

# **TOMAHAWK CREEK CONDOMINIUMS**

## **Rules & Regulations**

**Includes Architectural Guidelines**

## **TABLE OF CONTENTS**

- I. General Information
- II. Bylaw, Declaration and Rule Violations
- III. Use of General and Limited Common Elements
- IV. Suspension of Common Element Privileges
- V. Business Center
- VI. Fitness Room
- VII. Pool and Sun Deck
- VIII. Tennis and Basketball Courts
- IX. Smoking
- X. Security
- XI. Trash
- XII. Architectural Guidelines and Alterations
- XIII. Leasing of Units
- XIV. Showing of Units
- XV. Business or Commercial Activity
- XVI. Parking/Vehicles
- XVII. Contractor/Renovation Guidelines
- XVIII. Noise and Conduct
- XIX. Pets
- XX. Bicycles
- XXI. Barbeque Cooker and Grills
- XXII. Antennas
- XXIII. Miscellaneous

## **Tomahawk Creek Condominiums Rules and Regulations**

### **I. GENERAL INFORMATION**

- A. Classification of persons authorized to use the common areas and facilities.
- RESIDENT - Owner or lessee and family members. The owner-of-record of any Unit not leased to third persons shall be deemed to be the owner-resident of such Unit.
- B. Non-resident guests may only use common area facilities while in the company of a resident.  
Access Privileges:
- Residents and their resident guests shall be entitled to access and use their respective Unit and the Association's Common Elements as provided in the governing documents, except to the extent that such access has been barred by any court of record, or to the extent that any privilege has been suspended by the Association for cause and/or is otherwise restricted by specific policies, procedures, rules and regulations promulgated by the Association in the furtherance of its obligation to regulate the Property in the best interest of all owners.
  - Non-resident owners shall be entitled to access guest parking and other parts of the Property only for the purpose of entering a Unit they have leased to a third person the lessee(s) (as provided in their underlying lease agreement); to access guest parking, their un-leased parking space; as the guest of another resident; or, for the purpose of conducting Association business. Except as provided, herein, General Common Elements may not be used by non-residents.
  - Non-residents, other than non-resident owners, may only enter the Property: (a) in the company of a Unit resident, (b) pursuant to specific instructions from the Association or a Unit resident.
- C. Purpose of Rules.
- These rules are designed to protect the common interests of each homeowner and collectively assure the rights of all homeowners.
- D. **Office Hours & Package Pick-up will be Monday through Friday, 9:00 a.m. – 6:00 p.m.**
- **Package Pick-up Saturday from 9:00 a.m. – 12:00 Noon. (Edited July 23, 2015)**

### **II. BYLAW, DECLARATION, AND RULE VIOLATIONS**

- A. The Association's Board of Directors may suspend any Unit's privilege of using some or all of the General Common elements facilities (other than those required for free access to and from such Unit), and or impose assessment penalties against any Unit, whose occupants or guests

violate any Bylaw, Declaration or Rule provision.

- B. Except as specifically provided in these Rules and Regulations, no assessment may be levied against a Unit unless a prior written (or verbal) notice, that a specified activity is in violation of the governing documents, has been given to the occupants of such Unit. A copy of the notice will be emailed or mailed to the Owner of the involved Unit - when said Unit is occupied by someone other than the owner. Such notice shall direct the alleged violator and/or responsible Unit Owner to appear before the Board and show cause why the General Common Element usage privileges of that Unit should not be suspended, in whole or in part, and/or why a monetary penalty should not be assessed. Notice of all alleged additional or like violations shall be given in the same manner. Determination with respect to whether or not a particular activity or occurrence constituted a violation of the governing documents shall be made by the Board of Directors of the Association and shall be final. An individual may request, in writing, an alternate hearing date. Such request may be made no more than twice. Failure to appear, pursuant to notice, shall be deemed an admission of the alleged violation and the Board may impose privilege suspensions and/or monetary penalties as shall appear appropriate.
- C. The assessment for "additional or like violations" for which no specific penalty is provided, shall be \$50.00 for the first such additional or like violation, \$75.00 for the second such violation and \$100.00 for any subsequent violations. All penalty assessments, including specifically provided assessments, shall be payable with the monthly Association dues and, if un-paid when due, shall incur late fees and a lien against the unit will be filed until the assessment is paid in full.
- D. The specific penalty fine is \$100.00 for violation of the Rules & Regulations under section **XIX PETS. D. Excrement shall be immediately picked up from any common area or patio.** This fine will be assessed to H.O.A. dues. Violators will receive proper written or verbal notice and any challenges must occur within 10 days. Owners are responsible for the actions of tenants leasing their unit.
- E. Violation of these rules should be reported to the property manager.
- F. Appeals for any type of rule violation or architectural standard violation may be made to the Covenants Committee for review. Appeals must be made in writing within 10 days of receiving the notice.

