

# **GENESEE RIVERVIEW HOMEOWNERS ASSOCIATION Inc. RULES and REGULATIONS**

## **INTRODUCTION:**

When you purchased your Townhome, you were given a copy of the Offering Plan (Prospectus), which contains the Association Declaration and By-laws, and which outlines rules and regulations for living at Genesee Riverview. Your commitment to abide by these rules and regulations was established when you purchased your townhome. This commitment extends to your family and guests. Subsequent purchasers of property in Genesee Riverview community are equally responsible for compliance with the Association Declaration and By-laws. The following are the Rules and Regulations governing the Genesee Riverview Homeowners Association, Inc. and are being published to assist in response to the frequent questions that arise and to consolidate the rules into a single document. In addition to this publication all other Covenants and Restrictions outlined in the Declaration must be adhered to. The corporation entity, which you are a member of, Genesee Riverview Homeowners Association Inc., shall be referred to hereinafter as the Association and the Board of Directors of the Association entity shall be hereinafter referred to as the Board.

**This is intended to be a convenient summary of Rules from the Declaration including Board interpretations and a number of revisions and must be read along with Article X of the Declaration of the Association.**

## **GENERAL RULES –**

1. **OUTSIDE APPEARANCE:** Any proposed change to the appearance of the outside of a Genesee Riverview residence, or any complaint/problem must be submitted in writing to the managing agent for action. Change requests must be submitted on a completed variance form for processing thru the “Architectural Standards Committee”. The form is available thru the Managing Agent.
2. **PETS:** Except for one (1) dog and one (1) cat belonging to an Owner of a Lot, fish or bird kept in a cage, no animals, birds or insects shall be kept or maintained on Genesee Riverview property. The Board, may, from time to time, (i) impose reasonable rules and regulations setting forth the type and number of animals, birds, or insects and (ii) prohibit certain types of animals, birds or insects entirely. (Keeping a pet is a privilege not a right)

Dogs or cats shall not run unattended outside of areas enclosed by private fencing, unless accompanied by a responsible person and leashed. Leashed animals must not be on a leash so long as to allow animal access to another town home lot. The Board shall have the right at its sole discretion to require any member of the Association, any tenant of any member or any family member or guest of any member or tenant to remove any animal, bird or insect from Genesee Riverview property. No dog or cat shall be kept or left unattended on the grounds, in the garages, patios or decks at any time, whether or not chained, caged or tethered. No pet waste shall be left anywhere on the grounds and must be properly disposed of each and every time. If an animal is found that is too noisy, or creating other nuisance and/or is not properly controlled by a responsible person, the Association or its Managing Agent or their employees may contact any local municipal authority with power to impound animals without any liability on the part of the Association, its directors, agents or employees. Any damage caused by an animal to Association property including lawns, shrubs, fences, etc., will be the responsibility of the pet owner. (see also, Article -X-§10.02)

3. **PARKING:** It is important that all homeowners use common courtesy when parking vehicles. Homeowners parking will be limited to the Owner's private driveway and garage. Visitor/Guest parking areas are available for visitors only and should not be used by homeowners or anyone living in the townhome on a regular basis. Each townhome can accommodate at least 2 cars, one in the garage and one in the drive. Many units actually accommodate three or more vehicles. Guests should be asked to use the homeowner's driveway or the visitors' parking area. If parking on the side of the street becomes necessary, it should be confined to one side only. The homeowner is responsible for enforcing this safety requirement. All street parking should follow town rules such as not blocking another driveway, mailbox, impeding emergency vehicle access or winter snowplowing activity. There is no parking on the lawn areas and owners will be charged for any lawn damage, or leaking oil or fuel that damages the drive. Where a private drive access circle exists in several areas of the community there shall be no parking at any time on the private drive to ensure safe access for owners and emergency vehicles. Vehicles parked in violation of this policy will be towed at Owners expense
4. **COMMERCIAL VEHICLES:** Any commercial vehicle must be parked in a garage with the exception of construction vehicles or vehicles making deliveries or providing services to the homeowners. Pick-up trucks without commercial lettering or equipment, or other oversize

vehicles, weighing two (2) or more tons that cannot access the standard garage requires a variance to even be considered, to be left outdoors, but may park up to 72 hours per month without approval.

