

# **DEVONSHIRE HOMEOWNERS ASSOCIATION RULES & REGULATIONS**

## **GENERAL INFORMATION:**

1. The Board of Directors reserves the right to amend, repeal or add to these rules and regulations for the safe and efficient maintenance of Devonshire Village townhouse development and for the comfort and convenience of the occupants thereof.
2. A townhouse owner must apply to the Board of Directors for a temporary waiver of one or more of the stated rules. Such temporary waivers must be granted by a majority of the Board of Directors.
3. According to the By-laws of Devonshire Homeowners Association, the Board of Directors is authorized to levy fines against members for violation of rules and regulations.
4. "Common Elements" refer to all of Devonshire Village except for the land directly beneath each townhouse. Common elements include driveways, roadways, sidewalks, landscaping, signs and lighting.

## **ASSESSMENTS, LATE CHARGES, LIENS:**

1. The monthly maintenance assessment is required to maintain the property and to provide needed services to the homeowner. It is due and payable on the first day of each month at the office of the Management Company. Special effort should be made to pay in a timely fashion. Payments are considered late if not paid by the 15<sup>th</sup> of each month. Failure to pay the monthly maintenance assessment and/or charges for damages by the due date will result in a late fee of \$20 and will be charged to your account on the 16<sup>th</sup> of the month. Payments in envelopes post-marked by the 15<sup>th</sup> are posted prior to the imposition of the late fee.
2. The Board of Directors may fix the amount of the monthly assessment from time to time, usually annually on the basis of the estimated budget for the coming year.
3. Continued failure to pay assessments will result in a lien being placed against the homeowner's property and the imposition of interest and additional charges to cover the legal expenses involved.
4. Failure to pay all sums associated with the establishment of the lien(s) against a homeowner's property may result in a lien foreclosure action against that homeowner.

## **PROPERTY PRESERVATION AND CLEANLINESS:**

1. Each homeowner is responsible to keep the exterior of his/her unit clean and free of debris.

2. The sidewalks and entrances must not be obstructed, encumbered, or used for any purpose other than ingress or egress.
3. Clotheslines are not permitted in the Association.
4. Vegetable gardens are not permitted in the Association. You may use containers to plant vegetables. Containers must be kept on decks and/or not beyond privacy fences.

#### **RUBBISH:**

1. Trash containers may not be put out before **5:00PM** on the day preceding trash pick-up. Normal pick-up day is Wednesday. Please leave your trash container/toter outside your garage door, **not** at the curb. **Only** the recyclables container is to be placed at the curb. The container should be returned to your garage by the end of the **same day**. Failure to keep or return containers/toters to the garage on the same day as pick-up will result in one warning, after that the homeowner will be fined \$25. Habitual offenses are subject to a fine of \$100.
2. If your regular rubbish does not all fit in your trash container/toter, please put additional rubbish in plastic bags, and place by your trash container/toter. It is not necessary to contact Suburban Disposal.
3. Call Suburban Disposal at 352-3900 for skips, extra unusual items you want to have taken, replacement of missing trash or recycle boxes, etc.
4. For unusual items (i.e. appliances, furniture, carpets, and any other larger items), Suburban Disposal will give you instructions on when and where you should put out such items for special pick-up. In no instance should these items be placed out at the street any sooner than the night before the scheduled pick-up.
5. If the item you are disposing of contains a refrigerant, such as a used refrigerator or dehumidifier, Suburban Disposal may attempt to charge you \$20 + tax for each such item. If this happens, call the Management Company right away and they will arrange for that charge to be absorbed by the Devonshire Homeowners Association.
6. Contact the Management Company only if you are not able to resolve an issue with Suburban Disposal.
7. There are only six (6) holidays in the year that may cause a shift in the pick-up day from Wednesday to Thursday: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

#### **PETS:**

1. The number of pets allowed per household is subject to the Declaration. The term pets shall mean common household pets, such as cats, dogs, fish, etc. The Declaration states one (1) pet per

household. Below is an excerpt from Article VIII "Use of Property" of the Association's Declaration. Prior approval is required by the Board for more than one (1) pet.