### **III. USE OF GENERAL AND LIMITED COMMON ELEMENTS**

- A. Each owner may use the General and Limited Common Elements in accordance with the purpose for which they are intended, so long as such use does not hinder or encroach upon the lawful rights of the other owners. But, such Elements may not be subjected to excessive use by an owner or his agents, contractors, employees, invitees, guests or tenants. The common driveways, entrances, sidewalks and stairways, shall not be obstructed. Loitering in these areas is not permitted.
- B. Bicycling, roller blading, skating, skate boarding or the use of other equipment causing high-unit pressure to the surface is not permitted on the tennis, basketball and sport**

**courts. Extreme caution should be used in riding bicycles, skate boards, etc. in the streets; and because it is never safe for young children to ride in the street it is prohibited.**

- C. Residents will exercise reasonable care to avoid causing disturbing noises.
- D. Any damage to the General Common Element areas or other common Association property caused by a Unit owner, resident, family member, guest or invitee shall be repaired at the expense of that Unit owner.
- E. The rights and privileges of other residents must be respected in any use of the recreational and social facilities of the common areas. Use of such facilities by residents and their guests is at their own risk.
- F. Appropriate dress and footwear must be worn in the Clubhouse at all times. Swimsuits are required in the swimming pool areas and are not deemed appropriate dress for the Clubhouse.
- G. No littering of papers, cigarette butts or trash is allowed. No trash or other materials may be accumulated which will cause a hazard or be in violation of any health, fire or safety ordinance or regulation.
- H. Owners and their lessees shall not store any combustible liquid (any liquid having a flash point at or above 100 deg. F) inside their units except that storage shall be allowed in attached garages. Any damage resulting from storage of combustible liquids inside a unit or garage shall be at owner's risk and owner shall be responsible for any and all loss or damage to any unit affected.
- I. Balcony or patios shall be kept neat and clean at all times. No rugs, towels, laundry clothing, coolers or other items shall be stored, hung or draped on railing or other portions of the balcony or patio. Unsightly items must be kept out of vision. No motorcycles are allowed to be parked on balconies or patios. Small storage chests of no more than 23 inches high may be placed on a balcony or patio.
- J. Moving boxes may not be left at entrances, hallways, patios, breezeways or common areas at any time. **BOXES MUST BE BROKEN DOWN BEFORE DISCARDED INTO THE TRASH COMPACTOR.**
- K. The Association assumes no liability, nor shall it be responsible, for any loss or damage to any articles stored in General Common Elements areas.

#### **IV. SUSPENSION OF COMMON ELEMENT PRIVILEGES**

- A. Except as otherwise provided herein, the privileges of using the General Common Elements may be suspended, in whole or in part, for cause, by specific action of the Board of Directors.
- B. The privileges of using all of the General Common Element areas shall be automatically suspended for all residents or guests of any Unit that owes the Association assessments, which have been outstanding for sixty days. Suspension shall commence as of 8:00 a.m. of the fifth day

following the mailing of a letter, by first class mail, postage prepaid, to the Owner of any such Unit, and the tenant, if any, advising that such privileges have been suspended for assessment delinquency.

- C. The Association will maintain a current listing of all Units whose privileges are under suspension.

