers conferred by the declaration or bylaws.
15. Exercise all other powers that may be exercised in this Commonwealth by legal entities of the same type as the association.
16. Exercise any other powers necessary and proper for the governance and operation of the association.

17. Assign its right to future income, including the right to receive the payments made on account of common expense assessments, but only to the extent the declaration expressly so provides.
18. Assign or delegate any powers of the association listed in this section to a master association subject to the provisions of section 3222 (relating to master associations) and accept any assignment or delegation of powers from one or more condominiums or other incorporated or unincorporated associations.

Responsibilities of the Homeowner:

1. Providing personal property and contents insurance, designated as H06 under Pennsylvania Insurance codes. Mine subsidence insurance is also available. Please call the Commonwealth of Pennsylvania, Department of Environmental Resources at 724-941-7100 for information and applications. Utility protection is available by contacting 1-800-742-5427.
2. Maintenance, upkeep and improvements of the interior of the unit owned.
3. Obtaining proper Board approval for ALL exterior modifications and improvements. such as: replacement of windows and doors, painting, air conditioners, construction of a new deck or modification to an existing deck, landscaping in the front or back yard including new gardens and planting of trees and shrubs, and etc.
4. Obtaining proper Board approval for any additions to the property and providing maintenance, upkeep and improvement of ALL exterior additions, such as: decks, sheds, flower and vegetable gardens.
5. Maintenance and upkeep of windows, entrance ways, exterior doors, storm doors, garage doors, railings, trim, overhangs, sidewalks leading to owner's units even if shared with another unit, individual driveways, and shutters.
6. Minor repairs such as cleaning and snaking of storm lines and sanitary lines.
7. Replacement and repair of all water and gas lines, electrical wiring and fixtures. Unit owner must replace or repair grass upon completing work.
8. Repair of any interior damage caused by an exterior problem such as a roof leak, storm line backup, clogged gutters and down spouts. etc.
9. To inform the Board of Directors immediately in the event of an emergency, such as a sewage backup, water damage from the roof or gutters, storm damage to the property or building, and etc.
10. To pay condominium fees on time every month and any fines or assessments levied by the Board of Directors.
 - a. If an owner wishes to rent out his unit, Association approval must be obtained. If permission is granted:

- b. The owner is responsible for vetting the tenant, including but not limited to credit and income verification and criminal background checks.
- c. The owner is responsible for the maintenance of the unit, interior as well as exterior.
- d. The owner is responsible for any and all damages caused by his tenant. This includes but is not limited to common grounds, limited common areas, personal property of other residences.
- e. The owner is responsible for all payments. These include but are not limited to monthly fees, fines and interest.
- f. The owner is responsible for maintaining proper insurance on the unit.
- g. The owner is responsible for providing contact information on his tenant.
- h. The owner is responsible for obtaining all Baldwin Borough permits as required.
- i. The Association has no responsibility to interact with

11. To abide by Condominium rules and Bylaws.

12. Must obtain Borough Permits as necessary.

Condo Fees

The monthly condominium fee is currently \$175 per month which shall be due at the beginning of each month payable to Macassar Gardens Condominium Association (MGCA). Payments are considered late if received after the last day of the current month due.

Condo Insurance is required. A \$50 discount will be allocated once proof of condo insurance is submitted to the Association.

All outstanding balances due shall be subject to a 1.25% monthly/compounded interest charge. Condominium fees will be raised each March by 2% beginning March 1, 2000, in accordance with the vote at the annual meeting March 1999.

If collection is pursued, legal fees, including but not limited to Magistrate, Sheriff, attorney, collection agency and Association's officer time, will be assessed to the delinquent owner.

A fee shall be assessed for any returned check. The fee will be the current fee assessed by the Association's bank.

Addressing the Board of Directors

In an emergency, contact one officer. Numerous calls are not needed.

Requests MUST be submitted in writing. Please allow time for consideration and responses. Letters are introduced at the monthly Board meeting which are held on the first Monday of every month, unless otherwise noted in the minutes.

Complaints may be registered in writing or at the monthly Board meeting.

Renters must abide by condominium regulations. If required, fines will be levied against the unit owner. The unit owner is responsible for their tenant's behavior.

