

Attached you will find the Bicycles rule as adopted by the Board of the Encore Condominium Owners' Association at the November 29, 2012 Board meeting.

Section 3.2.5, 3.2.14, Section 7.24 of the Bylaws and ORS 100.405(4)(a) allow the Encore Board of Directors to adopt, modify, and revoke Rules and Regulations and enforce compliance with the Declaration, Bylaws, and Rules and Regulations as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Condominium.

Per the bylaws, a copy of rules, upon adoption, amendment, modification or revocation are being delivered to each Owner and are binding on all Owners and occupants of all Units from the date of delivery.

### **SPECIAL NOTE ON IMPLEMENTATION OF THIS RULE:**

#### **Limitation on Bicycle Storage Section:**

- This section will be implemented at the time of the lottery per the instructions in the 2012 Bicycle Storage Lottery Notice. If you have bicycles in the racks or Bicycle Room right now, you do not need to remove them until directed to do so in the notice.

#### **Bicycle Storage Waiting Lists:**

- This section will be implemented directly after the completion of the Bicycle Storage Lottery.

#### **Multiple Bicycles Stored in a Parking Unit Instead of a Vehicle Section:**

- Applications will be accepted immediately. If you are considering this option at this time, please apply as soon as you would like.

#### **2012 Bicycle Storage Lottery Section:**

- No changes. The lottery will be held on a date set by the Board.

#### ***A message from the Board Chair on the Bicycle rules:***

The recent November board meeting was a first step toward creating more bicycle space, and the additional rules and policies implemented will help manage this limited space until more bike racks can be enabled for the community. An expanded Phase 2 to expand the number of bike racks is currently being considered. Both the Operations Committee and the Rules Committee are working diligently to add more bike racks where feasible. If you would like to observe their efforts and possibly provide input please attend their regularly scheduled meetings. You will both learn what is afoot and have an opportunity for input.

Joe Eberhardt

# **Encore Condominium Owners' Association**

## **Bicycle Rules as Adopted by the Board on November 29, 2012**

### **BICYCLES**

#### **General**

The Association assumes no liability for theft, loss or damage of any bicycle.

Residents are responsible for any damage caused to the Bicycle Storage Room, any other garage location, and to other bicycles or vehicles of another resident.

The Association reserves the right to suspend or terminate the resident's privileges to store a bicycle, at any time, due to a violation of the Rules by the resident; negligent or willful damage to the Bicycle Storage Room or other storage location or to a bicycle or vehicle of another resident.

Upon implementation of the registration/permit program, a permit is required for **each** bicycle parked anywhere in the Encore garage or Bicycle Room. Bicycles may only be stored in their assigned space and must be in working order.

Unregistered bicycles, bicycles not in working order, or those not stored in their assigned space may be removed by Management. Removed bicycles will be held in storage for 90 days. Management will make every effort to contact the owners of removed bicycles during that time. At the end of the 90 days, unclaimed bicycles will be donated to charity.

If a bicycle must be stored in a resident's unit, it must be walked through the hallways and lobby areas and must be stored inside the unit, not on a balcony or patio.

The bicycle racks outside the front door of the Encore are meant for guests and visitors to the Encore.

There is no guest/visitor bike parking allowed anywhere in the Encore garage or Bicycle Room.

#### **Limitation on Bicycle Storage**

Because there are too few spaces to accommodate all requests, bicycle owners who rarely use their bicycles are asked to consider other options for bicycle storage such as storage in private storage locker, inside their Residential Unit (not on the balcony or patio), or off-site storage.

There are a limited number of bicycle racks and spaces in the General Common Elements (GCE) of the Encore garage and Bicycle Storage Room, which from time to time may be changed by management (the "Storage Capacity"). Except as provided below, each Residential Unit is limited to one bicycle storage space in the GCE or Bicycle Storage Room (combined Residential Units are for this purpose defined as a single Residential Unit).

If Storage Capacity has not been reached and there are no residents on Bicycle Waiting List #1, applications may be accepted for additional spaces, either through Bicycle Waiting List #2 or directly if no waiting lists exist. Additional GCE or Bicycle Room spaces assigned may have to be relinquished in the event that another resident who currently has no bicycle stored applies for a storage space. Selection of which resident with more than one bicycle would need to remove their additional bicycle will be by blind draw by Management, with those with the highest number of storage spaces assigned being considered first.