**V. BUSINESS CENTER**

- A. As a courtesy, the business center is available for all residents to use twenty four hours a day. All equipment is the property of the Association. Misuse or destruction will result in fines.
- B. No pets allowed in the business center or the clubhouse
- C. Faxes can be sent during clubhouse hours for a small fee.
- D. Photocopies can be made during clubhouse hours for a small fee.
- E. Persons under 18 years of age must be accompanied by an adult over the age of 18 at all times.

**VI. FITNESS ROOM**

- A. The fitness room will be open 24 hours a day. Residents and their guests will assume liability for proper usage and knowledge of the equipment. All equipment is the property of the Association. Misuse or destruction will result in fines. No pets allowed in fitness room.
- B. Residents may bring a maximum of one non-resident guest to use these facilities, and the host resident must remain in the fitness room while their guests are using such facilities.
- C. For health and safety reason, all persons less than 18 years of age must be accompanied by an adult, at all times, when using these facilities. At no time will persons less than 18 years of age be allowed in the fitness room alone.
- D. Equipment must be put back into proper order after use.
- E. Food and drink are not permitted in the fitness room, except for water bottles.
- F. Damaged equipment should be reported to management immediately.

- G. Posted instructions should be read and followed carefully.
- H. Any group-type activity, which utilizes these facilities, must receive approval of the Board of Directors and must be limited to residents.
- I. Appropriate clothing is to be worn at all times.

## **VII. POOL AND SUNDECK**

### **NO LIFEGUARD ON DUTY**

### **SWIM AT YOUR OWN RISK**

**Pool Hours: 10:00 a.m. to 10:00 p.m.**

**Pool Cleaning Schedule: Pool Closes on Mondays at 12:00 Noon for Cleaning & Maintenance.**

**Pool Will Re-open on Tuesday morning. (Edited July 23, 2015).**

- A. Adult only lap swim: 8:00 a.m. to 9:30 a.m. Tuesday, Thursday, and Friday.
- B. Persons under 18 years of age must be accompanied by an adult over the age of 18 at all times.
- C. Residents and their guests are advised that they use the facilities at their own risk. Everyone must abide by all rules posted in or around the pool area and should observe all warning signs. The Association assumes no responsibility for any injury or loss of life to any person while using any of the facilities.
- D. Pool toys and/or games and lap swimming are allowed except when they limit the use of the pool by others. Please be considerate of other swimmers.
- E. Persons wearing wet or damp swimsuits are only allowed in the pool area, sun deck, and restrooms, but not in other common areas such as the exercise room and Clubhouse.
- F. The doors to the Clubhouse are not to be opened to access the pool area, except in conjunction with Association functions.
- G. Appropriate swimwear must be worn. No jeans, cutoffs, etc. are allowed. Persons in diapers are not permitted in the pool. Do not enter the pool with infectious diseases, bandages, open sores, or other health hazards.
- H. Drinking and eating must be on the pool deck only. Homeowners will be asked to leave for

inappropriate behavior, such as being intoxicated, or under the influence of substances preventing safe conditions. Homeowner's present should call the police if feel someone is under the influence. Smoking is not permitted. None of the following is allowed in the pool area: It will be the responsibility of that person who brings glass into the pool area which results in breakage will pay to have the pool drained and re-filled.

- Smoking
  - Glass or any breakable item
  - Dogs, cats or other pets
  - Curlers or bobby pins
  - Drugs, pills, marijuana or any illegal substance
  - Bicycles, skateboards, etc.
- I. Excessive noise, loud music, running, diving, horseplay, rough housing, splashing, profanity or foul language or any other behavior that is considered dangerous or offensive is strictly forbidden in the pool area.
- J. Private swimming parties are not allowed and exclusive use of the pool and pool area for such purposes is not permitted. Pool furniture may not be reserved unless you remain in the pool area. Do not remove the pool furniture from the pool area.
- K. Pool privileges may not be granted to any resident whose monthly dues are delinquent.
- L. No more than two guests per unit are permitted at any time in the pool area and the resident must remain with guests while they are using the facilities.
- M. All state and city regulations are to be followed.
- N. The Property Manager or designee will have full authority from the Board of Directors to enforce these rules and to expel anyone at his or her discretion.

