

Westwood Common Condominium Association

**Book of Rules – Part I**

**Introduction**

This document is intended to be used as a “quick index” to the rules and regulations regarding Co-Owner conduct, as extracted from the following documents;

Master Deed  
First Amended Master Deed  
By-Laws  
Architectural Control Handbook  
Board of Directors Meeting Minutes, 1999 – present

In addition, where the writer was aware of a relevant ordinance or regulation of the Village of Beverly Hills, they have been referenced as well.

In most instances, the rules have been paraphrased for the sake of brevity. When the exact wording of the rule is required, **the original source should be always reviewed.**

In considering any changes to these rules, the following provisions of the Condominium documents should be kept in mind;

Master Deed – May be amended by a 66 2/3% vote of the Co-owners and then must be recorded with the Registrar of Deeds in Oakland County.

First Amended Master Deed – Same as Master Deed.

By-Laws – May be amended by a 66 2/3% vote of the Co-Owners.

Architectural Control Handbook – May be amended by the Board of Directors.

Rules – Rules made by the Board of Directors have no effect unless reflected in the Board’s official Minutes. Copies of such Rules must be furnished to all Co-Owners by delivery or mailing. Rules may be revoked by a vote of 66 2/3% of the Co-Owners or may be changed by the Board. *By-Laws, Art. VI, Sec. 11 (p. 16-17)*

AFG  
January 2013

### General Provisions

No Co-Owner shall use his unit or the Common Elements in any manner inconsistent with the purposes of the Project or in any manner which will interfere with or impair the right of any other Co-Owner in the use of his unit or the Common Elements. *Master Deed, Art. IV, C., 4 (p.C.9)*

Units may be used for single family residential purposes only. *By-Laws, Art. VI, Sec. 1 (p. 4)*

No immoral, improper, unlawful or offensive activities or anything which may become an annoyance or nuisance, or any unreasonably noisy activity is permitted in any unit or on the Common Elements. *By-Laws, Art. VI, Sec. 4 (p. 15)*

### Activities

No firearms or other weapons may be used. *By-Laws, Art. VI, Sec. 9. (p. 16)*

No motorized vehicles may be used in Common Areas. *By-Laws, Art. VIII. Sec. 2 (p. 21)*

Common Areas B, C, and D are closed from 11 p.m. to 7 a.m. *By-Laws, Art. VIII, Sec. 2 (p. 21)*

No mass gatherings or athletic events are permitted in Common Areas. *By-Laws, Art. VIII., Sec. 2 (p. 21)*

“Light play,” such as running, ball throwing, and soccer, is permitted on the croquet lawn, but tackle football and use of any wheeled devices are prohibited. *Minutes 3/14/02*

The speed limit on Riverbank Drive is 25 mph, and it is 15 mph on the Lanes. *Minutes 12/5/06*

### Animals

Animals are not permitted on the Common Elements unattended. Animals must be under reasonable control. All waste must be picked up. *Bylaws, Art., VI, Sec. 5 (p. 15-16)*

[Village of Beverly Hills Municipal Code, Sec. 14.02 requires that animals be under reasonable control, as defined by the code. Sec. 14.03 addresses barking dogs and Sec. 14.06 describes the duty to pick up waste.]

### **Antennae**

No antenna, dish, saucer, etc. may be installed on the exterior of any Unit. *By-Laws, Art. VI, Sec. 19 (p. 18)*

[Per memorandum written by our Association's attorney, found at [www.azdfcondo.com](http://www.azdfcondo.com), FCC rules prohibit neighborhood associations from restricting satellite dishes if they are (1) within the owner's unit and (2) are less than 1 meter in diameter. This FCC rule appears to nullify the Bylaw.) *Added 3/4/13*

### **Architectural Control**

Changes other than landscaping, repainting in the original color or resurfacing of driveways and walks in the same materials must be submitted in advance to the ACC. *ACC Handbook, Sec. I and By-Laws Art. VIII*

Any landscape changes that involve alterations of line of sight (present or future) of another Co-Owner, expansion or contraction of existing beds or lawn area, changes in elevation or grading, additions or alterations of landscape structures, the movement of three or more yards of soil, any changes in drainage or exterior lighting must be submitted in advance to the ACC. *Same as above.*