5. **BOATS, TRAILERS, RECREATIONAL VEHICLES:** Any boat, trailer or recreational vehicle or equipment must be parked in a garage. Short-term parking privileges are allowed (not to exceed one 72 consecutive hour period per month without written approval of the Board).
6. **UNREGISTERED/UNLICENSED MOTOR VEHICLES:** Unregistered/unlicensed motor vehicles which includes, but is not limited to mini-bikes, trail-bikes, go-carts, snowmobiles, mopeds, etc., are prohibited from remaining on Genesee Riverview property overnight, or they must be parked in a garage. Unlicensed motor vehicles violating these Rules and Regulations shall be towed at the owner's expense.
7. **SIGNS:** One Realtor sign is allowed in the front window only. An open house sign may be displayed on the day of the open house. Realtor signs shall not exceed 18" height by 24" width. The "for sale" sign must be removed upon transfer of the property. Signs indicating that a house is protected by a security system must be limited to one (1) sign at the front of the unit near the main entrance and small sticker signs posted on the inside windows/doors of individual homes. No other signs are permitted without the Board's written approval.
8. **EXTERIOR MODIFICATIONS:** No exterior modifications or alterations can be made without the written approval of the Board. All requests for decks, patios, walls, fences, plantings, windows, doors, etc., must be submitted in writing to the Managing Agent to present to the Architectural Standards Committee for review, and must include written plans and specifications/colors. Any modification made without prior approval of the Architectural Standards Committee will be subject to removal by the Association at the homeowner's expense.
9. **DECORATIONS:** The installation of any lawn decorations including windmills, plastic objects, wooden objects, stone objects, statues, etc., must be no more than 3 feet in height and must be located in foundation plantings. Nothing is allowed in tree beds or on lawns. Shepard hooks are allowed up to five feet tall and have two hooks. Only one of the following poles is allowed: a Shepard hook, one (1) bird house, or one (1) bird feeder. Holiday decorations such as lights, wreaths, etc., may be displayed but must be removed promptly when the Holiday season has ended typically not to exceed two weeks after the Holiday. Christmas

decorations may not go up with the lights on before Thanksgiving. The Architectural Standards Committee has the right to review any display or excessive numbers and placement of objects in planting beds or patio areas that interferes with normal maintenance or affects community appearance, and have them removed. The hanging of decorations such as flags, feeders, wind chimes, etc., on the exterior of decking or privacy fencing is strictly prohibited. Wind chimes are music to some - noise to others. If you hang a wind chime and your neighbors complain, you will be required to remove it. Town home living creates unusual conditions with patios/neighbors only inches apart. Seasonal flower planters are allowed and may be placed on deck surfaces, patios, or front porches in accordance with the current guidelines.

The Association will allow one (1) wreath no more than 18" in size to be hung on the front door. During the period of December 1<sup>st</sup> thru January 10<sup>th</sup>, white and colored lights may be hung on individual trees located in the homeowner's front yard and on the deck of each Townhome.

Wreaths and other decorations approved by the Board will be allowed on the front door and front entrance area during the same period but cannot be installed using nails, screws or other devices requiring penetration of the wood / siding. The Board will consider, at its sole discretion, all other decorations for religious holidays upon written request. All other decorations must be approved by the Board.

Extreme care should be used when attaching exterior holiday lights and decorations. If you damage the exterior of your town home, you will be required to repair it at your own expense. If decorations become unsightly they will need to be repaired or removed. No artificial flowers are allowed in planting areas.