#### **VIII. TENNIS AND BASKETBALL COURTS**

- A. The Tennis and Basketball Courts are open from 10:00 a.m. to 10:00 p.m.
- B. Tennis and Basketball Courts are on a first come first serve basis; if homeowners see others waiting for court time they should relinquish the court after 45 minutes of play.
- C. Should people be on the court for purposes other than playing tennis, they must surrender the courts to those wishing to play tennis.
- D. At least one resident must be in attendance at the court during play by non-resident guest, including non-resident family members.



- E. Use of the tennis court for group programs, instruction, and tournaments is subject to the approval by the Board of Directors and will be posted in advance.
- F. Please take care of our court and equipment. Hang roll-dry on the fence after use. Report any damage to the Property Manager. Tennis shoes must be worn. Proper tennis attire is recommended.
- G. Bicycling, roller blading, skating, skate boarding or the use of other equipment causing high-unit pressure to the surface is not permitted on the tennis, basketball or sport courts.

## **VIX. SMOKING**

- A. Smoking is permitted only in individual units, and on balconies and patios. Smoking is not permitted at the pool, near or in the clubhouse, or in the common element areas around the clubhouse (i.e. the mailroom).
- B. Smoking is prohibited by State Law; Kanas Clean Air Indoor Act, HB2221; No Smoking Within 10 feet is posted at the Clubhouse entrance.

## **X. SECURITY**

- A. Each Unit has the option to provide the Association with the key or access code necessary to gain entry in the event of emergency.
- B. The Association and its authorized representatives shall have the right to enter into or upon the Limited Common Elements and each Airspace Unit as necessary or appropriate for the performance of the duties and functions which they are obligated or permitted to perform.

## **XI TRASH**

- A. Tomahawk Creek trash pickup service is on **MONDAY & THURSDAY EACH WEEK. (Edited July 23, 2015).**
- B. The trash will need to be set out at the end of the curb between 6:00am and 8:00 a.m.
  - **YOU CANNOT SET TRASH OUT THE NIGHT BEFORE OR BEFORE 6:00 AM OR AFTER 8:00AM ON THE DESIGNATED DAYS. WE HAVE REGULAR VISITS FROM A VARIETY OF WILDLIFE, INCLUDING BOBCATS AND COYOTES. PUTTING TRASH OUT EARLY ATTRACTS THESE ANIMALS.**
- C. If you have a garage, please set your trash at the end on the driveway by the curb.
- D. **All trash must be in a plastic trash bag and tied closed. Do not place in paper bags, shopping bags, or in boxes.**

- E. **All boxes must be flattened.**
- F. Packing peanuts need to be in plastic trash bag, tied closed.
- G. **DO NOT PLACE TRASH ON THE SIDEWALK IN FRONT OF THE COMPACTOR.**

## **XII. ARCHITECTURAL GUIDELINES AND ALTERATIONS**

These guidelines and rules are for owners wishing to make changes to the exterior of their units.

- A. Any additions or changes, permanent or temporary, to the exterior appearance of one's property must be approved in writing by means of an Improvement Application **BEFORE** the modification is made. This includes replacement of windows, all exterior doors and garage doors; all additions, alterations, repairs and improvements; and changes to any exterior item. Even if an item to be changed, replaced or added is not specifically mentioned in these guidelines/rules, the Architectural Standards Committee or property manager must be consulted prior to initiating the change. An Improvement Application and Architecture Guidelines can be obtained from the property manager. See Attached Appendix: ASC Guidelines.
  - If an owner fails to fill out and turn in an Improvement Application any work that is done is deemed not approved. Once it is identified the Owner will be responsible to make whatever modifications, changes, repairs, replacement as required by the Board of Directors or the Architecture Committee. All costs will be paid for by the owner.
- B. The following are some commonly encountered situations that are **NOT** allowed, this list is not intended to be exhaustive nor is it limited to only the items listed.
  - Patios may not be extended. There were a couple of patios extensions that were grandfathered in by the Paul's Corp and they are excluded from this rule.
  - Patios and balconies may not have carpet that is attached (glued, nailed, etc.) to the concrete/wood below.
  - Kick plates are not allowed on exterior doors.
  - No items may be attached to or hung on the side of the building, including inside the patio/balcony area. No pictures, hanging plants, bike racks, etc. Nothing may be attached to the sides of the buildings.
  - No drilling whatsoever, into or through the siding of the building as this could compromise the warranty.
  - No combination keypads will be allowed at front or back doors.
- C. Permissible items include the following.
  - Architecturally compatible religious items will be allowed on doorways/doorposts.
  - Energy efficient windows, "Low E", are allowed (metal oxide tinted windows).
  - Double hung windows are allowed but the windows must fold out not slide to the side.
  - Garage door keypads are allowed. Keep them compatible with the surrounding architecture and