Electric Pet Fences must be pre-approved if they extend beyond the owner's property line. *Minutes 1/3/02*

Units 21, 22 and 23 are exempt from Architectural Control. *By-Laws, Article VII, Sec. 1 (p. 19)*

### **Fines/Fees**

When the Board has made reasonable efforts to get a co-owner to respond to a Board communication and the co-owner has failed to respond, necessitating the involvement of an attorney, the Board may charge the resulting attorney fee to the non-responding co-owner. *Minutes, 1/21/14*

### **Landscape/Outdoor Activities**

No power lawn mowers may be used from Friday at 5:00 p.m. until Monday at 9:00 a.m. *By-Laws, Art. VI, Sec. 6 (p. 16)*

Sidewalks, yards, driveways, roads, patios, balconies, and porches shall not be obstructed or used for purposes other than those for which they are intended. No bicycles, vehicles, chairs or benches may be left on the General Common Elements. *By-Laws, Art. VI, Sec. 7 (p. 16)*

No landscaping, planting of trees or shrubs, flowers or ornamental materials may be placed on the Common Elements unless approved by the Association in writing. *By-Laws, Art. VI, Sec. 13 (p. 17)*

No clothing or fabric may be dried or aired outside. *By-Laws, Art. VI, Sec. 6 (p. 16)*

No activity is permitted that spoils the appearance of the neighborhood. *By-Laws, Art. VI, Sec. 6 (p. 16)*

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### **Maintenance**

Each Co-Owner shall maintain his home and yard in a safe, clean and sanitary condition. *By-Laws, Art. VI, Sec. 14 (p. 17)*

Westwood Common shall at all times be maintained in a manner consistent with the highest standards of a beautiful, serene, private residential community. *By-Laws, Art. VI, Sec. 17 (p. 18)*

Each Co-Owner must maintain his unit in good condition and repair, including but not limited to: painting, caulking, landscape replacement, weeding, watering, seeding, pruning, edging, etc. *By-Laws, Art. IX, Sec. 2 (p. 25)*

Property Maintenance Guidelines were adopted by the Board. See attached for specific details. *Minutes 11/2/05*. They were amended to include the requirement that co-owners' irrigation systems be winterized annually. *Minutes 12/7/05*

### **Parking**

Parking of vehicles is entirely prohibited on Thistle lane, Brady lane and Stone House Lane, at all times, unless the driver is immediately available to move the vehicle to permit emergency access. This provision allows for contractors and others who need a vehicle on the lanes while performing work. Also, parking on the Lanes can impeded mail delivery and residents' ingress and egress from their own homes. Due to the safety concerns of responding emergency equipment, this policy is adopted as a Rule. (Minutes, 6/10/13)

No trailers, commercial vehicles, construction equipment, boats or recreational vehicles other than automobiles may be parked or stored other than in closed garages. *By-Laws, Art. VI, Sec. 8 (p. 16)*

Residents should park in driveways as much as possible – always during the snow season – and always parallel to the curb. *Minutes 11/14/06*

[Beverly Hills Village Code, Chapter 22, Sec. 22.21 addresses parking and storage of recreational vehicles.]

### Parking Policy

Because of the need for fire/emergency access, parking on Brady, Thistle and Stone House Lanes is entirely prohibited unless the driver is immediately available to move the vehicle. Residents are asked to make their visitors aware of this requirement.

As for Riverbank Drive, the neighborhood has a long tradition of cooperation in reserving street parking for guests, and with that, residents should limit their street parking. Residents are asked not to park on Riverbank Drive unless it is for loading, unloading or for other exceptional circumstances.

This is done for both aesthetic and safety reasons. If you are having a large gathering during non-business hours you can direct your guests to park in the lot of the office building on the corner. There is a safe pedestrian pathway into the neighborhood from that lot. It is also appreciated if residents would alert their neighbors via email if you are expecting a large number of guests.

In winter, no one should park on Riverbank Drive if more than 2" of snow is predicted, to facilitate plowing of the street.

This policy is general in nature and depends on the goodwill and cooperation of all. The Board has elected not to involve Village Public Safety, or to initiate enforcement such as ticketing or towing because it seems inconsistent with the long established spirit of the neighborhood. The Board believes that courtesy and cooperation will continue to serve us well. *(Adopted by WWC Board 8/13/13, Added to Book of Rules 8/19/13)*

Neighbors are asked to continue the custom, when a number of guests are expected, or if contractors' vehicles will be displacing residents' cars onto the street while work is being done, to send an email to the neighborhood.