The limitation of one assigned space applies only to the GCE and Bicycle Storage Room. It does not apply to multiple bicycles stored in a Parking Unit instead of a vehicle or to bicycles stored in limited access GCE and assigned only to adjacent Parking Unit Owners.

### **Bicycle Storage Waiting Lists**

After the initial 2012 Bicycle Storage Lottery or any later lottery ordered by the Board, Management will maintain two waiting lists. Bicycle Waiting List #1 will include those residents with no currently assigned bicycle space of any type. Bicycle Waiting List #2 will include those residents with one or more spaces of any type already assigned. Applications in this list will only be considered if Storage Capacity has not been reached and Bicycle Waiting List #1 is empty.

Applications for either waiting list may be accepted from Residential Unit Owners or their tenants.

Complete the form, Encore Bicycle Permit/Waiting List Application, following the instructions on the form.

As stated elsewhere in these Rules, if a resident is assigned more than one space in the GCE or Bicycle Room and another resident with no assigned space later applies for a storage space, the a resident with multiple spaces may have to relinquish one of their spaces .

Once selected from a waiting list and notified by Management, the Owner or resident will complete a permit application for their bicycle and deliver the application and required fees to Management within 5 business days. Management will then assign the available space.

If the top-listed resident is not available, doesn't deliver the permit application and required fees within the prescribed time, is not ready, or refuses the assigned space, they will move to the bottom of the waiting list.

### **Bicycle Permits and Administration Fees**

Complete the form, Encore Bicycle Permit/Waiting List Application, following the instructions on the form. Assuming availability and upon payment of the required fees, Management will issue a permit and assign an appropriate open rack space. Preference for rack location (PB, P1, P2, Bicycle Storage Room) will be taken into account where possible. If no spaces are available, Management will instead add the application to the bottom of the appropriate waiting list.

An annual permit fee of \$20 will be assessed for each bicycle stored anywhere in the Encore garage or Bicycle Room, excluding only those stored in Parking Units instead of a vehicle.

All annual permit fees collected will be used to buy and/or improve racks and cover other costs associated with the bicycle storage program.

The billing cycle is from February 1 of the current year through January 31 of the following year. Partial years will not be pro-rated and there will be no refunds. In the month of January, current residents may begin renewing for the following registration year. If a renewal is not received by Management by February 10, the space is considered vacant and may be re-assigned.

With the exception of any lottery, bike permits for available spaces will be issued first to residents on current waiting lists, or if there are no waiting lists, on a first-come, first-served basis.

When a Residential Unit is sold, any bicycle storage location in the GCE or Bicycle Room assigned to residents of that unit will go back into the pool of available storage spaces and be assigned as appropriate.

### **Multiple Bicycles Stored in a Parking Unit Instead of a Vehicle**

A Parking Unit Owner may store multiple bicycles owned by them or the tenants of their Residential Unit in floor-mounted bicycle racks provided that there is no motor vehicle also stored in the Parking Unit.

The stored bicycles must be accessed through the parking unit, not adjacent areas.

The Parking Unit Owner will request approval from the Board and agree in writing that no vehicles will be stored in the Parking Unit. Board approval will be on a case-by-case basis. Submit the form, Application to Store Bicycles in a Parking Unit Instead of a Vehicle, following the instructions.

Standards for rack type, location, and installation will be as approved by the Board.

Management will install racks upon approval by the Board and receipt of payment from the Owner to cover the cost of the bicycle rack, supplies required, and installation.

Annual permit fees as described elsewhere in the Rules will be permanently waived for bicycles stored in Parking Units instead a vehicle, though a valid registration for each bicycle must be maintained.

As long as the Parking Unit is approved for the storage of multiple bicycles, the Owner may not also apply for spaces in the GCE and Bicycle Room unless Storage Capacity has not been reached.

If the Owner of the Parking Unit later decides they want to park a vehicle in the space instead, the floor rack will be removed and the approval to store bicycle(s) in the Parking Unit revoked. All costs of removal of the racks by Management will be charged to the Parking Unit Owner and the rack will be returned to that Owner.

If the Parking Unit is later sold or otherwise transferred, the use of the Parking Unit (vehicle or bicycles) will be decided before closing and either the new Owner will sign an agreement as above or the current Owner will request Management remove the bicycle rack. The expense of bicycle rack removal will be paid for by the current Owner.