- white or beige in color.
- Potted plants are allowed to be placed in the mulch areas around your patio, balcony or front door, NOT in the grass.
  - Doorbells are allowed to be added next to your front door.
  - Door wreaths, flags and holiday decorations are allowed and are the only items that do not need an Improvement Application.
- D. Per the Declarations, all curtains, drapery materials, window shades, or other window treatments visible from the exterior of a Unit shall be white or off-white in color and shall not be of a reflective material. All windows of a Unit shall have interior window coverings or treatments which meet this requirement.
- E. No signs or stickers (other than those for emergency personnel, security companies, or for the selling of a Unit) shall be placed in or on the windows of a Unit.

### **Review Procedures for an Improvement Application**

- A. The Architectural Standards Committee and the Board of Directors will review the application.
- B. If the application is incomplete, or if the Architecture Committee requires additional information, the committee will promptly notify the applicant. The committee reserves the right to collect comments from neighbors when considering an application.
- Approval of an application will be made in writing. If an application is not approved, an explanation will be provided. The homeowner has 30 days from receipt of the disapproval letter to file an appeal with the Board of Directors.
  - Failure of the Board of Directors to act on a complete application within 90 days of receipt shall be deemed approved. The approval is only for the application not the completed work.
  - All projects must be initiated within one year of approval of the application. All projects must be completed within 30 days of initiating work.
  - Residents must notify the office manager within 24 hrs. of the work being completed. At which time a member or members of the Architecture Committee will verify that the work was completed and only the work that was approved was done.
  - If the Architecture Committee members verifying the work find that it was not done according to what was approved on the application, a notice will be sent to the owner to remove/repair the item in question.

### **Enforcement of Guidelines/Rules**

- A. All owners and residents and their guests must comply with all provisions in this document. Failure to do so will be grounds for an action to recover monetary damages or for injunctive relief, for suspension of voting rights and use of recreational facilities, for assessment of fines, the recording of liens, or other legal or equitable relief.
- B. The Architecture Committee, Board Members and the Property Manager will monitor compliance by periodically performing a walk-through of the community. The Architecture Committee and Board

Members will also review complaints from residents.

- C. When a violation is identified, the resident will be emailed/mailed a notice that they are in violation.
  - If the resident doesn't correct the violation, the Board will send a second notice by email/mail.
  - If the resident is a non-owner, a copy of the violation notice will be sent to the homeowner, at the address or email address the owner has provided, and the owner is responsible for the violation.
- D. The violation notice must be acknowledged within 10 calendar days.
- E. Acknowledgement may be in the form of correcting the violation, submitting a statement of intent to correct the violation, or a request for an appeal. The statement of intent to correct or a request for an appeal must be made in writing.
- F. In the event the owner does not acknowledge the violation within 10 days, the Board of Directors will impose fines or take corrective or legal action. The owner will be held liable for costs incurred to correct the violation as well as reasonable attorney fees.