The goals are to (1) facilitate home improvement projects, (2) make the most efficient use of our available street parking, (3) have room for visitors, (4) not impeded traffic flow and mail delivery, (5) keep the appearance of the neighborhood as nice as possible, and still accommodate each other's needs.

If you are planning work at your home that will necessitate parking in the street, please send an email to the neighborhood including the reason, the number of vehicles expected, the length of time the parking will be needed, the area you intend to use for parking and whether the project will involve the placement of a dumpster or a port-a-john, or the storage of materials in the street.

If the time needed is lengthy or if any of these additional factors are involved, the Board may, at its discretion, ask you to apply for a Variance for the use that you are considering.

The Variance process gives neighbors an opportunity to voice any concerns that they may have. Be sure to allow enough time for this process when planning your project.  
(Adopted by WWC Board 4-11-16, Added to Book of Rules 5-20-16)

### Signs

No signs are permitted, without written permission of the Association, except one "For Sale" sign not larger than 6 square feet. *By-Laws, Art. VI, Sec. 10 (p. 16)*

The Association provides one generic "Home for Sale" sign to be placed on Lahser Road for 90 days, renewable at the Board's discretion. *Minutes 6/11/01*

### Street Drains

It is the responsibility of Co-owners to warn their contractors not to put paint, chemicals, mulch or any other waste materials into the storm drains, which drain directly into our pond and the Rouge River. *Minutes 8/14/01*

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### Trash, Waste, Outside Storage

Common Elements, either Limited (defined in the Master Deed as including the yard surrounding each Unit, *Master Deed, Art. IV, B. 1 (p. C.9)*) or General, may not be used for storage of supplies, materials, property or trash of any kind. Trash cans must be stored in closed garages except for short periods of time necessary to permit trash pick up. Trash may not be put out earlier than the night before the scheduled pick up. *By-Laws, Art. VI, Sec. 6 (p. 16)*

[Village of Beverly Hills regulations require that trash not be put out before 5:00 p.m. on the day prior to pick up and that cans be brought in by 7:00 a.m. on the day following pick up.]

[See also Book of Rules, Part II and Petition for Variance from Book of Rules, which are also part of this document.]

Book of Rules

## Book of Rules, Part II

This section is intended to serve as a quick reference to Rules adopted by the Board that apply to its own proceedings.

Until such time as these topics are addressed in revised By-Laws, The Board adopts Robert's Rules of Order as governing its proceedings, including but not limited to its provisions regarding quorum requirements.

(A majority constitutes a quorum – in our case, 5 of the 7 Board members. The President is included in this count. Also, the President may vote, if the vote is by ballot or by roll call with the President voting last.) (Minutes, 2/6/12.)

Board members absences from meetings will be recorded but will no longer be designated as excused or unexcused. A Board member who wishes to place an explanation for an absence in the Minutes may do so. (Minutes, 6/10/13)

The vote of each Board member will be recorded in the Minutes. (Minutes 7/13/13)

Adopted by the WWC Board 8/13/13

Added to Book of Rules 8/19/13



## Fiduciary Duty of Board Members

A “fiduciary duty” is defined to mean: A duty to act for someone else’s benefit, while subordinating one’s personal interest to that of the other person. It is the highest standard of duty implied by law. [Black’s Law Dictionary]

A homeowners’ association has a fiduciary relationship with its members. [Cohen v Kite Hill].

Duty of Loyalty: (No self-dealing.) Directors must act in the best interests of the association even if at the expense of their own interests..... “We note that the duty of undivided loyalty applies when the board of directors of the association considers maintenance and repair contracts, the operating budget, creation of reserve and operating accounts, etc. Thus [directors] may not make decisions for the association that benefit their own interests at the expense of the association and its members.” [Raven’s Cove v Knuppe]

The Michigan Supreme Court has defined a fiduciary relationship as a “relationship in which one person is under a duty to act for the benefit of others on matters within the scope of the relationship.” [Michigan Bar Journal, August 2014]

Adopted by board 8/28/14

To co-owners 9/5/14