

# Residents' Handbook

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THE LEGENDS AT BRIDGER CREEK HOMEOWNERS ASSOCIATION



### ***Keep supplements***

You may receive notices, from time to time, of changes and additions to our Residents' Handbook as well as updated lists of contacts with telephone numbers. Please save any such notices and supplements here.

Should you move, please leave this and any supplements for the new residents.

### ***Do not distribute outside of The Legends at Bridger Creek***

Because these documents include copyrighted, protected material from another organization, we may not distribute any of this material to other associations, property management companies or any other organizations or individuals for use outside of The Legends at Bridger Creek Homeowners Association.

### ***Conflicts in authority***

The contents of this document are subordinate to the Declaration (Declaration of Protective Covenants and Restrictions), Bylaws and other governing documents of The Legends at Bridger Creek Homeowners Association and codes and ordinances of the City of ~~Missoula~~Bozeman and laws of the state of Montana. Any inconsistencies between this document and those authorities defer to the latter. Periodically our Board of Directors has this handbook reviewed by our attorney to ensure consistency with those authorities.

### ***Acknowledgements***

Much effort has been invested in creating architectural standards and in drafting residents' handbooks and architectural standards manuals for homeowners associations. Many dedicated people from other associations have labored to craft their versions and community management organizations have written publications describing the art.

This document was the product of countless hours of meetings, research, writing and review by people with many years of experience in common interest management.

We would like to acknowledge and thank these individuals and organizations for their suggestions and support that made possible this handbook.



# *Welcome to our special community.*

**T**he quality living environment we enjoy at The Legends at Bridger Creek is enabled by the direct involvement of our residents, who have actively assumed the responsibilities that attend its attractions. We participate in managing its finances and common grounds, writing its newsletters, maintaining architectural controls and rules, and planning social events to ensure a quality of life found in few places.

Our homes and the environment we have nurtured at The Legends at Bridger Creek have attracted residents with diverse and considerable talents who participate on various committees and on our Board of Directors. Together, we have created and we maintain a community you can be proud to be part of, and to which you can make your contributions in areas of finance, architectural review, grounds management, social/recreation, newsletter/communications and other areas. Whether you own or rent your home, you can make your interests known in any of these areas by contacting any member of a committee or our Board of Directors.

Special obligations belong to our homeowners. If you have purchased one of our 62 homes, you have also assumed  $1/62$  of the responsibilities for managing our common assets as well. Costs of maintaining our community are measured in more ways than money. Your dues cannot adequately substitute for contributions of your time. We are not a large Association; therefore, it is particularly important that we each assume our share of responsibilities. Please volunteer for a working committee of your choice or accept appointment as your name may come up on our roster every few years. And when you're not active on a committee or the Board, please support those who are by completing a ballot or proxy when asked and attending our December Annual Meetings. Only your resolution to participate—to be hands-on involved in sustaining the quality of your community—can preserve that environment in which we have all invested.

**Y**ou are about to read a short explanation about what The Legends at Bridger Creek is and how we operate. This will explain whom to call for what, rules, our insurance, the architectural standards and approval process, general information and answers to frequently-asked questions.

Please read this booklet, ask others in your household to read it and keep it handy for reference.

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# What our association is

As members of a Planned Development association, we each can have the benefits of sharing common facilities otherwise difficult to own, of living in a nice home in a neighborhood the quality of which we mostly determine—and with some terrific neighbors.

Attendant to a community like ours, with its higher density housing and shared common property, are collective responsibilities. We have an impressive talent pool for sharing management of those responsibilities.

Our Association, *The Legends at Bridger Creek Homeowners Association*, is a nonprofit corporation, the legal form we take that allows us to

- enter into contracts.
- own and maintain property.
- levy and collect assessments.
- become an employer.
- buy insurance.
- pay taxes.
- borrow money.
- formally agree on rules and authority.

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## *The Declaration*

If you own a home here, your purchase automatically entitled and obligated you as a member of the Association. The *Declaration* (Declaration of Protective Covenants and Restrictions) is the document that describes those entitlements and obligations. You received a copy of it before purchasing your home.

If you are renting your home from a homeowner, you are bound by many of the Declaration terms and rules, some of which are summarized in this booklet; violation of those terms or rules may be a default under your lease so you should familiarize yourself with the *rules* section of this booklet.

The Declaration make us possible. Every homeowners association has one. It is a comprehensive description of the Association's rights and owners' rights, of administration, membership, property and voting rights, maintenance and assessments, duties and powers, use restrictions, architectural controls, protection, and other provisions.

Ultimately, almost every Association activity is governed by or affected by the Declaration. By reading them you may gain insights into why a committee or the Board acts in a particular way or why we have regulations and obligations of enforcement. If

you are an owner it also will help to prepare you for taking your turn on the Board or on a committee.

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## *Your home*

Your home is your most obvious asset at The Legends at Bridger Creek. It is principally what motivated you to purchase.

