

**KIMBERLY
CONDOMINIUM
ESTATES**

**RULES
AND
REGULATIONS**

REVISED JANUARY 2021

Kimberly Condominium Estates Rules & Regulations

Overview

Kimberly Condominium Estates residents live in a shared community. Maintaining a quality environment requires that each resident be acutely aware of the rights of neighbors. This awareness extends to everyday matters of parking, observing the speed limit, and the control of pets. It also extends to less defined matters of taste of exterior decorations and plantings and personal conduct.

Living in a shared community has both rewards and benefits. It also imposes certain obligations and restrictions. The following rules and regulations provide a standard for maintaining Kimberly Condominium Estates as an outstanding community where residents may enjoy living and where property values will be protected.

The rules are based on the Declaration of Covenants, Conditions and Restrictions and the By-Laws of Kimberly Condominium Estates. They are intended to assure consistency and uniformity. Adherence to these rules and regulations is the responsibility of all of us. In addition, homeowners are responsible for assuring that their tenants, guests, contractors and invitees comply with these rules and regulations.

The rules and regulations may be added to, amended, or repealed at any time by a resolution of the Kimberly Condominium Estates Board of Managers. No such additional or modified Rule or Regulations shall take effect until communicated, in writing, to all unit owners. Any Rule or Regulation adopted by the Board of Managers can be repealed or otherwise superseded by a vote of the majority of the unit owners.

A unit owner may apply to the Board of Managers for a temporary waiver of one or more of the rules. Such temporary waiver may be granted by a majority of the Board of Managers, for a good cause, if, in the Board's judgement, such temporary waiver will not interfere with the purposes for which the Condominium was formed.

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Homeowners who observe rule violations may report them to the management company by telephone or preferably in writing, providing the following information:

- a. Specific description of incident or problem
- b. Location, time, date/s of incident
- c. Name/s, address/s of person/s involved in incident or problem.
- d. License plate/s, description of any vehicle/s involved.

ENFORCEMENT:

The standard fine for a violation of any provision of the Kimberly Condominium Estates governing documents or these rules and regulations is (3) days after notice of warning \$25.00 will be charged for the occurrence and \$25.00 for each day that a violation continues, in addition to the remedies found in Sections 2.02M and 5.00 of the By-Laws. In addition, the Condominium may correct the infraction and charge a fee to the unit owner for the correction.

Any such fine or fee becomes a personal obligation of the unit owner in violation and will become a lien upon the unit. The penalties assessed will be collected using the same procedures outlined in the By-Laws and Declarations. Should any spouse, family member, tenant, guest or invitee of a unit violate a provision of these rules and regulations, the Board of Managers is empowered to levy the fine against the respective unit owner and his/her unit.

The Board Managers will keep a record of sent letters to the owner which will include the violation specifics and length of days of the violation and Board members contact information. The owner must contact a board member when completed to verify the violation has been rectified. The Board member will then collect the fine and close out the violation.

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ARCHITECTURAL AND APPEARANCE CONTROL

- A. **Variance Requests Required** – No alterations or additions may be made to the exterior of any building or to the common areas of Kimberly without the prior written consent of the Board of Managers. This includes but not limited to:
 - B. Replacement of windows, doors (including storm doors)
 - C. Installation of satellite dishes
 - D. Landscaping changes – See Other Regulations.

Any homeowner who wishes to make any such changes must complete and submit a variance request form, which can be obtained from calling the management company (585) 225-7440 or Realty Performance Group Inc. website under properties/ Kimberly Condominium Estates.

- 1) **Exterior Building Attachments** – No awnings, aerials, or other projections shall be attached to the outside wall of the building, and no blinds, shades or screens shall be attached to, hung or used on the exteriors of any window or door of the unit's premises, without prior written consent of the Board of Managers.
 - A. Canopies (hung or held up over something) on the patio cannot be up over fence.
 - B. Canopies (hung or held up over something) must also be taken down by dusk.

- 2) **Satellite Dishes** – Although FCC Regulations don't allow Kimberly to prohibit the installation of certain satellite dishes and antennas, the condominium maintains the right to approve the location of any such installation. A variance request **MUST** be submitted to the Board of Managers prior to installation.
 - A. Satellite dishes cannot be installed directly on any building or fence at the Kimberly Condominium Estates. The dish must be installed on a pressure treated 4x4 post at the rear of the unit.
 - B. All cables must be concealed and any cable entrance into the building must be through a watertight connector.