Once a rack has been uninstalled, it cannot be stored in the garage.

Bicycles stored in unapproved Parking Units or not belonging to the Parking Unit Owner or the tenant of their Residential Unit will be removed by Management after notice to the Parking Unit Owner.

### **2012 Bicycle Storage Lottery**

Bicycle storage until now has been first-come, first-served. Some residents currently store multiple bicycles, while new residents have no chance to store a single bicycle. Even with the one bicycle limitation per Residential Unit, there is not enough space to accommodate all those who want it.

The 2012 Bicycle Storage Lottery is meant to provide all current residents a fair chance at a single bicycle storage assignment in the GCE or Bicycle Room. This is meant to be a one-time lottery; however, the Board may order a later lottery if the Storage Capacity decreases or for other reasons.

#### **How the Lottery Will Work:**

Management will give at least 30 days' notice of the lottery date to Residential Unit Owners. Included in the notice will be instructions to apply for the lottery, the date by which applications must be received, the date by which all other bicycles must be removed from the racks, and other pertinent instructions.

Residential Unit Owners may apply in their tenant's interest; however, all communications and notifications about the lottery will be to the Owner.

The purpose of the lottery is to allow storage of a currently owned bicycle. All applicants to the lottery must currently have a bicycle that will be stored if they are assigned a space.

On the date stated in the notice, using a blind selection process, Management will select all applications, record them in the order of selection and close the lottery. Applications received after closure of the lottery will be added to the appropriate waiting list.

Each Residential Unit Owner will be notified in the order their application was selected and assigned a space as close as possible to the location they listed in their application until all available spaces have been offered.

Residential Unit Owners will have 5 business days to respond and pay a one-time initial registration fee of \$100. They will be granted a permit and allowed to store a bicycle in their assigned space. Annual permit fees as described elsewhere in the Rules will be waived for the first yearly billing cycle.

All initial registration fees collected will be used to buy and/or improve racks and cover other costs associated with the bicycle storage program.

If a Residential Unit Owner or their tenant refuses the assigned space or doesn't respond and pay the fee in the prescribed time, their offer will be rescinded and the next application selected.

Once all available spaces have been accepted and assigned, all remaining lottery applications will be added to the top of Bicycle Waiting List #1 in the order the application was drawn.

On the date stated in the notice or before, all bicycles not assigned a space through the lottery will be removed from GCE and Bicycle Storage Room locations. Residents will need to find other storage options for these bicycles.

Any bicycles not assigned a space through the lottery that still remain after the date stated for removal in the notice will be removed by Management. Removed bicycles will be held in storage for 90 days. Management will make every effort to contact owners of removed bicycles during that time. At the end of the 90 days, unclaimed bicycles will be donated to charity.

# **BICYCLES APPENDIX**

## **Encore Bicycle Permit/Waiting List Application (One Application per Bicycle)**

Date: \_\_\_\_\_

Residential Unit Number \_\_\_\_\_

Resident Name \_\_\_\_\_

Resident Phone: \_\_\_\_\_

Resident Email Address: \_\_\_\_\_

Bicycle Description \_\_\_\_\_

### **My Preferred Storage Location (mark any acceptable with numbers, with 1 being your most preferred)**

/  / PB Garage    /  / P1 Garage    /  / P2 Garage    /  / Bicycle Storage Room

### **My Preferred Rack Type**

/  / Wall Rack    /  / Floor Rack (There are only 8 Floor Racks, all located on PB level)

### **Preference Acceptance**

/  / I will only accept assignment to the location and rack type specified above.

/  / I will accept assignment of any open rack, even if it is not as I have specified above.

### **If No Spaces Are Available**

/  / I would like to be added to Bicycle Waiting List #1. I affirm that there are no bicycles currently registered for my Residential Unit.

/  / I would like to be added to Bicycle Waiting List #2. There are \_\_\_\_\_ bicycles currently registered for my Residential Unit. Currently registered bicycle(s) are assigned to Rack Number(s)

\_\_\_\_\_.

***(See Instructions and Information on the following page)***

### **For Management Use**

Date of Receipt: \_\_\_\_\_

Action:  /  / Added to Waiting List #1    /  / Added to Waiting List #2    /  / Assigned

Date of Assignment/Notification: \_\_\_\_\_

Date of Acceptance/Payment: \_\_\_\_\_

Space Assigned: \_\_\_\_\_

**Instructions and Information:**

Please fill out the contact information, select your preferred bicycle storage location and type, whether you will accept only your preferred location or any available location, appropriate waiting list if there is currently no space, and send the completed form to Management by mail or as an attachment to e-mail.