Because of our common design elements and proximity of our homes to one another, additions and improvements made by one neighbor can affect the property values of the rest of us. To this extent, common interests do affect what you can do with the exterior of your home. Protections are afforded us by our Design Guidelines. Any change you wish to make outside that will be visible from any other place in our neighborhood, whether from the street, sidewalk, or from your neighbor's window, must be approved by the Reviewer/Design Review Board (Reviewer Board). See *The design review process* later in this handbook.

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## *Common area*

If you are an owner, when you purchased your home you also acquired the responsibility for our Association assets such as our sidewalks, exterior lighting, trees and landscaping and other physical assets. Part of the dues you pay each month goes toward the maintenance and replacement reserve funds for these assets.

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## *Committees*

These groups are the means by which you can involve yourself and make things happen at The Legends at Bridger Creek.

Some committees are permanent (standing) such as the Reviewer/Design Review Board (Reviewer Board). Others are more transient (ad hoc). For example, the Budget Committee is appointed and becomes active each July as we begin to prepare our budget or as our Board directs. The Rules Committee is appointed as we decide new or amended rules are required, to help resolve disputes or complaints, or to perform other activities consistent with its charter. The Nominating Committee is appointed in September to nominate qualified candidates prior to Board elections.

Still other committees are possible. A nice thing about living here is we really do run ourselves. You are part of us. If you have an idea for a new committee, club or group, you can start it—or you can join others in existing committees. Either way, you *can* affect how The Legends at Bridger Creek operates.

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## ***Board of Directors***

The management of The Legends at Bridger Creek includes management of our physical assets, money and other resources, contracts and liabilities. Your Board of Directors, made up of three unpaid volunteers, directs our affairs. They meet frequently to review and make decisions about our finances, common area maintenance, legal issues, committee proposals, and countless issues affecting us.

Our Board of Directors welcomes those who attend its regular meetings and is receptive to ideas and requests. They value your input.

Generally, Board members are elected after having gained experience and knowledge about our Association by having served on one or more committees. Committees are an excellent way to learn how we operate.

Each December at our Annual Meeting, we elect Directors for terms defined in the Bylaws. If you are an owner, you help decide who our three Board members will be.

If you have never been a member of a homeowners association, an important note: Our Board elections can affect you much more directly and significantly than most other Association or club elections you have participated in. Our Board is our business management body managing a budget of thousands of dollars, your interest of thousands of dollars of Association assets, dealing with serious legal issues and making decisions affecting the value of many millions of dollars worth of real estate. Our Board of Directors is not a social club. Please, elect it seriously and serve on it conscientiously.

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## ***You and the Association***

*You are responsible for more than your home.* Your investment in the common interests of The Legends at Bridger Creek Homeowners Association obligates you to an equal share of responsibility for their management. Documents you received before purchasing your home informed you of those obligations and your decision to purchase should have been made in contemplation of serving on one or more committees or on the Board of Directors.

Though many of us have tremendous demands upon our time, none of us is exempt from these responsibilities or the consequences of neglecting our collective obligations. Many of those obligations are prescribed in our Declaration, a document we are each legally bound to follow.

We are a small Association with only 62 homes. In fairness, each of us should take a turn every few years helping to manage our common affairs on a committee or on our Board. And when not active on a committee or our Board, please support those who are by completing a ballot or proxy when asked and attending our December Annual Meetings.

# General information

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## Whom to contact

### General guidelines

Occasionally, you may have a question or problem with which you need assistance. Generally, **if you own your home**, you should contact our Association President or appropriate Board or committee member. Telephone numbers are on the Residents' Handbook Supplement sheet you received with this booklet, updated periodically. **If you rent your home**, you should contact your Rental Manager or the person from whom you rented your home.

### About payments

We all pay dues or rental fees regularly. Just as individual households have expenses, collectively we have ours. Whether you are an owner or renter, please make your payments promptly.

**Renters:** Every month or as previously arranged, you send your rent payment to your Rental Manager or person from whom you rented your home.

**Owners:** Each month you make out a check for dues payable to "The Legends at Bridger Creek." Send your dues, assessments, or other payments in care of the party indicated on your statement. This will be a bank or the Association Treasurer. Should you have questions about charges on your statement, please call our Treasurer.

Note, any dues statement you receive *is not a bill*, but rather a statement sent for your convenience. The date your payment is due is not determined by when the statement is sent but rather is prescribed in our Declaration. (See *Delinquency and Collection Policies and Practices*, below.)

### Delinquency and collection policies and practices

The following summarizes The Legends at Bridger Creek Delinquency and Collection Policies for homeowners: Monthly assessments are due on the first day of the month and are delinquent if not received by the 15th. In case of delinquencies, payments received are applied to the earliest accrued assessments first. A reasonable late charge equal to the greater of ten dollars or ten percent of the delinquent assessment or the maximum rate permitted under Montana law shall be charged. Any delinquent assessment shall bear interest from the delinquency date at the rate of the greater of twelve percent per annum or the maximum rate permitted under Montana law. The Association can also take legal action (suits, liens and foreclosure) to collect delinquent dues. A lien will be filed for assessments overdue after 90 days. Foreclosure proceedings are commenced for assessments overdue after 6 months. Legal fees, court costs and interest can be collected by the Association in enforcing payment of delinquent fees.