2. All Pets must be on a leash at all times, and be physically controlled by an adult at all times when outside. NO EXCEPTIONS. Owner will be fined \$25 for the first offense, and up to \$250 for repeated offenses.
3. Dog owners and their helpers are required to pick-up all pet generated waste immediately – this is basic, important, and we will fine violators \$25 (homeowner) for the first offense and up to \$250 for repeated offenses.
4. The owner will repair all damage to improvements and landscaping within the Common Area and/or property caused by the owner's pet.
5. The owner will not permit the pet to be a nuisance or threat to the Association's membership, their guests, and invitees.
6. The owner must also be compliant with the Town of Penfield ordinance for pets.
7. Complainants should contact the Management Company with the name and/or address of any offenders, and will not be identified when the owner(s) of the townhouse(s) is/are notified.
8. Note that Article VIII "Use of Property" of the Association's Declaration states, in part: (h) No owner or resident shall keep or maintain any animals or household pet unless prior written consent is obtained by the Board of Directors. No owner or resident shall allow any pet to run free on the Common Areas. Pets on the Common Areas shall be on a leash and accompanied by an adult. Owners shall be responsible for picking up after pets.
9. If you are having a problem with dogs running free, or not being cleaned up after, please try to determine which townhouse they belong to, and report the problem to the Management Company.

**PARKING:**

1. Parking of motor vehicles on lawn areas is not permitted. Parking on the grass is defined by all four (4) wheels of the vehicle being on the grass. You will receive one warning. Thereafter you will be fined \$25 per incident.
2. Everyone in the Association takes great pride in a well-maintained common area, and parking of motor vehicles on grass areas detracts from all of our surroundings.
3. On street parking of vehicles increases the risks to pedestrians and other vehicular traffic. Unless approved by the Association, automobiles and other vehicles belonging to residents and/or their

guests are to be parked to the greatest extent possible in garages or driveways. There is an overflow parking area on Courtshire Lane near the circle.

4. Vehicles must not be parked in locations which will impede delivery of mail, nor shall any other obstructions be placed near mailboxes.
5. Overnight parking on the roadways also detracts from our surroundings and can cause hazardous driving situation on the roadways. Please avoid overnight street parking. There is an overflow parking area on Courtshire Lane near the circle.

#### **EXTERIOR MODIFICATIONS:**

1. Homeowners who are planning to make changes to the outside of their townhouse must have a variance request approved by the Board prior to the start of any such project. Please call the Management Company for a variance form or if you have any questions. You may also go to the website and download a variance form.
2. The installation or addition of the following items have been allowed in Devonshire Homeowners Association, subject to approval by the Board of Directors:

Awnings	Decks	Satellite Dishes
Skylights	Storm Doors	Windows
Central Air Conditioning	Compressors	Furnace Vents

#### **USE OF PROPERTY:**

1. No owner or resident shall store any items outside their unit, or on the common area without the express written consent of the Board of Directors.
2. No owner or resident shall leave any items out overnight (i.e. patio and/or lawn furniture, etc.) outside their unit without the express written consent of the Board of Directors.
3. No owner or resident shall in any way modify, or alter the exterior of any unit without the express written consent of the Board of Directors, except as follows:
  - A. Seasonal Decorations: December seasonal lighting and/or decorations may be displayed between Thanksgiving and mid-January. Any decorations that are not removed by March 15<sup>th</sup> may be removed by the Management Company at the homeowner's expense.
  - B. The placement of electrical cords across the walkways for holiday decorations must be secured flat to the ground and covered to prevent any injuries to guests and/or contractors.
  - C. Large lawn blow up displays are not allowed.
  - D. Planting flowers (annual or perennials) in existing beds only.\*
  - E. Hanging and potted flowers or plants.\*

\*NOTE: Regarding items D and E, all such plantings must be properly maintained by the unit owner and removed when they die.

