

**RESOLUTION OF
SODA CREEK CONDOMINIUM ASSOCIATION, INC.
REGARDING HARD SURFACE FLOORING**

SUBJECT: To institute a procedure to govern the installation of hard surface flooring or other surfaces that may amplify or transmit sounds to another Unit with specific consideration given to noise abatement.

PURPOSE: To ensure every Owner the right to enjoy his or her individual Unit without unreasonable noise resulting from installation of hard flooring surfaces or other surfaces in neighboring Units and in doing so to promote the health, comfort, safety, convenience and general welfare of the residents of the properties subject to the Declaration.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

**EFFECTIVE
DATE:**

8 May 2020

WHEREAS, Section 7.13 of the Declaration provides that “no sound or odor shall be emitted from any portion of the Community which would reasonably be found by others to be noxious or offensive as further defined in the Rules and Regulations”; and

WHEREAS, Section 7.4 of the Declaration provides that “hard surface flooring is prohibited in any bedroom in a Unit which is located above another Unit. Owners of Units which are located above other Units may replace living room or dining room flooring with a hard surface flooring material only upon approval of the Board of Directors and in compliance with any policies, rules or regulations adopted by the Board of Directors regarding the same. Linoleum or tile in the kitchen and bathrooms may be replaced with the same type of material without prior written approval; however, the installation of such kitchen or bathroom linoleum or tile must be in compliance with any policies, rules, or regulations adopted by the Board of Directors regarding the installation of hard surface flooring materials”; and

WHEREAS, the installation of hard surface flooring in Units in the Community results in increased sound transmission to other Units; and

WHEREAS, to abate the results of such, the Association hereby gives notice of its adoption of this Resolution regarding the installation of hard surface flooring in Units:

RESOLUTION:

1. Regulation on Interior Improvements that Amplify or Transmit Noise to Another Unit.

a. **Bedroom Flooring:** Hard surface flooring is prohibited in any bedroom which is located above another Unit. ***Any Unit that has previously installed hard surface flooring in a bedroom, or will install hard surface flooring in a bedroom (if permitted herein) is required to use an 8 foot x 10 foot area rug with at least a ½ inch pile height to reduce sound transmission.***

b. **Kitchen and Bathroom Flooring:** Linoleum or tile in the kitchen and bathrooms may be replaced with the same type of material without prior written approval.

c. **Architectural Review for Lower Level Bedroom Flooring and Both Upper and Lower Level Living Room and Dining Room Flooring:** To minimize sound transmission between Units, unless otherwise stated or prohibited herein, Owners of Units shall not replace flooring with a hard surface flooring material without prior written approval of the Board of Directors.

i. Prior to approval by the Board, an Owner of a Unit must submit plans which shall include the following information:

1. Type of flooring surface to be installed;
2. Documentation that the hard surface flooring and underlayment material are approved for installation with radiant floor heating;
3. The manufacturer and model of the flooring material;
4. The manufacturer and model of the acoustical underlayment to be installed;
5. A certified testing report from the acoustical underlayment manufacturer for the flooring material tested either in the field or in a laboratory with a similar floor/ceiling structure as the Association Condominium buildings (i.e., 2 layers of 5/8" gypsum board, 2 x 12 insulated joist cavities with 3/4 plywood, with 1.5" of lightweight concrete or gypsum crete) showing that the flooring material with the specific underlayment shall meet the minimum Impact Insulation Class (IIC) and/or Field Impact Insulation Class (FIIC) rating requirements set forth in subparagraph (c) below. Alternatively, the Owner may submit a stamped letter from a Professional Engineer registered in the State of Colorado, whose

primary field of expertise is that of an acoustical engineer, indicating the proposed flooring and underlayment will meet the requirement specified in Section 1(c)(ii).

ii. The minimum IIC/FIIC requirements are as follows:

1. Flooring assembly has an IIC or FIIC rating of 55 or higher; and
2. Underlayment must have a Delta IIC rating of 22 or higher.

d. Owners with any hard flooring surface in a living room or dining room of any Unit, regardless of location, are required to use area rugs with at least a ½ inch pile height to help reduce sound transmission.

e. In addition to adequately minimizing sound transmissions, no Owner shall do anything that will impair the structural soundness or integrity of the building or utilities or impair any easement.

f. Any alleged violations of this policy or for unreasonable noise restrictions shall be addressed pursuant to the Association's policy regarding covenant and rule enforcement.

2. **Supplement to Law.** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.

3. **Amendment.** The Board may, in its discretion, amend Resolution from time to time.

PRESIDENT'S

CERTIFICATION:

The undersigned, being the President of the Soda Creek Condominium Association, Inc., a Colorado nonprofit corporation, certifies the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 8 May 2020, and in witness thereof, the undersigned has subscribed his/her name.

**SODA CREEK CONDOMINIUM
ASSOCIATION, INC.**, a Colorado nonprofit
corporation

By:



President