## ***To report security problems***

### ***Fire***

***Dial 911.*** Unless you can contain a fire *quickly*, call the fire department. Accidents happen, but if you delay out of fear or embarrassment, damage can be swift and extensive and we may all be affected.

### ***Criminal activity***

Report burglaries, thefts, break-ins, vandalism, violence, abuse to facilities, etc., directly to the police. When life or property is in immediate peril, ***dial 911***. For less urgent matters call the police department at its business number. Then call one of our Board members so our Board of Directors can be informed and we can warn others if appropriate.

### ***Unauthorized parking***

Vehicles parked in fire lanes are not only breaking our rules—they are breaking the law and endangering our homes. Owners may be cited and/or their vehicles towed. In event of an emergency, such a vehicle may be legally removed by emergency personnel using any means available, even if it results in damage to the vehicle. Also, if your car is parked in a fire lane and delays passage of an ambulance or other emergency vehicle, you may incur considerable liabilities. We must keep our fire lanes clear!

In the back of this booklet is a *Courtesy Notice* form that you can copy and place on the windshield of a vehicle in violation of these or other vehicle rules. In the case of repeating violators, documenting the date, time, location, vehicle make and model, and license number for violations will provide us what we need to levy a fine. (Make sure you record this information when placing the form on the windshield.)

In extreme cases where a vehicle has been illegally parked for an extended period or is blocking an access, parked in a handicapped space without a proper permit, parked in a fire lane or parked within 15 feet of a fire hydrant and the vehicle owner cannot be located, we may have the vehicle towed. Contact our Board President should you feel towing is the only viable recourse.

## ***To report maintenance problems***

**If you own your home**, first determine whether responsibility for maintenance of the item is yours or the Association's. The Association is responsible for repairs and maintenance of all common property—that not on your property. If you ever have questions about who is responsible for something, please call our President.

Report repair items for which the Association has responsibility to our President or other person indicated on your Residents' Handbook Supplement sheet you received with this booklet. Telephone numbers are on the Residents' Handbook Supplement sheet you received with this booklet. Otherwise, contact your own services contractor for your repairs. If you wish, you may call our for the name of a contractor. However, the name of any contractor would be provided only as a courtesy and at your request. The Association, Board and committee members or other person providing such referral *can make no representations about the competence, licensing, insurance, quality of work or make any other claims or warranties with respect to this vendor and expressly disclaim any responsibilities for services or products provided by such contractors or*

*consequences of performance. You assume all risks for engaging the person or company in the referral.*

If you believe your repairs might affect common property as well as your own, please call and coordinate with our President. It may be possible for the Association to arrange for the repairs and bill you back for any services particular to your home.

**If you rent your home**, for repairs please contact your Rental Manager or the person from whom you are renting. Of course, if you need to report an emergency situation where property is in immediate jeopardy and you cannot reach that person quickly, call our President or other Board member. If you still are unable to contact one of these people in such a case, you may contact a contractor yourself to have the necessary repairs done. Then contact our President as soon as he or she is available.

**Whether you own or rent**, please try to exercise some patience while we arrange for repairs. We try to complete emergency repairs quickly. However, anytime anyone is dispatched to repair, ultimately you pay part of the costs. Therefore, for many routine repair items we try to minimize those costs by preparing work orders with more than one item, which can result in some delay.

Also note, a map of The Legends at Bridger Creek appears in the back of this booklet with numbered exterior lights and other items subject to maintenance. When reporting burned-out exterior lights or other items, please consult that map so you can specify the number of the item so we might locate it easily.

This is *our* neighborhood. We own our and other common areas and are responsible to keep them clean. So, if you pass by a bottle or a paper cup someone has discarded, please help your neighbors out by picking it up and putting it into your trash. Let's all help.

### ***About neighbors and rules violations***

A tradeoff of the benefits of our high-density living environment is that some of our habits and behavior may affect others. By agreeing to a body of rules, we can minimize problems. But more importantly, we must all exercise tolerance and consideration for our neighbors.

If you ever feel you need relief from something your neighbor does, please approach and discuss it with him or her. Usually you will find your neighbor very understanding and cooperative. And if you are the one approached, please be as cooperative as you can. A homeowners association has obligations and considerable powers to enforce rules compliance. Exercising those powers can be much more unpleasant than cooperating to resolve your neighbor's problem.

Only as a last resort, if your neighbor is not cooperative and you feel you have been more than tolerant, contact our Association President or your Rental Manager.

### ***For approval to modify your home exterior***

The value of a home can be affected by the appearance of other homes nearby. Therefore, to protect our homeowners, lenders, and the City, our Design Guidelines and Declaration provide for a system of review and approval for exterior changes that homeowners may wish to make to their properties.

Almost any change you wish to make outside that will be visible from any other place in our neighborhood, whether from the street, sidewalk, or from your neighbor's window,

must be approved by the Reviewer/Design Review Board. There are some exceptions. (See the lists of examples of improvements requiring approval, and those that do not, under *How to get approval of your project* in the *Architectural Review Process* section of this handbook.) To apply for approval, contact the Chairperson of the Reviewer/Design Review Board or the Association President. Telephone numbers should be listed on the Residents' Handbook Supplement sheet you received with this booklet (updated periodically) and in our newsletters.