10. **FLAGS:** The American flag (not larger than 30" x 48") may be displayed between the hours of sunrise to sunset. The flag must be taken down at dusk each day. It must not be displayed if it is tattered or faded. The United States flag should be mounted and flown at all times according to proper flag protocol. Only one flag, banner, or windsock may be displayed at any time. Seasonal items are limited to short periods of time to celebrate holidays or special occasions. Any damage to building unit must be repaired at homeowner's expense.
11. **BIRD FEEDERS/HOUSES:** Great care must be used with bird feeders and bird houses, close to buildings such as around town homes. Seeds falling to the ground can attract rodents to your unit or your neighbors. In the spring during nesting season, birds attracted close to the buildings create problems in vents, louvers, gutters, even entering buildings or

causing dryer fires by plugging vents. Bird messes on your patio, decks, walks or that of your neighbors will become a nuisance.

Feeders should only be used during the cold weather months from November 1<sup>st</sup> to April 15<sup>th</sup> when other food supplies are less available to birds. The feeder or bird house, should be located not less than 15 feet from the building to avoid problems. The Board can require removal at any time if rodents become a problem, there are bird nesting issues, or droppings become a health or sanitation issue. In addition the Owner creating such a problem will be held responsible for damage by birds or rodents to the building exterior of his/her unit and that of adjacent neighbors.

12. **TREES, PLANTINGS, FLOWERS & NATURAL FEATURES:** The existing foundation plantings of trees and shrubs shall not be altered or removed. Homeowners with plantings that have not received written approval shall be requested to remove them. If the plantings are not removed, the Managing Agent shall remove them at the homeowner's expense. The use of potted plants shall conform to guidelines proposed by the Architectural Standards Committee and approved by the Board. Placement shall not interfere with landscape, grounds keeping operations. The Architectural Standards Committee, in its discretion, may adopt and promulgate rules and regulations regarding the preservation of trees and other natural resources and wildlife upon the property. The Architectural Committee and/or the Board may designate certain trees, regardless of size, as not removable without written consent.

Planting annual or perennial flowers is a privilege. The maintenance is the responsibility of the homeowner, and shall not interfere with the landscaping, pruning, weeding and mulching of Association property. They must be pruned weekly with all dead blooms or leaves removed. Seasonal plantings must be removed as soon as their season has ended. Planter boxes, containers, hanging baskets must not be allowed to become unsightly. No artificial flowers are allowed.

Flowers must be in scale with the permanent plantings. For example, flowers planted in the front of the beds must not be taller than the permanent plants behind them. No decorative rocks are to be put in the planting beds. No decorative edging is to be put around trees or shrubs.

The Association is not responsible for any flowers planted. Maintenance personnel will exercise reasonable care but will not be responsible for Owner's plants that interfere with general Association maintenance operations.

**Please remember if we cannot control the temporary plantings, the Board will be forced to enforce the Declaration and forbid the planting or showing of flowers.**

**13. USE AND MAINTENANCE OF SLOPE CONTROL AREAS:**

Within any slope control area shown on any filed map or plot, no improvements, planting or other materials shall be placed or permitted to remain, nor shall any activity be undertaken which may damage or interfere with the established slope ratios, create erosion or sliding problems, or change the direction or flow of drainage channels. The slope control areas of any Lot or other portion of the Property and all improvements thereon shall be maintained continuously by the Owner of said Lot or other portion of the Property, except in those cases where a governmental agent or other public entity or utility company is responsible for such maintenance.

Crown vetch, or any other ground cover material planted by the Association in slope control areas may not be removed or cut by any resident. Any questions about this should be referred to the Property Manager.

**14. DWELLING IN OTHER THAN RESIDENTIAL UNITS :** No temporary building, trailer, basement, tent, shack, barn, outbuilding, shed, garage or building in the course of construction or other temporary structure shall be used, temporarily or permanently, as a dwelling on any lot or other portion of the property except with the written consent of the Board. Garages may not be used, screened, or finished off for any type of living space under any circumstances.