### **XIII. LEASING OF UNITS**

- A. All leases shall be in writing and a copy of such lease must be on file with the Association prior to occupancy. A fine of \$50.00 may be assessed to the owner if a copy of the current lease is not submitted to the Association prior to their taking effect.
- B. An owner of a Unit may lease or rent (hereafter lease) each Unit for only private, residential purpose. No Unit may be leased for a term of less than 12 months. No less than the entire Unit may be leased at any one time. Every lease shall be in writing and shall provide that the terms and provisions of the lease and the conditions of occupancy there under by all tenants shall be subject in all respects to the governing documents of the Association; and that any failure by the tenants to comply with the terms of such documents shall be as default under the lease. All adult residents of a leased Unit must be named in the governing lease.
- C. Owners are responsible for providing a copy of the Rules & Regulations, Declarations, and Bylaws to their tenants. Owners leasing their Unit are responsible for the actions of their tenant(s), including but not limited to damages to the common areas, inappropriate behavior and any and all charges assessed against the Unit. This includes any assessments for rule violations.

### **XIV. SHOWING OF UNITS**

Owners may display For Sale signs inside the windows of the units for sale. Signs are limited to one sign per street exposure. Owners may show their Units to prospective purchasers at any hour as long as such activity does not cause a disturbance or annoyance to other residents. Any licensed real estate agent may show an Owner's Unit between the hours of 8:00am and 8:00pm. Showing shall be by appointment only. Any signs displayed for an open house may be displayed only on the day of the open house and only until 5:00pm. Any displayed signs remaining on Common Elements Facilities will be removed the following morning by the management company employee. A fee of \$50.00 will be charged to claim any such sign.

Owners should coordinate with the office any dates and times of any open house, so neighbors receive notice of showings. Owners must notify all guests and realtors the location of where to legally park, such as Visitor Parking. Owners are responsible for their guests and may be subject to fines if rules are broken.

#### **XV. BUSINESS OR COMMERCIAL ACTIVITY**

- A. Business or commercial activity is prohibited by Section 11 of the Tomahawk Creek Condominiums Declaration.
- B. Such prohibited activity shall include all for profit efforts conducted within or from any Common element and all for profit efforts conducted within or from any Unit on the property, which involve on-premises employees or other than occasional visits by actual or prospective clients or customers. Signs which are visible from the street and call attention to a business are prohibited.
- C. Residents shall not display any commercial signs or signs construed to be an advertisement other than the one sign allowed for the sale of an individual unit.

#### **XVI. PARKING/VEHICLES**

- A. All vehicles, including motorcycles, must be parked in designated parking spaces. Designated parking spaces are garages for units with garages, the driveway behind each garage space, numbered carport spaces and parking marked with a unit's number, e.g. I-A. Visitor parking is denoted as visitor parking. Vehicles parked in driving lanes, along painted curbs, along sidewalks, blocking other vehicles or any other place not designated for parking may be towed, immediately, without further notice, at the vehicle owner's expense. During management office hours, a vehicle illegally parked in an owner's/resident's garage space, driveway space, carport space, or numbered space, or in any of the Common Areas and Facilities, may be reported to the management office for resolution. If the party responsible for an illegally parked vehicle cannot be located, the vehicle may be towed, at the vehicle owner's expense. Owner's reserve the right to tow any vehicle in accordance with state statutes.
- B. Owners/Residents are responsible to ensure their guests do not park in any other owner's/resident's designated parking spot(s). If you are parked in any other owner's/resident's designated parking spot(s), the owner has the right to have the vehicle towed at the vehicle's owner's expense.
- C. Owners/Residents and guests may not store and/or park any vehicles over twenty (20) feet in length or having more than four (4) wheels, mobile homes, motor homes, campers, boats, and similar recreational vehicles, go-carts, off-road vehicle, mini-bike, trailers of any kind, vehicles primarily used for commercial purposes, and vehicles with commercial writings on their exteriors. Notwithstanding the above, commercial vehicles shall be allowed on the Common Areas and Facilities between the hours of 8:00am and 8:00pm for the purpose of serving a Unit or the Common Areas and Facilities; provided, no such vehicle shall be permitted to remain on the property overnight or for any purpose other than serving a Unit or Common Areas and Facilities.