At the back of this document is an application form for you to copy, should you need to apply. On it, please include a complete description of the proposed changes and enclose detailed sketches, drawings, dimensions, and colors if appropriate. Attach additional pages if needed. Include all information the Committee will need to make a decision. Remember, if the committee should have to defer a decision because of inadequate information, your project may be delayed. For more information about the approval process, refer to the *Design Review Process* section of this handbook.

### ***For Association government***

Contacts, addresses, and phone numbers for Management, Board, and committees are printed on the Residents' Handbook Supplement sheet supplied with this booklet and updated periodically.

If you have an item of general concern to the rest of us, please attend one of our regular Board meetings. Meeting dates are published in the newsletter. Like you, Board members are residents and we all share many of the same interests. Let's get together and talk.

If it is impossible for you to attend a meeting, please contact us by other means. Although telephone numbers may be provided on the handbook supplement sheet or in our newsletter, the most effective way to be sure your non-emergency suggestions, complaints, or requests are brought to the attention of our Board is by writing them down. It may be gratifying to dial a telephone number and imagine a quick solution is imminent, but a note virtually guarantees attention. Copies can be distributed to Board members and management, and your note says what you mean—rather than what someone else might infer.

When you write your note, please *write unto others as you would have them write unto you*. Board members are your neighbors—volunteers contributing their time for you. (Some day you may be one of them.)

Please give your note to a Board member or send it in care of our Secretary.

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## ***Exterior maintenance***

You have probably seen a neighborhood where one home with neglected maintenance affected the appearance (and property values) of nearby homes. Our Declaration protects our property values by requiring each of us to maintain in attractive condition the exteriors of our homes.



Please keep the outside of your home clear of debris and do not store materials where they will be visible from the outside.

Irrigation and maintenance of our common areas is accomplished by our landscaping contractor.

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## ***Security***

### ***Crime prevention***

An effective Neighborhood Watch Program means each of us should know the people who live around us—so we can keep an eye out for each other.

So, meet neighbors you don't already know. You may wish to have an arrangement with a couple of neighbors you know and trust to exchange house keys for emergencies, to call the police should an alarm sound or should a suspicious person appear to loiter around yours or your neighbor's home.

One can always be friendly and ask a stranger if he "needs help finding someplace." Someone who belongs will appreciate your help. Someone who has ill intentions will know he's been noticed, is subject to being recognized if he does try something, and may leave.

Your awareness and healthy suspicion is essential to our Neighborhood Watch Program.

### ***What you can do for yourself***

In some homeowners associations, after a rash of burglaries the victims and neighbors may approach the Board with requests for increased security patrols, fences, special gates, alarms, and so on. Certain measures can be taken by a Board that will provide cost-effective protections. However, after proposing options and requesting bids, an analysis often determines such options not to be cost-effective when compared with much more effective security measures each resident can take individually. Instead of raising everyone's dues to cover less effective general security, the less expensive but more effective solution (in addition to being an active participant in our Neighborhood Watch program) is each homeowner making a one-time investment in quality security hardware.

Law enforcement officials have recommended locks with these characteristics:

- Dead bolt throw should be at least one inch long.
- The bolt should be constructed with a case hardened steel roller in the center. The roller will spin if someone attempts to saw through.
- The cylinder guard should have a non crushable, hard outer edge tapered or angled at approximately eleven degrees. This reduces the chance of a tool twisting off the lock. Some have a tapered outer ring that spins.
- The case or trim should be solid brass, bronze or steel.
- The exterior part of the lock (trim) should be connected to the inside portion with connecting rods (bolts) at least one-quarter inch in diameter.

- The mechanism of the lock should contain a five-pin tumbler system.
- The strike plates should be secured to your door jamb with at least four screws, three-to-four inches long, anchoring securely into the wall stud.

The Association relaxes architectural controls to allow owners to equip front doors with any locks, deadbolts, or other common security devices without seeking Reviewer Board approval, so long as they are visually unobtrusive and do not significantly impact structures. If you have questions about security modifications you'd like to make, don't hesitate to call the chairperson of our Reviewer/Design Review Board or our President.

Some other security precautions you can take:

- Install a home alarm system. You may wish to register your alarm with the police department so they will be able to contact you at work should your alarm sound.
- Use a locking pin in your sliding exterior doors.
- Engrave your personal property with your driver's license number. Photograph items you can't mark.
- Inventory your property, complete with serial numbers.
- Leave a light on or set a timer to turn on a light in the evening if you are away.
- Arrange to have a neighbor collect your mail and newspapers while you're gone.
- Don't leave a key under a door mat, flower pot, or other common hiding place. If you wish to have a second key in case of becoming locked-out, consider trading keys with a neighbor you trust.

## *Fire*

We do have fire risk at The Legends at Bridger Creek. Therefore, we bear special responsibilities to each other to minimize that risk.