**15. TRASH REMOVAL:** Trash removal occurs on a specific day each week. It is recommended that containers with secure lid fasteners be placed at the curb no earlier than 7:00 pm the evening before pick-up and removed promptly the same day after the trash has been picked up. The secure containment of refuse in cans with tight fitting lids is required to prevent nocturnal animals and adverse weather conditions from causing a refuse mess. No trash or waste material shall be kept, stored, or allowed to accumulate outdoors on any portion of the property. Trash and recycle bins shall be stored in the garage area only. If you plan on putting large items out for removal by the refuse carrier, please contact the refuse company in advance to arrange for pick-up. Any additional charges for certain items such as tires, or for refrigerators & dehumidifiers due to recycling frione gas are the owner's responsibility. Any problems, complaints, or concerns regarding the service should be directed to the

Managing Agent. It is a good idea to label your containers with your address, so they can be returned if blown around on windy days.

16. **COMMERCIAL AND PROFESSIONAL ACTIVITY ON PROPERTY:** No wholesale or retail business, service occupation or home business (including garage sales) shall be conducted in or on any lot or other portion of the property without the consent of the Board.
17. **NOISE:** Stereos, radios, televisions, etc., should be kept at a sound level that does not disturb your neighbors. Remember that loud parties, barking dogs, etc., can disturb the peace and quiet enjoyment your neighbors are entitled to. The best rule is that noise should not be heard within a neighbor's house with the windows closed. No excessive noise between 11:00 pm and 7:00 am.
18. **BUG ZAPPERS:** Outdoor pest control devices of any type are not allowed.
19. **GAS GRILLS / FIRES / OPEN FLAMES:** No fires from fire pits or open flames from torches are allowed. Gas grills must be operated at least 5 feet away from the fences, vinyl siding and any building surfaces as heat, grease fires, and flare ups can damage the siding and more significantly start the building on fire. Grilling is not allowed in the garage, or on the front porch. If grilling in the driveway, the grill must be stored out-of-sight as soon as grill cabinet has cooled. Storage should be in a garage or behind privacy fencing. Owners are responsible for any damage and repairs caused by their negligence. Propane tanks and gas grills should never be stored in a basement area.
20. **FIRE EXTINGUISHER / SMOKE DETECTOR / CARBON MONOXIDE DETECTOR:** The Association maintains a Master Insurance policy on the buildings for fire and casualty. This is one of the most significant costs to the Association. It is recommended by the Insurance company, to keep our insurance rates as low as possible that all owners have at least one 2 ½ lb portable fire extinguisher available for emergencies in the kitchen area. Smoke detectors as originally installed (hard wired 110v) have a useful life of about ten years. These need to be checked and tested monthly and if defective or not operating replaced. In addition the availability of a Carbon Monoxide Detector is now a requirement on most master insurance policies. They are inexpensive, plug into any wall outlet, and can save your life especially with gas heat and aging furnaces that may develop a cracked heat exchanger after years of use. All these items as safety requirements are inexpensive and available at any building supply company. If you need help with any

safety equipment contact the Property Manager or your local fire department.

21. **DECKS, PATIOS, PRIVACY FENCES, HOT TUBS, & FIREWOOD:** Owners are responsible to maintain their own decks either originally installed by the Sponsor or added later by the Owner. Maintenance includes staining and wood repairs that keep the deck pleasing in appearance and safe for use. The Association shall maintain the privacy fences separating decks and patio areas. Concrete patios are the owner's responsibility. No storage is permitted under decks. Storage on decks and patios should only consist of seasonal furniture. No hot tubs or whirlpools are allowed outside of the town home. No hoses may be hung from decks or fences. Firewood must be stored only in a garage area. No firewood may be stacked or stored on or under decks, or on patios.