- D. Vehicles, including motorcycles, may not be washed or repaired on the property. This includes changing of oil or any minor repairs. Owners must clean up any leaks of oil, transmission fluid, etc., to prevent damage to pavement. If Management has to clean up any such spills, the vehicle/motorcycle's owner will be charged accordingly.
- E. Car/vehicle covers are prohibited.
- F. No junk cars, unlicensed or inoperative vehicles are permitted on the property. No storage of vehicles on property is permitted.
- G. Vehicles may not make excessive noise. Determination of "excessive" is left entirely to the sole discretion of the Board of Directors of the Association.
- H. No vehicle may be parked in visitor parking and left unattended for more than 14 days. Visitor parking is intended for visitors.
- I. Excessive speed on our property is an ongoing problem. For the safety of our residents, children and pets, these laws must be complied with. When violators are identified, the Leawood Police Department will be notified of the date, time, and vehicle license number. PLEASE SLOW DOWN WHEN ENTERING OUR COMMUNITY.

## **XVII. CONTRACTOR/RENOVATION GUIDELINES**

- A. Normal working hours shall be from 8:00am to 8:00pm, Monday through Saturday.
- B. All excess materials, debris and trash must be hauled away by the contractor. No materials, debris, or trash may be deposited in the trash compactor by contractors.
- C. Appropriate clean up shall be the responsibility of the Owners and their contractors. Any dirt, sawdust, or other material tracked or spilled must be cleaned up immediately. Also, all involved garage or other Commons areas and limited Common areas must be cleaned up at the end of each day.
- D. Fire Alarm System: No smoke detector or water sprinkler may be removed, taken apart or painted without prior Association approval.
- E. An Owner contracting to have work done in their Unit assumes full responsibility for:
  - Compliance with the Tomahawk Creek Condominiums Architectural Standard guidelines which currently is a function of the Board of Directors.
  - Damage to the common areas and limited common areas or other Association costs arising from the activity.
  - Having workers check with the Association to clarify rules before work begins and having permits as necessary.
- F. Penalties: Violation of these rules may result in the assessment of penalties against the Unit

owners and contractors including, but not limited to, the suspension or termination of a contractor's further access to the property.

G. Any proof of insurance on the part of the contractor is the responsibility of the homeowner.

## **XVIII. NOISE AND CONDUCT**

A. All musical instruments, television sets, stereos, radios, etc., are to be played at a volume which will not disturb other persons. Residents shall not make or allow any disturbing noises in the unit after 10:00 p.m. and not before 6:00 a.m.

B. Residents shall be responsible and liable for the conduct of their guests.

C. Residents agree to abide by rules and regulations established for use of recreational, health and service and facilities on the property.

## **XIX. PETS**

The Animal Control laws of the City of Leawood will be enforced. In addition, the following rules at Tomahawk Creek Condominiums will also apply equally to cats or dogs.

A. No more than a total of two (2) common household pets may be kept in any unit. Pets shall not be bred or used for any commercial purpose.

B. All pets, as provided by city ordinances, must be currently licensed with the City of Leawood.

C. Pets must be confined to the pet owner's unit/patio and shall not be allowed to roam free and may not be tied unattended in any common area. All pets outside the confines of the unit must be kept on a leash.

D. Excrement shall be immediately picked up from any common area or patio. If excrement is not picked up, a fine may ensue. The fine for not picking up after your pet is \$100.00 and will be assessed to the HOA dues. Violators will receive proper written or verbal notice and any challenges must occur within 10 days.

E. Cat litter may not be disposed of in toilets. All excrement and litter must be placed in trash bags.

F. No pet shall be allowed to become a nuisance or create any unreasonable disturbance.

According to City of Leawood Animal Control Ordinance Nuisance means an animal:

- Is unsecured;
- Acts in a manner that would disturb a reasonable person other than the owner, harbinger or keeper of the animal by growling or biting at a person;

- Chases, molests, or acts in a manner toward a person other than the owner that reasonably disturbs a person;
- Attacks animals other than wild animals;
- Damages the property of a person other than the owner;
- Barks, bays, howls, or makes any other noise that reasonably tends to disturb a person that has signed a statement setting forth facts concerning the volume, time and length of barking;
- Creates odors that would offend a reasonable person;
- Defecates on public property;
- Defecates on private property without the permission of the owner of the property;
- Becomes or creates an insect breeding site;
- Obstructs or interferes with vehicular or pedestrian traffic;
- Threatens or endangers public health
- Impedes refuse collections;
- Acts in any other manner that interferes with the enjoyment of property by a person other than the owner of the animal.