- Our fire lanes are clearly marked and we are obligated to keep our vehicles and those of our visitors clear from them.
- Test your smoke alarms periodically. Many of us have smoke alarms that are not connected to any centralized monitoring station. So if you hear a neighbor's alarm sound for more than a few seconds, please investigate.
- Keep at least two fire extinguishers in your home, one in the kitchen and at least one more in another strategic location. They should be suitable for extinguishing all types of fires, including oil and grease fires.
- We have fire hydrants located throughout the development.
- We count on each other to keep our homes free of fire hazards and to be *very careful!*

If you see any fire hazard, please call our Association President or other Board member. Accidents happen, but a delay in calling the fire department out of fear or embarrassment can cause significant damage under our circumstances. Unless you can contain a kitchen or other fire *immediately*, **call the fire department at 911**. Please, we count on each other to protect our homes.

## *Make sure we have your telephone number*

Please make sure our has your current day and night phone numbers. If something happens to your property or if an alarm goes off, someone may need to reach you. (Your

phone number will not be given or sold to any business or charity to solicit you. It is for Association use *only*.) This is *not* a guarantee that we will call you should there ever be an emergency, but we would hate to be without your number should such a need arise.

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## ***Renting and selling by owner***

### ***Renting your home***

If you lease your home to someone, you are obligated to deliver to your lessee or renter a copy of the Association Rules not later than the commencement of his or her occupancy. (This booklet will satisfy the requirement to provide the Rules.) Within ten days of occupancy, you must deliver to the Association a letter certifying that a written lease or rental agreement has been executed, that it contains the language described below, and that the lessee or renter has received a copy of the Association Rules.

Any lease or rental agreement must include the following notice:

“The terms of this (lease or rental) agreement are subject to the provisions of the Rules, Declaration, Articles, and Bylaws of The Legends at Bridger Creek Homeowners Association and any applicable agreements between the Association and any of the Federal Agencies. Any failure by the (lessee or renter) to comply with the rules or terms of those documents shall be a default under this (lease or rental) agreement.”

You should understand that, should a renter violate rules or provisions of the Declaration, the Association has no direct legal recourse against the renter, *but must pursue enforcement against you, the owner*. That is why preventing problems and close supervision of your property is so important. You may decide close supervision is most effectively accomplished by engaging the services of a property management company to manage your rental for you. Typical services include placing ads for new renters, finding and credit-screening your tenants, preparing rental agreements, collecting rent, paying dues and bills, handling repairs, clean-ups, trouble calls, looking after your property, fulfilling your obligation to provide your tenants with Association rules, and sending you rent checks regularly.

If you rent or lease your home to someone or sell it, please notify our Association Secretary or President promptly after completion of the rental agreement or sale. We need to know new phone numbers and the address to which bills and notices should be sent.

### ***Selling your home***

Before selling your home, ensure that all exterior modifications to your home have been approved by the Reviewer/Design Review Board. *Failure to disclose unapproved modifications to your buyer may expose you to legal liabilities.*

Please, ensure that your buyer receives the required copies of the Bylaws, Articles of Incorporation, Declaration, Rules and most recent budget. You may have other disclosure obligations as well; consult with your real estate professional or attorney regarding them.

Most of these documents should be available from our Association Secretary for a copying and clerical charge.

After selling your home, don't forget to notify our Association Secretary promptly so we can update our records.

The Association is not a legal party to transactions involved with your sale in the same way as your buyer, real estate, title, and mortgage companies; it is not bound by agreements among those parties. However, the Association is usually involved and tries to be helpful in providing requested information to those parties at reasonable fees.

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## ***Insurance***

### ***Our insurance***

The Association normally maintains an association general liability insurance policy, casualty insurance for our common property and facilities, and directors and officers liability coverage. However, provisions of policies do change from time to time. If you are an owner, our Association Secretary or President can provide you with a more detailed description of current coverage at any time.

### ***Your insurance***

Of course, our insurance policy does not cover your home or personal property or liabilities. We *strongly* urge you to make sure you are adequately insured. If you rent your home, we recommend you have Renter's Insurance. If you are an owner and rent your home to someone, don't forget to ask your agent about extending the personal liability section of your policy to your rental home.

If you do not have insurance yet, please, pick up your phone, call your insurance agent and ask for advice about and a quote for appropriate insurance.

# Rules

A consequence of living in a high-density development is that some of our behavior may affect others. By agreeing to a body of rules we can minimize problems and maintain the value of our property and the pleasure of living at The Legends at Bridger Creek.

No one makes rules for us. We make our rules and we do it following a procedure we adopted that ensures fairness and member participation. No benefit comes from having rules to enforce. Our benefit comes from everyone's knowledge of what the rules are and, more importantly and above any rule, exercising tolerance and consideration for our neighbors.