## **STORM DOORS:**

1. A storm door may be installed on the front entrance of a unit, after written approval has been obtained from the Board of Directors. Guidelines used in consideration for such installation shall include size, design and materials.

NOTE: In no event shall the color of the storm door be different from the overall color of the unit trim. Maintenance and repair will be the responsibility of the unit owner.

- Devonshire storm door color is brown
- Courtshire and Camberley storm door color is white

## **DECKS:**

1. A structure commonly referred to as a "deck" may be constructed on units after written approval has been obtained from the Board of Directors. A building permit by the Town of Penfield must be obtained prior to construction. All decks must be one level, constructed of pressure-treated, construction grade lumber which may not be painted or stained in any manner that would alter the appearance of the natural wood.
2. The approved stain for the decks at Devonshire is Sherwin Williams Super Decks Solid Stain, color is Woodbriar. The approved stain for fences is Woodscapes Solid Stain, color is Woodbriar. These stains may be purchased at Sherwin Williams which is located at 2200 Penfield Road.
3. All decks will be built within the confines of the privacy fences, including stairs and concrete/cement block. The unit owner assumes liability for any personal injury that may occur during construction and will be responsible for all maintenance and/or repair of damage to the structure after construction is completed. The exterior of the unit must not be altered by any means and the water spigot must be accessible and in working order.
4. Existing decks which are not in compliance with the above may remain as presently stained or painted until the deck(s) need to be replaced, then the replacement/new deck(s) must comply with the stain indicated above.

## **SKYLIGHTS:**

1. Skylights may be installed in a unit **after** a variance for such installation has been approved in writing by the Board of Directors. A building permit by the Town of Penfield must be obtained prior to construction. Some of the factors to be considered in approval shall be: size, style, tint, materials. In no event shall a skylight be visible to the front of the roof peak; nor shall the installation compromise the structural integrity of the unit or adjoining units. The unit owner assumes liability for any personal injury that may occur during construction and will be responsible for all maintenance and/or repair of damage to the structure after construction is completed.

## THE FLAG OF THE UNITED STATES OF AMERICAN (THE AMERICAN FLAG):

1. The American Flag may be displayed by a unit owner in accordance with approved governmental guidelines. The American Flag must be a standard size and must not be excessively worn or torn. The flag should be displayed using a non-corrosive mounting bracket which shall be affixed to the left of the overhead garage door at the trim line, or to a porch post. No flags or pennants other than the American Flag will be permitted for display. Maintenance will be the responsibility of the unit owner.

## LANDSCAPING:

1. You are allowed to plant flowers in existing beds, but if you do, you will then be responsible for maintaining the flowers (deadheading and removing dead flowers) and **weeding** the beds. Pre-approval from the Board of Directors is not necessary for planting flowers.
2. If you would like to expand a bed and/or plant shrubs, you must first get written permission from the Board of Directors. A variance request form is required and should be sent to the Management Company.
3. Any plants/shrubs or the like cannot exceed three (3) feet in height.
4. Any flower plant (i.e., roses, azalea, etc.), which may become woods, requires written permission from the Board of Directors.
5. Certain restrictions apply when a member who has a wooded area beyond the rear line of the lawn. A homeowner may only modify such an area directly behind their house (not behind any other house). When a homeowner sells their house and has modified an area beyond the lawn, they must return it, to the extent reasonable and practical, to the original state unless the buyer assumes the responsibility for maintenance at the closing of title.

### **Allowed**

Brown or black mulch  
Flowers in existing beds

### **Not Allowed**

Planting of trees  
Removal of trees  
Fences  
Vegetable gardens

### **Must Get Permission**

Planting shrubs/plants  
Bird baths/feeders  
Figurines  
New stones/rocks  
Any other changes