G. All pets will be kept or maintained at all times in a safe and sanitary manner.

H. Pet health will not be endangered by the manner of keeping or confinement.

I. The keeping of pets shall not cause fouling of the air by offensive odors and create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the pets are kept or harbored.

J. Owners and tenants are responsible for visiting pets, and those pets are subject to the same restrictions as resident pets.

K. Pet owners shall indemnify the Tomahawk Creek Condominium Association and hold it harmless against loss or liability of any kind arising from their pet(s).

L. Notwithstanding any other provision herein, people with visual, hearing, and physical disabilities may keep certified guide dogs, signal dogs or service dogs, respectively, in their units. Further, nothing herein shall hinder full access to the units and common areas by persons with disabilities. All certified service dogs are allowed on the entirety of the property.

## **XX. BICYCLES**

A. Bicycles of residents may be stored on the patio or balcony and the resident may use the bike's own kickstand or a freestanding upright stand to store bicycles. No bike racks or storage units may be attached to the side of the building or the joists above the patio. No more than two (2) bicycles may be stored on a balcony or patio. Bicycles must not be left in Common Element areas such as sidewalks, breezeways, entrances or other common areas. Bicycles may be kept in General Common Element areas only when parked in authorized bike racks.



- B. Residents and guests may use the bicycle rack located on the West side of the tennis courts on a "first come, first served" basis. The community and Board assume no liability for any injury or theft of the bicycle(s).

## **XXI. BARBEQUE COOKER AND GRILLS**

- A. Leawood city ordinance prohibits the use of charcoal grills on patios and decks. Tomahawk Creek expands this to include all driveways, front steps and porches. Propane and electric grills are permitted. A charcoal grill sitting on a patio or deck (patio, deck, driveway or stoops and porches) is considered evidence of intent to break the law. Propane bottles may be stored on the unit's patio/balcony or garage.

## **XXII. ANTENNAS**

- A. Antennas or satellite dishes are not allowed to be permanently attached to the building. Antennas or satellite dishes may not be attached to the balcony railings. Antennas or satellite dishes may be placed on the balconies or patios without permanent attachment.
- B. Antennas or satellite dishes may not extend 50% or more beyond a patio or balcony area.
- C. Any damage resulting from clamping to the railings due to wind or weight of the dish, or damage to siding, will be the owner's responsibility to pay for all damages. In addition, any damages resulting from the dish falling onto property below will be responsibility of the owner.
- D. Cable may not be drilled through the new siding. Any owner who does so will be responsible for new materials, labor and cost of re-establishing the warranty.

## **XXIII. MISCELLANEOUS**

- A. The Association Master Insurance policy does not cover damage to the contents of any Unit. Unit Owners are required to carry their own Personal Property and Liability Coverage.
- B. Firemen, Policemen, Process Servers and other governmental officials shall be admitted to the Association's Common Element areas, as appropriate and necessary, upon the presentation of adequate identification. Association staff shall accompany such person, other than Firemen, from and to the Clubhouse and their point of concern of interest, including the front door of individual Units.
- C. The Association will assess applicable charges to all Units responsible for any false alarm costs.
- D. A balcony may not be washed down onto a patio below it. Violation of this prohibition may result in a penalty assessment of \$50.00 for the first occurrence \$75.00 for the second, and \$100.00 for any subsequent incident. In addition, the offending Unit may be assessed the full cost of all clean-up resulting from such violation.

- E. The Association recommends having a chimney sweep inspect fireplaces and flues once a year.
- F. The official Association bulletin board located directly outside of the mailroom should be consulted regularly for announcements and messages.
- G. Cooperation of all is requested in keeping common areas free of litter and equipment, etc.