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## Vehicles

1. No vehicle shall travel faster than 15 miles per hour on the property.
2. To protect our homes and families, no vehicle is allowed to park in a fire lane, including a vehicle parked with its wheels over a curb or sidewalk to reduce obstruction. *Any such vehicle may be towed at the owner's expense.*
3. In order to ensure adequate parking for our guests, residents may not park in those parking spaces designated for guests, except that residents may park in such spaces for a period not to exceed two hours. Otherwise residents shall park their vehicles in driveways or off-street spaces or outside of The Legends at Bridger Creek common areas. *Guests* means people visiting residents for no more than two weeks (14 days cumulative in any 12-month period).
4. Residents should advise their guests to park in driveways or off-street spaces.
5. Except as noted below, only *conventional passenger vehicles* are permitted to park within The Legends at Bridger Creek. This includes family sedans, compacts, subcompacts, station wagons, pick-up trucks without signage or mounted tools or equipment, pick-up trucks with shell not extending above the cab by more than one foot, and passenger vans with extended tops not extending above the top by more than six inches. Exceptions are vehicles of contractors actively providing services to residents.
6. No motorized vehicle, including but not limited to a car, truck, motorcycle or motorbike, may be parked on a sidewalk. The owner of a home whose occupant, visitor or contractor parks a vehicle on a sidewalk shall be responsible for the removal of any oil, stains, tire marks, or other substances left by the vehicle.
7. A resident's recreational vehicle or equipment may be parked in the resident's driveway on a non-recurring basis for no more than forty-eight hours. Recreational vehicles and equipment owned by guests temporarily visiting residents may be parked in the resident's driveway for no more than two weeks, provided prior written approval has been obtained from the Board. Recreational vehicles include trailers,

boats, campers, trailer coaches, buses, house cars, camp cars, motor homes or other similar equipment or vehicles.

8. No noisy or smoky vehicles, off-road, or unlicensed vehicles shall be operated on the property.
9. No vehicle in disrepair for more than two days may be parked on the premises. No vehicle may be dismantled, rebuilt, repaired, serviced or repainted on the property. This shall not be deemed to prevent washing and polishing of vehicles.

**NOTICE:** Vehicles parked in violation of these rules or that are blocking an access or parked in a handicapped space without a permit or within fifteen feet of a fire hydrant may be towed away at owners expense.

In the back of this booklet is a *Courtesy Notice* form that you can copy and place on the windshield of a vehicle in violation of these or other vehicle rules. In the case of repeating violators, documenting the date, time, location, vehicle make and model, and license number for violations will provide us what we need to levy a fine. (Make sure you record this information when placing the form on the windshield.)

In extreme cases where a vehicle has been illegally parked for an extended period and the vehicle owner cannot be located, we may have the vehicle towed. Contact our Board President should you feel towing is the only viable recourse.

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## *Pets and animals*

In conjunction with your Declaration of Covenants and Restrictions Section 5.10; Domestic Pets, your Association has drawn from rules common to many community associations, these rules should allow us to enjoy our pets without disturbing our neighbors.

1. The only animals allowed are spayed or neutered dogs, spayed or neutered cats or other common household pets.
2. Small birds, fish, reptiles or mammals are allowed (except as excluded above) as long as they do not exceed twelve inches in the largest linear dimension and are confined at all times within homes, in cages, aquariums, or terrariums which do not exceed a combined volume of ten cubic feet per household.
3. No animals may be bred or maintained for any commercial purpose or in numbers deemed unreasonable by the Board.
4. Dogs and cats must wear collars to which is attached a license tag and identification of their owners, including either a telephone number and/or address.
5. Any animal not within a residence or otherwise physically confined, must be kept on a leash while on The Legends at Bridger Creek property. Owners walking dogs shall be responsible for removal of waste left by their animals on the property.

6. Food may not be left outside for animals. Residents should keep outdoor garbage bin lids closed to prevent access by animals and to keep odor nuisance to a minimum.
7. No animal may be kept at The Legends at Bridger Creek that results in a nuisance to other residents, as determined by the Board.
8. Nothing herein shall be interpreted to restrict owners from imposing further restrictions regarding animals in their respective homes when renting or leasing.

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## *Noise*

Showing consideration and respecting the needs of others for a peaceful environment enhances the pleasure of living at The Legends at Bridger Creek.

1. Residents shall keep the volume of entertainment devices, musical instruments, and other sound equipment as well as voices to courtesy levels, as heard from outside their property bounds, so as not to interfere with the quiet enjoyment by others of their respective residences.
2. Entertainment devices brought outdoors onto common property should be kept at very low volume so as not to disturb others; use of headphones is strongly encouraged.
3. Residents are responsible to control pets that may create noise nuisances. Any animal that continues to cause a noise nuisance may be required to be permanently removed from The Legends at Bridger Creek.
4. Residents shall ensure that noise from engines, vehicle entertainment devices, tires and horns, and from any other machinery or devices is kept below nuisance levels, as determined by the Board. Residents shall be responsible to ensure their guests observe this.
5. Vehicle alarm systems are prohibited that are prone to false alarms or that emit audible signals to indicate status other than violation if such signals disturb other residents.
6. Owners of home alarm systems should become familiar with their security systems so as to minimize false alarms. They must ensure their systems comply with any City requirements for automatic shut-off.

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## *Hazardous Materials/Activities*

No resident may store or use hazardous, noxious, or illegal substances that could be a hazard, nuisance, annoyance, law violation, or could impact the insurability of the project.