- Please do not confront or harass the Board members at their front door, in the yard, or on the phone.
- If you experience a public safety or public disturbance problem please contact the police.

Pets

Pet owners are responsible for their animals at all times. This includes but is not limited to:

- Prompt SANITARY disposal of pet waste. The railroad, condominium or public properties are not proper disposal areas. Baldwin Borough requires waste to be picked up, bagged and disposed of in the garbage.
- Containing the animal within the pet owner's unit boundaries. Tied/leashed in the REAR yard only. There are to be no pets tied in the front yard.
- Ensuring the safety of all persons coming into contact with the animal.
- Complying with all Borough and County ordinances such as license and vaccinations.
- Repairing any and all damage done by pets.

Pet Violation Fines

First offense:	\$10.00
Second:	\$15.00
Third:	\$25.00
Fourth and Beyond:	BOARD DISCRETION

Disposal of Trash

Garbage cans and recycling containers kept outside must be covered. Garbage bags and uncovered recycling containers must be kept inside.

Trash collection day is currently scheduled for Tuesday mornings. Baldwin Borough requires that trash is to be placed at the curb no earlier than 6:00 PM on Monday night and cans be collected off the curb by 6:00 PM Tuesday night.

If a holiday falls on a Monday or Tuesday, pick up is delayed by one day.

Recycling of cans, plastics, and newspaper is to be placed at the curb for collection every other week. Please contact the borough for the schedule and items that may be recycled. Electronics, batteries, tires, microwaves, refrigerators and air conditioners cannot be recycled

through the borough. Best Buy stores will recycle electronics and batteries for free as of this writing. For disposal of other items, please check local recycling centers.

- Occupational materials, building materials, tires, toys, and etc. must be stored inside the unit.
- The property is not an ash tray. Please dispose of cigarette butts in a container and dispose of them properly.

A fine of \$25.00 per offense is issued for improper storage and/or disposal of garbage, trash, toys and building materials.

Parking and Vehicles

The speed limit on condominium driveways is 10 mph.

Each unit has two parking spaces; the unit garage and the unit driveway. With prior written permission and approval from the Board of Directors, one additional parking space may be made by the unit owner on the far side of the main driveway directly across from the unit owned. This additional space is to be at a maximum of 9 feet wide and filled with enough gravel to support the edge of the driveway and is to be maintained by the unit owner.

You, and your guests, may not:

- park or drive on the common grass areas.
- park or drive on the front sidewalk.
- park or block the access driveway or neighbor's driveway.

Each offense is subject to a \$25.00 fine to the unit owner.

The rear and side access driveways must remain open at all times for emergency vehicles. Blocking the access driveway is subject to a \$50.00 fine.

Guests are to be advised to park on the front street.

Updated on July 13, 1999, vehicles, including recreation vehicles, over 6,000 lbs. may not be parked on condominium property. An exception may be made for one vehicle of commercial nature necessary to the livelihood of the unit owner. This can only be done with Board permission. Violations are subject to a \$100.00 fine per day plus towing expenses.

Vehicles which are out of inspection and/or inoperable will cause the unit owner to be fined and the vehicle may be towed by the Association at the expense of the unit owner. Violations are subject to a \$25.00 fine per week plus towing expenses.

Care of Building

Any and all exterior modifications, alterations or additions require PRIOR WRITTEN BOARD APPROVAL. This includes, but is not limited to: all doors, windows, decks, shutters, outside painting, air conditioners, lights on the building or on the grounds, garage doors, etc. The

request must provide specific details of the change or alteration requested, such as, color, size, materials, locations, etc. The Borough may also require a building permit, of which the Board of Directors will require a copy before final permission is granted.

Examples of items requiring a Baldwin Borough permit are: construction of decks, sheds, patios, fences, and installation of central air conditioners.

Proceeding with a project without prior written Board approval is subject to a \$50.00 fine per week until work is stopped and is subject to Board discretion.

New exterior fixtures must be white. This includes, but is not limited to: windows, exterior doors, screen doors, shutters, trim, and garage doors.

Decks are to be maintained at the expense of the unit owner.