Decks must not be allowed to discolor. The Architectural Standards Committee has approved stains and colors that must be used for conformity. The Association will use the same stains to maintain the privacy fences, so as to match. Contact the Property Manager for the current list of stains as new more durable products become available.

22. **STORM DOORS:** Half-view or cross-buck doors are not allowed. Any storm door installed that has not received prior Architectural Standards Committee's approval will be removed at the owner's expense. All new or replacement door installations must be white color, full view. Prior to installation, a written and completed variance form must first be submitted to the Architectural Standards Committee, for its review and approval.
23. **GARAGE DOORS:** Garage doors cannot be left open for more than two (2) hours during any 24-hour period when the garage is unoccupied, without written approval from the Board. Unattended open garages can attract unwanted animals, rodents, and people. Garages cannot be used as a dwelling of any type, seasonal or otherwise, nor for commercial purposes. The Property Manager must be notified in writing and written approval received if a home improvement project requires the garage door to be open for several hours. The Property Manager should be contacted in writing, and written approval received back from the Board, if there are extenuating circumstances requiring approval for other reasons not covered by this rule.



24. **OUTSIDE ANTENNAS/ ABOVE SURFACE UTILITIES:** No outside radio, telegraphic, television, or other electronic antenna, dish or other transmitting or receiving device, poles, wires for transmission of electricity, telephone or electronic messages, water, gas, sanitary and storm sewer drainage pipes shall be erected on any lot, maintained above the surface of ground or exterior building surface or other portion of the Genesee Riverview property without the approval of the Board. A written and completed variance form is required before any installation and shall be submitted to the Architectural Standards Committee for its review and required approval before submission to the Board for final approval. All approvals must satisfy the requirements of the Federal Communications Commission, and /or other agencies with jurisdictional authority. There are special rules regarding satellite dish installation, and the Association has pre-approved locations where dishes may be located. Owners are responsible for all maintenance and repairs as a result of such installation. Phone and cable wires must be secured and concealed and not create a maintenance issue.
25. **SNOWMOBILES:** No snowmobiles or similar motor vehicle shall be operated on any portion of the Genesee Riverview property without the approval of the Board and subject to the Town of Chili Zoning Code, applicable Parks and Recreation Laws, and Motor Vehicle regulations of the State of New York or other governing authority.
26. **OUTSIDE REPAIR WORK:** No work on any motor vehicle, boats or machines of any kind, other than minor servicing and maintenance, shall be permitted on Genesee Riverview property without the written approval of the Board.
27. **OUTSIDE DRYING:** No outside drying or airing of clothing/ bedding shall be permitted within the Association property jurisdiction.
28. **NOXIOUS OR OFFENSIVE ACTIVITIES:** No noxious or offensive activity shall be carried out upon any portion of the Genesee Riverview property, nor shall anything be done thereon that may be or become a nuisance or annoyance to the area or to the residents or owners thereof. The emission of smoke, soot, fly ash, dust, fumes, herbicides, insecticides, and other types of air pollution or radioactive emissions or electromagnetic radiation disturbances are prohibited. Activities that are detrimental to or endanger the public health, safety, comfort or welfare, or be injurious to the property, vegetation, or animals, adversely affect property values or otherwise produce nuisance or hazard or violate any

applicable zoning regulations or governmental law, ordinance or code are prohibited.