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## Signs

For-Rent signs may be displayed only from inside windows. No such sign may exceed three square feet in size. For-Sale signs are limited to one's own property and to a type customary for homes in [MissoulaBozeman](#). Both types of signs must be muted in tone and color or otherwise unobtrusive as determined by the Reviewer/Design Review Board. No other signs shall be displayed except as approved by the Board.

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## Residential businesses

Only unobtrusive types of businesses completely compatible with residential use may operate from a home at The Legends at Bridger Creek. For example, a writer, artist, computer programmer, consultant, architect, graphic artist, or other individual who operates unobtrusively and in accordance with the following conditions may conduct business in his or her home.

Residents may operate only City-licensed, residential businesses in conformance with any restrictions for residential business imposed by the City of [MissoulaBozeman](#) or other restrictions that the Board of Directors shall deem necessary to uniformly impose to preserve the residential character of the neighborhood and/or home. In short, the business must be *invisible*.

1. The business use must be clearly incidental and secondary to the residential use of the home.
2. The use shall not require any modification or alteration not customarily found in a home nor shall it be visible from a street or adjoining properties.
3. There must be no window display, advertising, sign or other identification of the home occupation on the premises.
4. The use will not materially increase vehicular or pedestrian traffic over that normally found in the neighborhood nor will any additional parking be needed or provided.
5. No noise, dirt, fumes, odor, vibration, etc., not normally appurtenant to residential use nor greater in intensity or duration than that customarily associated with a home shall be emitted as a result of the home occupation.
6. Not more than one commercial vehicle shall be permitted and this vehicle shall not exceed three-quarter ton rated capacity. Such vehicle shall not have commercial markings or signage. Such vehicle is subject to further restrictions as specified under Vehicle Rules.
7. The use shall not involve the storage of flammable, explosive or hazardous materials unless specifically approved by the Fire Department.
8. The business must not involve illegal substances or activities.



## *Owners renting or leasing*

Owners who rent or lease their homes should understand that, should their renters violate rules or provisions of the Declaration, the Association usually has no direct legal recourse against the renter, but rather must pursue enforcement against the owner.

Other communities have experienced significant problems when owners attempted to manage their rentals themselves from distant cities. Inasmuch as owners bear responsibility for their renters' actions, they are encouraged to engage the services of a local professional management company or pursue other means to ensure good local supervision, protection of their property and compliance with our rules.

1. Any lease or rental agreement must be in writing.
2. Any lease or rental agreement must include the following notice:  
 "The terms of this (lease or rental) agreement are subject to the provisions of the Rules, Declaration, Articles, and Bylaws of The Legends at Bridger Creek Homeowners Association. Any failure by the (lessee or renter) to comply with the rules or terms of those documents shall be a default under the (lease or rental agreement)."
3. Owners shall be responsible for assuring compliance by renters and lessees with the Rules, Declaration, Articles, and Bylaws of The Legends at Bridger Creek Homeowners Association.
4. Each owner must deliver to his lessee or renter a copy of the Association Rules not later than the commencement of lessee's or renter's occupancy.
5. Within ten days of lessee's or renter's occupancy, an owner must deliver to the Association a letter certifying that a written lease or rental agreement has been executed, that it contains the language described above, and that the lessee or renter has received a copy of the Association Rules.

## *The design review process*



### *Why have a review process?*

The value of a home can be affected by the appearance of other homes nearby. The proximity of our homes to one another also bears increased risk of physical damage to foundations and structures from plants or from neglected drainage. The potential for such damage as well as impact to property values is enormous. Therefore, to protect our homeowners, lenders, and the City, our Declaration (Declaration of Protective Covenants and Restrictions) provides for a system of review and approval for exterior changes homeowners wish to make to their properties.

The importance of abiding by the Review Process goes beyond our agreement to be legally bound by it when we purchased our homes. It can work only if we apply it fairly and uniformly when evaluating applications by our neighbors while serving as members of the Reviewer/Design Review Board, and operating within the review process as applicants. The purpose of the system is not to impose unnecessary controls and restrictions, but rather to protect the value of one of the most important investments each of us will ever make—our homes.

In order to ensure fairness:

- Standards are created within a public process. They are introduced, discussed, and voted upon at open Reviewer/Design Review Board and Board meetings.
- We strive for a sound basis for our standards—to be realistic, objective and defensible. Typically, standards are developed with input from the developer, standards from other homeowners associations, and residents knowledgeable about City requirements.
- Standards can be changed with good cause by the Board of Directors with approval of the City Planning Department.
- Some architectural restrictions imposed by our Design Guidelines and Declaration can be changed by passing an amendment by vote of membership.
- Should an applicant feel that special circumstances exist that provide a compelling reason why a standard should not apply in a specific case, or if a standard does not exist, the applicant may request a variance be granted by the Reviewer/Design Review Board. Such a variance is also subject to approval by the City Planning Department.

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## *The Reviewer/Design Review Board the City and You*

The Reviewer/Design Review Board reviews proposed plans and approve or disapprove them based upon standards of style, exterior design, appearance, location, Design and Declaration Guideline requirements. The Reviewer/Design Review Board also assists homeowners and makes recommendations to help bring plans into compliance.

