

# **MILL CREEK CONDOMINIUM ASSOCIATION**

## **RESOLUTION GOVERNING COMMERCIAL ACTIVITIES** **IN MILL CREEK PURSUANT TO BYLAW 7.5(a)**

**WHEREAS** the Board of Directors of Mill Creek Condominium Association is empowered by Oregon Revised Statutes Section 100.405(4)(a) and the Association's governing documents, including Section 14.3 of the Declaration of Covenants, Conditions, and Restrictions of Mill Creek Condominium Association and Section 7.5(o) of the Bylaws of Mill Creek Condominium Association, to set forth rules and guidelines governing the conduct of persons and the operation and use of the units and common elements as the Board of Directors may deem necessary; and

**WHEREAS** the Board of Directors of Mill Creek Condominium Association is empowered to exercise all of its powers and duties necessary to the administration of the affairs of the Association, and those rules and guidelines shall be binding on all unit owners and unit occupants upon adoption by the Board of Directors pursuant to Oregon Revised Statutes Section 100.545 and Bylaws 7.5(h) and 7.5(o); and

**WHEREAS** Bylaw 7.5(a) provides in pertinent part (emphasis added):

No commercial activities of any kind shall be carried on in any unit or in any other portion of the condominium without the consent of the board of directors of the Association and the Forest Heights Homeowners Association, except activities relating to the rental or sale of units. This provision, however, shall not be construed so as to prevent or prohibit a unit owner from maintaining his or her professional **personal** library, keeping his or her **personal** business or professional records or accounts, handling his or her **personal** business or professional telephone calls, or conferring with business or professional associates, clients or customers, in such owner's unit.

**IT IS HEREBY RESOLVED** that the Board of Directors **ADOPTS** the following clarifications, rules, and guidelines pertaining to Bylaw 7.5(a):

## **DEFINITIONS**

### **a. Commercial Activities**

For purposes of Bylaw 7.5(a), the Board of Directors defines the phrase "commercial activities" as any activities other than those specifically suitable to a domiciliary place of abode; i.e., a commercial activity is one that is distinguishable from the activities of inhabitants who make their home in a structure that has the sole purpose of being occupied as a dwelling place such as a unit in Mill Creek.

### **b. Unit Owner**

For purposes of Bylaw 7.5(a), "unit owner" refers to and includes the owner of a unit or any other occupant of the unit. Thus, for purposes of this Resolution, the unit owner is responsible for the activities conducted in his or her unit or in any other portion of the condominium (i.e., common elements) by the owner, the owner's lessee/tenant, or any other occupant of the unit. See Bylaws 7.5(h), 7.5(o).

## **UNIT AND CONDOMINIUM USE**

The use of a unit is limited solely to activities suitable to a dwelling place subject to the exceptions for personal use specifically set out in Bylaw 7.5(a). See also Section 10, Declaration of Covenants, Conditions, and Restrictions. A unit owner is not permitted to use or to allow an occupant of the unit to use any portion of the condominium (i.e., common elements) or the unit for the purpose of conducting or permitting to be conducted commercial activities as defined in this Resolution whether the commercial activities are engaged in by for-profit or nonprofit organizations, property or management companies, "residential accessories," individuals, or any other entity. The Board of Directors of Mill Creek Condominium Association and Mill Creek Condominium Association committees, however, may, when reasonable and necessary, hold meetings and conduct Association business in Mill Creek units with the consent of the unit owner for the purpose of specifically managing the affairs of Mill Creek Condominium Association.

## **ENFORCEMENT**

Under Oregon Revised Statute Section 100.545, "[e]ach unit owner . . . shall comply with the bylaws and with the administrative rules and regulations adopted pursuant thereto. . . . Failure to comply . . . shall be grounds for an action maintainable by the [A]ssociation of unit owners." See also Bylaw 7.5(o).

If the Board of Directors determines a unit owner or occupants of the unit are violating the provisions of this Resolution, the Board may give written notice to the unit owner to cease the conduct of commercial activities as defined herein. If the unit owner or occupant of the unit fails to do so within the time designated in the notice, the unit owner shall be subject to the provisions of the Rules Enforcement Resolution including the imposition of fines, fees, and other penalties. Any such fines, fees, and other penalties imposed by the Board of Directors shall constitute a supplemental assessment to the unit owner and shall be subject to all of the collection procedures and legal actions applicable to monthly assessments.

Whether a unit owner is in violation of the provisions of this Resolution is the discretionary decision of the Board of Directors.

This Resolution was adopted by the Board of Directors of Mill Creek Condominium Association on the 23rd day of November, 2004, and is effective on the 6th day of December, 2004.

*Terry Dean*  
President

*Dean Fortin*  
Secretary

Terry Dean  
Name (Print)

Dean Fortin  
Name (print)