

# MILL CREEK HOMES CONDOMINIUM ASSOCIATION

## Resolution of the Board of Directors

### PEST CONTROL RESPONSIBILITY

The following Resolution is adopted as of the 19 day of November, 2020, by the Board of Directors of the Mill Creek Homes Condominium Association.

#### RECITALS

WHEREAS, "Declaration" is the *Declaration Submitting Mill Creek Homes, a Condominium, Stage 1 to Condominium Ownership*, recorded as document number 2001-012204 in the land records of Multnomah County, Oregon, as amended, "Bylaws" is *Bylaws of Mill Creek Homes Condominium Association*, recorded as Exhibit D to the Declaration, as amended, "Act" is the Oregon Condominium Act, ORS Chapter 100, "Association" is the Mill Creek Homes Condominium Association, and "Board" is the elected Board of Directors of the Association;

WHEREAS, ORS 100.405(4)(a) and Article 3.7(n) of the Bylaws provide that the Board has the authority to promulgate rules and regulations necessary for the administration of the affairs of the Association;

WHEREAS, Article 4.3 of the Declaration establishes the boundaries of the living units as;

*The interior surfaces of its perimeter and bearing walls, floors, ceilings, windows and window frames, doors and door frames, and trim. The unit shall include all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of its finished surfaces, except those portions of the walls, floors or ceilings that materially contribute to the structural or shear capacity of the Condominium. All other portions of the walls, floors or ceilings shall be a part of the common elements. In addition, each unit shall include the following: (a) All spaces, nonbearing interior partitions, windows, window frames, exterior doors, door frames and all other fixtures and improvements within the boundaries of the unit, including without limitation, garages; and (b) All outlets of utility and communications service lines, including but not limited to power, light, gas, hot and cold water, heating, refrigeration, air conditioning and waste disposal, security, cable television and telephone, within the boundaries of the unit, but shall not include any part of such lines or ducts themselves.*

WHEREAS, Article 5 of the Declaration describes the common elements as all portions of the Condominium buildings and grounds that are not part of a unit;

WHEREAS, the common elements of the Condominium include exterior building surfaces, crawl spaces, attics;

WHEREAS, pursuant to Article 7.1(a), unit owners are responsible for the maintenance, repair, and replacement of their units;

WHEREAS, pursuant to Article 7.1(b), the Association, acting by and through its Board, is responsible for the maintenance, repair, and replacement of the common elements;

WHEREAS, certain condominium units and adjoining common elements have suffered from infestations of rodents, insects, and other pests (collectively “Pests”); and

WHEREAS, the Board now intends to clarify the obligations of the Association and the unit owners with regard to the eradication of Pests and the repair of any damage caused by such Pests;

NOW, THEREFORE, BE IT RESOLVED THAT the conditions, requirements and procedure set forth below be adopted.

**1. Pest Infestations in Units.** Unit owners shall be responsible for controlling and eradicating all Pests inside of their respective units, including any Pest infestation in the unit drywall, regardless of the source of the Pests. The Association shall not perform any Pest control or eradication inside of unit.

**2. Pest Damage in Units.** Unit owners shall be responsible for repairing any damage to their respective units caused by a Pest infestation. The Association shall not perform or pay for any repairs to units caused by Pests.

**3. Pest Infestation in Common Elements.** To the extent reasonable or necessary, the Board shall cause any Pest infestations discovered in common elements, including, but not limited to, perimeter and bearing wall cavities, crawl spaces, attics, trees, and the Condominium grounds to be eradicated. Notwithstanding the foregoing, the Board shall not perform eradication in any portion of any common element that an owner had modified or appropriated for his/her own use. The Board may consider the cost of eradication and risks posed by the Pest infestation in determining whether or when to eradicate such Pests.

**4. Pest Damage to Common Elements.** The Board shall cause any damage to the common elements caused by a Pest infestation to be repaired.

**5. Investigations and Reporting.** The Board may cause inspections of the common elements to identify the existence of Pests to be performed from time-to-time. Unit owners are responsible for having inspections of their respective units performed.

**6. Mitigation.** If the Board learns of the existence of certain common element conditions such as holes or voids in exterior cladding, the Board shall cause such conditions to be repaired on a schedule that the Board deems reasonable.

**7. Reporting.** Owners may report actual or suspected Pest infestations, or conditions that could contribute to an infestation, to the Board or the Association’s community manager.

**8. Right of Entry.** Unit owners shall provide the Association and/or its agents with access to their respective units in order to inspect for and eradicate Pest infestations in attics and other common elements accessible from the unit interiors.

ATTEST:

*Mark Ozbun*  
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Mark Ozbun, Chairperson

*Jim Higgs*  
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Jim Higgs, Secretary