29. **FENCES, & PROTECTIVE SCREENING:** Unless otherwise consented to in writing by the Board or Architectural Standards Committee, no chain link fence, privacy fence, protective screening or wall shall be erected, installed or planted anywhere on the Genesee Riverview property. No fence, wall, screening device, or planting shall be maintained so as to obstruct the sight lines for vehicular traffic.
30. **EXPOSURE OF PARTY WALL:** A townhouse owner who, by negligent or willful act, causes the party wall to be exposed to the elements, shall bear the whole cost of furnishing the necessary protection against, and the necessary repair caused by such elements.
31. **INSURANCE OBTAINED BY TOWNHOME OWNERS:** All policies obtained by townhome owners must contain waivers of subrogation and the liability of carriers. Insurance procured by the Board must not be affected or diminished by reason of any insurance obtained by a townhome owner. Any deductible of the Master Insurance policy will be the responsibility of the Association where causes or damage occurs that the Association is responsible for. In the case of Owner/tenant negligence, or their failure to properly maintain their equipment or property, or their contribution to damage by their failure to act or protect, then the Owner is responsible for the deductible portion of the master policy. In addition the Association thru its Agents may counterclaim for any and all costs directly to the Owner or Owner's insurance company for costs incurred by Owner's negligence. Any questions should be directed to the Managing Agent and/or your own insurance agent.
32. **WINDOW AIR CONDITIONERS:** The installation of window air conditioning units is strictly prohibited. Central air conditioning may be added after written approval from the Architectural Standards Committee regarding outside placement of equipment.
33. **OWNER CONTRACTED WORK:** All work done on the exterior of the townhome, occurs in areas where the Association must approve any activity. ALL exterior work requires Board or Architectural Standards Committee written approval before any work can commence. Insurance Regulations Require ALL contractors and sub-contractors demonstrate written proof of Liability insurance and Workers Compensation insurance, and in some cases whenever doing ladder work such as washing windows also sign an indemnification agreement holding the

Association harmless. Proof of insurance from any contractor must be received BEFORE any work/repair can take place. Any Owner or tenant of any Owner who initiates any work or service and violates this requirement is putting the entire Association at risk and may be held responsible for any injuries, claims, damages, from any worker injured in the course of providing work services. No Insurance – No Work.

34. **SIDEWALK LIGHTING-** Regarding the additions of lights along the walkways, there may be no more than four (4) sidewalk lights (solar/electric) installed. Light bulb color should be clear. Height not greater than 18 inches.
35. **RENTAL OF TOWNHOME:** See addendum re no more rentals

## *Enforcement of Rules and Regulations*

The Board of Directors acting through the property management company as agent, or acting directly, is empowered to enforce the rules and regulations, and By-Laws, according to its duties as outlined in the By-laws. It is desired that each owner be well informed on the rules and regulations in this booklet and the contents of the “Declaration and By-laws” in the interest of harmonious relationships and the quality of life for all concerned in the Genesee Riverview Homeowners Association. You agreed to abide by the rules, regulations, covenants, restrictions, etc., when you accepted title to your property in the Genesee Riverview community. Owners are responsible for their guests, invitees, tenants, family, etc.

In the event there is a violation of the applicable legal requirements as indicated, the following enforcement and penalties will be imposed on you as owner of your property.

**FIRST NOTICE OF VIOLATION:** As a courtesy, an attempt will be made to notify the owner by telephone or in person if available, and by written memo, and requested to eliminate the violation immediately or depending on the violation within 10 days.

**SECOND NOTICE OF VIOLATION:** If problem is not cured a \$50.00 fine will be levied against the owner’s account. In addition the Board or its agent may act immediately to correct the deficiency or violation, and assess additional charges for the cost of labor, materials, and supervisory fees, plus 20% to remedy the situation against the owner’s account.

**THIRD NOTICE OF VIOLATION:** If the owner continues to have a violation, a certified letter will be sent to the owner’s last known address, (owners are responsible to keep the Board or its agent informed of their legal address) with notification of a daily fine of \$50.00 until the violation is corrected or eliminated.

**ADDITIONAL LEGAL REMEDIES:** In the event that any fine/fees levied under this published and approved schedule of Rules and Regulations is not timely paid to the Association, then its Board or Managing Agent shall commence legal action to enforce the rule and collect fees due the Association. All unpaid fines, expenses incurred, including but not limited to legal and other professional fees, shall be and shall constitute a binding personal obligation of the violator.

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