The maintenance of windows, entrance porches, individual driveways, shutters, exterior doors, storm doors, garage doors, railing, trim, sidewalks leading to individual units (even when shared with another unit) are at the unit owner's expense and subject to the direction of the Association.

- Insect infestations requiring an exterminator are at the unit owner's expense and may be ordered by the Association.

Grounds, Grass and Snow

The Association contracts for lawn maintenance and snow removal from the access roads and driveways. Each unit resident is responsible for removal of snow from the unit and front sidewalks and the unit driveway.

A regular grass cutting day will be determined at the beginning of each season and unit owners will be informed by way of the minutes. Lawn chairs, dog stakes, toys, etc. must be removed by the unit owner from the yard for grass cutting. Failure to remove items from the yard for the lawn mowers is subject to a \$25.00 fine per violation.

- Please do not confront the workmen. They are contracted by the Association. If you have a problem with work that is being done, please contact a Board member.

Installation of sand boxes, sheds, and etc. MUST HAVE WRITTEN BOARD APPROVAL.

Landscaping, new gardens, planting or removal of trees and shrub, and etc. MUST HAVE WRITTEN BOARD APPROVAL.

- Failure to obtain prior approval is subject to a \$50.00 fine per week until proper approval is gained. The Association may require removal and/or restoration of the area.
- Permission for alterations given by the Association does not imply that the proposal meets Baldwin Borough regulations.

- Alterations and installations are maintained by the unit owner at the expense of the unit owner and under the direction of the Association.
- Areas may be required to be restored to original condition when the unit is sold.
- Signs, other than Real Estate, may not be visible from the street. This carries a \$25.00 per week fine.
- Clotheslines are not permitted. This carries a \$25.00 fine.
- Basketball hoops shall be permitted, subject to Board approval, only along the building side of the driveway.
- No new trees are to be planted on the property.

Unit owners are to rake and dispose of fall leaves. Baldwin Borough has leaf pickup day in the fall and requires the use of recyclable paper bags. Contracts with lawn care companies may include leaf clean ups.

Annual Inspections

Each spring, the Association conducts an inspection of the properties. Each unit is observed and the Board notes what maintenance repairs are needed, by the homeowner and the Association. An inspection report is sent to each homeowner with a time frame in which to have work on the unit completed. A follow up inspection is done and fines may be assessed to homeowners who have not completed necessary work to their unit.

The following represents what the Board of Directors considers during inspections:

Front appearance of unit:

- Windows, doors and framing, porch, and lights in good repair, painted, and caulked
- Flower beds weeded
- Shutters attached properly
- Steps and sidewalks broken or cracked main sidewalks
- Mailboxes and house numbers attached
- Litter, debris, toys, and pet waste in yard
- Brick pointing, roofs, gutters, soffit & fascia
- Condition of the yard (tire tracks, paint spilled, holes)
- Trees
- Un-approved additions to the property

Back (and side) appearance of unit:

- Windows, doors and framing, garage door, and lights in good repair
- Decks and patios cleaned, sealed natural/stained wood tones, repaired, and safe
- Driveways patched/repaired, proper maintenance of gravel parking space
- Air conditioners
- Salt boxes (painted, repaired)
- Proper maintenance of additions to the property (sheds, gardens, etc.)
- Litter, debris, storage of building material, toys, and etc. in the yard/under decks
- Pet waste in yard, damage to yard by pets
- Un-approved additions to the property
- Garbage stored in covered cans
- Proper parking of vehicles, no un-inspected vehicles on property.
- Condition of the yard (tire tracks, holes, paint)

These are the items upon which the inspections are based. This is not all inclusive of what may be found at each individual unit.

If a unit owner refuses to make repairs to the unit or the property, according to the Bylaws, the Board of Directors reserves the right to have work completed by a contractor and billed to the unit owner.

Annual Meetings

The annual meeting for the Association is scheduled on the first Sunday of March or at another date specified by the Board, location to be determined. All unit owners are strongly encouraged to attend.

These meetings involve:

- Election of officers
- Budget review and plans for the next year
- Vote on any plans presented by the Board of Directors for property improvements
- Update the Bylaws as needed
- Consider/vote on changes or improvements for the next year
- Unit owners voice any concerns or comments