Management will contact you upon receipt of your application and tell you whether you have been added to a waiting list or you have been assigned a space.

If you are added to a waiting list, management will contact you in the future when a space is available for assignment.

Once Management contacts you to let you know a space is available, you must deliver the required annual registration fee (currently \$20) to Management within 5 business days. Management will tell you what space you have been assigned and you may store your bicycle.

If Management is able to assign you a space and they are unable to contact you, you don't deliver the required fees within the prescribed time, you are not ready for the space, or you refuse the assigned space, the permit acceptance will be rescinded and you will be placed at the bottom of the waiting list specified.

If ANY information in this form changes or you decide you don't want to be on a waiting list or permit a bicycle, contact Management to provide updated information.

The billing cycle for YEARLY bicycle permits is from February 1 of the current year through January 31 of the following year. Partial years will not be pro-rated and there will be no refunds. In the month of January, current registrants may begin renewing for the following registration year. ***If a renewal is not received by Management by February 10, the space is considered vacant and may be re-assigned.***

With the exception of any lottery, bike permits for available spaces will be issued first to residents on current waiting lists, or if there are no waiting lists, on a first-come, first-served basis.

When a Residential Unit is sold, any bicycle storage location in the GCE or Bicycle Room assigned to residents of that unit will go back into the pool of available storage spaces and be assigned as appropriate. You MAY NOT offer or otherwise infer that the new Owner will be granted a bicycle storage assignment.

Please review the Bicycle Rules for additional information.

**Application to Store Bicycles in a Parking Unit Instead of a Vehicle**

Date: \_\_\_\_\_

Residential Unit Number: \_\_\_\_\_ Parking Unit Number: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Phone: \_\_\_\_\_

Owner Email Address: \_\_\_\_\_

Resident Name: \_\_\_\_\_ (if different than above)

Bicycle Description \_\_\_\_\_

Bicycle Description \_\_\_\_\_

Bicycle Description \_\_\_\_\_

Bicycle Description \_\_\_\_\_

***By making this application to store multiple bicycles in my Parking Unit, I and my Residential Unit tenant (if applicable) understand and agree to the following and to any applicable sections of the Declaration, Bylaws, and Rules and Regulations:***

I am responsible for all costs of bicycle rack(s) installation and removal.

I will only access the bicycle(s) through my Parking Unit(s).

I may not also apply for spaces in the GCE and Bicycle Room unless Storage Capacity has not been reached.

If I later decide to park a vehicle in the Parking Unit instead of bicycles, this approval will be revoked and Management (or their assignee) will remove the rack(s) at my expense and return them to me. The rack(s) may not be stored in the Encore garage once de-installed.

If the Parking Unit is later sold or otherwise transferred, the use of the Parking Unit (vehicle or bicycles) will be decided before closing and either the new Owner will sign a new agreement or I will request Management remove the bicycle rack(s) at my expense before closing.

Bicycles stored in my Parking Unit must belong to me or the tenant of my Residential Unit.

**Signature of Parking Unit Owner(s)**

\_\_\_\_\_

**Signature of Tenant of Residential Unit, If Applicable**

\_\_\_\_\_  
*(See Instructions and Information on the following page)*

**Approved by the Board on this date** \_\_\_\_\_

**Signature of the Board Chair** \_\_\_\_\_

**Installation Completed on** \_\_\_\_\_

**Instructions and Information:**

Submit this form to Management for review by the Board.

If the Board approves this application, Management will contact you with estimated costs of the bicycle rack(s), supplies required, and installation.

Once you pay the estimated costs, Management will begin the installation of the approved bicycle rack(s) in your Parking Unit. Once installation begins, you may not store a vehicle in your Parking Unit.

At the completion of the installation, Management will communicate the final costs. If the estimated cost was more than the final cost, you will be reimbursed for the difference. If the estimated cost was less than the final cost, you are liable to pay the difference.

Though the annual permit fees are permanently waived for bicycles stored in Parking Units, you must maintain a valid registration for all bicycles stored in your Parking Unit.

Please review the Bicycle Rules for additional information.