

# MILL CREEK CONDOMINIUM ASSOCIATION

## RESOLUTION REGARDING AWNINGS, SUNSCREENS, AND PATIO/DECK UMBRELLAS

**WHEREAS** the Board of Directors of Mill Creek Condominium Association (the Association) is empowered by Oregon Revised Statutes Sections 100.405(4)(a) and 100.405(4)(g) and the Association's governing documents, including Section 14.3 of the Declaration of Covenants, Conditions, and Restrictions of Mill Creek Condominium Association and Sections 7.2(d), 7.5(f), 7.5(o), and 7.6 of the Bylaws of Mill Creek Condominium Association, to manage the affairs of Mill Creek Condominium Association, to establish rules and guidelines to preserve the attractive appearance of the condominiums, and to "regulate the nature of items that may be placed in or on windows, decks, courtyards, driveways, and the outside walls so as to be visible from other units, the common elements, or outside the condominium"; and

**WHEREAS** it is the intent of the Board of Directors to regulate awnings, sunscreens, and patio/deck umbrellas, which may affect the value and condition of the common elements and the aesthetic appeal of the Mill Creek neighborhood,

**IT IS HEREBY RESOLVED** that the Board of Directors of Mill Creek Condominium Association adopts the following rules and guidelines:

Only retractable awnings and retractable sunscreens as defined and limited below are permitted to be installed in Mill Creek. Subject to the rules below, nonpermanent patio/deck umbrellas are permitted.

Before the owner of a unit may install a retractable awning, retractable sunscreen, or deck umbrella, the owner must submit an application to the Architectural Review Committee (form to be obtained through the Association management company) and receive written approval from the Architectural Review Committee.

## I. DEFINITIONS

### A. RETRACTABLE AWNING.

A solid color canvas or mesh canopy that is retractable and operates on either a gear/hand crank or electric motor and is permanently attached to the unit.

### B. RETRACTABLE SUNSCREEN.

A hooded, top-mounted, vertical drop sunscreen or solar awning with or without side rails installed above the patio door window that retracts and operates on either a gear/hand crank or electric motor.

## II. SPECIFICATIONS

Retractable awnings and retractable sunscreens will only be permitted to cover the patio/deck areas. Retractable awnings and retractable sunscreens may either be electrically or manually operated. Any awnings or sunscreens for windows are prohibited.

The size of the retractable awning or retractable sunscreen may not be larger than the patio/deck. The maximum height of the retractable awning or retractable sunscreen structure shall not exceed 10' above the elevation of the patio or deck. The retractable awning or retractable sunscreen material cannot drape around the perimeter more than 12" below the protective hood or trim valance.

The retractable awning or retractable sunscreen material may be canvas, mesh, or comparable material. Whether the material is comparable is the decision of the Mill Creek Architectural Review Committee. Vinyl material is not permitted. The color of the retractable awning, retractable sunscreen, and/or patio/deck umbrella material must complement the siding or trim color of the house as determined by the Architectural Review Committee and only solid colors are permitted. Patterns or stripes are prohibited.

### III. RESPONSIBILITIES

The owner of any unit with a retractable awning, retractable sunscreen, or patio/deck umbrella is responsible for maintaining same, for complying with the provisions of this Resolution, and for complying with any conditions imposed by the Architectural Review Committee pursuant to this Resolution.

All retractable awnings and retractable sunscreens must be retracted each evening or when not in use.

If a patio/deck umbrella, retractable awning, retractable sunscreen, and/or pertinent fixtures are not in good working order or are allowed to degrade or to become unsightly, broken, faded, torn, or tattered and are not replaced within thirty (30) days after a written request by the Association, the Association will request the unit owner to remove the patio/deck umbrella, retractable awning, retractable sunscreen, and/or pertinent fixtures within fourteen (14) days.

Under any circumstances related to the use or removal of a patio/deck umbrella, retractable awning, retractable sunscreen, and/or pertinent fixtures, the unit owner will be responsible for any damage to the structure, to the exterior of the unit, or to the adjoining common elements and will be required to restore the structure, the exterior of the unit, and/or the adjoining common elements to their original condition. If the unit owner fails to remove the patio/deck umbrella, retractable awning, retractable sunscreen, and/or pertinent fixtures or to restore the structure, exterior of the unit, and/or the adjoining common elements to their original condition within the time designated in the request letter from the Association, the unit owner shall be subject to fines, fees, and other penalties as permitted under the Rules Enforcement Resolution. The Association, at its option, may elect to remove the violation and assess the cost of removing the violation against the unit owner as if it were an assessment under the Association's governing documents.

This Resolution was adopted by the Board of Directors of Mill Creek Condominium Association on the 1<sup>st</sup> day of November 2004, and is effective on the 17th day of November 2004.

*Terry Dean*  
President

Terry Dean  
Printed Name

*Dean Fortin*  
Secretary

Dean Fortin  
Printed Name