The City of Bozeman approved The Legends at Bridger Creek development as a Planned Development. As required for Planned Developments, the City reviewed and approved all aspects of the project and requires that most exterior modifications by homeowners be reviewed and approved by them as well.

*Your role* is two-fold:

*First*, when contemplating any exterior property modification you are encouraged to familiarize yourself with this chapter of the handbook, Section 2.3 of our Declaration relating to architectural controls and the Design Guidelines. It describes the basis for the controls, references the Reviewer/Design Review Board and the authority for enforcement.

*Second*, you will be working with the Reviewer/Design Review Board to obtain approval for your application, and with the City, should your project require Planning Department approval or a building permit. The steps you will go through

and the requirements for dealing with the Reviewer/Design Review Board and the City are described later in this document.

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## *How to get approval for your project*

The following is intended primarily for owners. If you are renting your home, you will need to work with your Rental Manager or the owner of your home to effect exterior improvements since our Board is authorized to approve applications only from owners.

### *When to apply for approval*

Approval from the Reviewer/Design Review Board is required for almost any exterior modification. Generally, any building, fence, wall, structure, landscaping improvements that consist of predominantly hardscape materials located within the yard of any residence visible from any street, adjoining residence or community facilities must be approved by the Reviewer/Design Review Board. No changes may be made to such things or to other exteriors without approval, except painting with the same color of paint as previously existed.

The Board also requires that an application be submitted for modification of an improvement, or *reconstruction* of an improvement that had been removed, dismantled or destroyed. If a standard has changed since previous approval, the Board may require that reconstruction, reassembly or modification brings the improvement into compliance with the new standard. It is the applicant's responsibility to request and examine architectural standards that apply to an improvement to be reconstructed, reassembled or modified.

**Approval is important.** Making a modification without Reviewer/Design Review Board approval may result in changes having to be undone at the member's expense. Other Association remedies include but are not limited to filing a notice of non-conformance that may affect the salability of the property, with filing/clerical fees assessed to the homeowner, and injunctive relief with the homeowner paying attorney's fees and court costs. The City also has zoning code enforcement procedures.

Remember, you agreed to the terms of the Declaration and Design Guidelines when you purchased your home and those terms mandate the Review and Approval process. Someday, when you take your turn on the Board, you will learn you *must* enforce design controls or expose yourself and all of us as an association to liability. Please don't put your neighbors in a position where they must ask you to remove something that hasn't been approved; they have no choice. You do.

In order to help you determine if a contemplated project requires approval, some examples are listed below. If, after reviewing the examples, you are still unsure as to whether you need apply to have your project approved, it is better to apply.

### *Examples of alterations not normally permitted*

- Exterior aerial antennas visible from common area. (Small satellite, parabolic or other unobtrusive antennas may be approved.)
- Window additions or coverings that are not muted in tone and color
- Window air conditioners

- Pet houses
- Greenhouses
- Security bars on windows, exterior or visible interior
- Structures on common property
- Clothes lines visible from any common area or neighboring property
- Window awnings visible from any common area or neighboring property
- Painting exterior surfaces other than with the original colors
- Garbage can structures outside of rear/side yard fence enclosure
- Changes to mailboxes, other than to replace with identical model and color
- Changes to driveways not specifically covered in the Architectural Standards

### ***Examples of alterations requiring approval***

- Planting by residents on common property
- Changes that may affect drainage
- Modifications to steps or walkways
- Storage sheds
- Landscaping consisting predominantly of hardscape materials such as cement, rock, gravel, flagstone, aggregate or bricks
- Changes to contours of front yard lawn or landscaping
- Removal of trees or addition of trees that are not replacements for like species
- Additions or changes to fences and gates
- Outside furniture and umbrellas visible from street or common area
- Children's play structures visible from street or common area
- Awnings (that are not precluded above)
- Decks and patios
- Arbor and trellis structures
- Gazebos
- Swimming pools
- Water fixtures such as fountains, waterscapes, spas and hot tubs
- Solar panels
- Changes to doors, door colors, additions of screen doors
- Any external structure visible from any street, adjoining residence or common area

### ***Examples of alterations not requiring approval***

Though the following normally will not require application and approval, the Reviewer/Design Review Board reserves the right to require approval should it determine a problem exists or might exist:

- Repair or reconstruction of fences, walls or mailboxes to original, as-built condition.
- Installation of satellite or parabolic antennas of less than one meter in diameter. Such antennas should be located so as to minimize visibility from common areas, e.g., below the highest point of the roof and/or adjacent to chimneys.
- Temporary holiday decorations in place for less than 30 days.

- General plant landscaping not otherwise restricted above (or under *Landscaping* later in this handbook) is understood to be approved, provided it meets all other requirements and is compatible with the character of the neighborhood, with the following exceptions:
- Plants that may cause foundation damage, exterior damage or prevent maintenance to structures or interfere with easements.
- Plants large enough to encroach on neighbors' living space or affect shading of neighbor's property will require approval.
- For general tree and plant considerations, see *Landscaping* later in this handbook.

### ***How to apply for approval***

Should you wish to make an exterior change for which an application is required, this is what you should do, as outlined on Page 14 Section 11.5 of your Design Guidelines.