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- C. All future maintenance of the satellite dish is the responsibility of the unit owner.
 - D. Failure to follow the installation procedure as outlined by the Kimberly Condominium Board of Managers could result in additional cost to the homeowner to remove the dish and repair any damages to the structure of a unit that may have occurred as a result of the improper installation of the satellite dish.
- 3) **Common Elements** - No unit owner shall alter, impair or otherwise affect the common elements without the prior written consent of the Board of Managers.
- 4) **Sidewalks/Entrances**- Sidewalks and entrances must not be obstructed or encumbered or used for any purpose other than entry to or exit from units of the building/s.
- A. Winter: November 1st to April 1st Patio furniture must be put away from the front porches in order to shovel
 - B. Garden hoses must always be hung up and not left in the yards or sidewalk areas. Hoses must be put away November 1st to April 1st.
 - C. Leashes must always be hung up and not left in the yards or sidewalk areas. Stakes must be removed from the yards and areas.
 - D. If any damage is done to equipment used by our landscaper and winter removal company example (snow blowers and or lawn mowers), Repair of the equipment costs will be charged to the unit owner.
- 5) **Signs**- One (1) for Sale sign may be placed in the lower, right-front window. No other signs or window displays or advertising is permitted on any part of the property, except with the written approval of the Board of Managers.

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6) **Decorations** –

- A. Holiday- Exterior holiday decorations shall be put out no sooner than four weeks before, and removed no later than two weeks after the holiday. Lights can be used for holiday time only and removed as requested above.
- B. Decorating of Units: Front patios and gardens. Board members will do periodic walk arounds and will determine if front patios / gardens are acceptable. The board is asking they are kept neat and clean. If you have any questions on acceptability contact a board member for prior permissions.
- C. Hanging planter, Porch Planters and Pots must also be removed by November 1st.

- 7) Clotheslines- Clotheslines are not permitted. Outdoor drying or airing of clothing or bedding is not permitted. Including hanging clothing over fences.

PETS

- 1) Pet Ownership is limited to:

- A. 2 Cats/ 1 Dog
- B. 2 Dogs/ 1 Cat

- 2) Pet owners are responsible for the immediate pick up and disposal of pet excrement anywhere on Kimberly Condominium Estates property.

- A. Dog owners find covering their hand with a plastic bag while picking up the waste is an efficient way of handling this chore.
- B. Plastic Bags must be disposed of properly in Owner/Tenants trash receptacles.

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- 3) Dogs must be leashed whenever outside and under the direct control and accompanied by a person responsible for the pets actions.
 - A. Dogs may be leashed in the patio area behind the unit on a 6 foot leash for up to 30 minutes in the morning, afternoon and evening.
 - B. Leashes must be hung up off of sidewalks at all times. If a leash is a cause of damage to a lawn mower or snow blower from our landscaping and snow removal company the owner will be responsible for the damage of the equipment.

- 4) Pet Owners are responsible for seeing that their pets do not cause a nuisance such as excessive barking, or otherwise annoy or frighten other residents and or guests.

- 5) Pet owners must obtain lawn care, no burn spots from urine, no patches of grass missing and if lawn care services cannot maintain care due to animal excrement the homeowner will be responsible for mulching and weeding their areas.

- 6) Dogs six months and older must be licensed by the town of Chili and a copy of the dog license must be given to a Board member.

TRAFFIC AND PARKING

- 1) Movement of vehicles within Kimberly Condominium Estates must be in a safe and orderly manner, in full compliance with any traffic control devices installed within the condominium. All vehicles operating on condominium property must:
 - A. Maintain a speed of 15MPH or less
 - B. Come to a complete stop at all stop signs
 - C. Drive with headlights on after dusk
 - D. Drive on the paved roads only
 - E. Up to date Registrations and Inspections
 - F. Be moveable- No flat tires and or non-running vehicles allowed
 - G. Appropriate front and back license plates based on state requirements.

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- 2) Parking is allowed in designated areas only. Each unit is assigned two (2) parking spaces directly in front of unit. No parking is permitted on the grass
- 3) Unit owners must instruct their guests to use the parking spaces available between buildings, near the basketball court, or in the bus loop (**NOT** during school hours when school is in session). These spaces are for temporary use.
- 4) Only licensed passenger / truck vehicles may be parked overnight in the common parking areas. Vehicles that do not fit in the standard parking space may not be parked on the property. . Nothing on the vehicles may overhang onto sidewalks.
- 5) Pods- Must require a variance and permission by the Board of Managers and can only be on the property for no more than (2) two weeks.
- 6) No boats, trailers, recreational vehicles, motor homes, unregistered vehicles or vehicles lacking a current, valid safety inspection may be parked on the property. Snowmobiles, all- terrain vehicles, dirt bikes, mini-bikes, go-karts, etc. are not permitted on the property.
- 7) Stored Motorcycles must be stored starting November 1 to April 1 and are not allowed in the designated unit parking areas. April 1 to November 1 they are permitted to park in the designated parking area. Motorcycles may be stored in back patio area.
- 8) Cars that are stored for winter with covers must show the Board of Managers that they have a current registration, inspection and insurance and must be able to be moved when a snow event occurs.

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- 9) Motorized vehicle repair is limited to minor, emergency repairs only.
- A. Changing motor oil , antifreeze are not allowed
 - B. Brake and engine repairs are not allowed
 - C. Any Chemicals found on the property must be disposed of according to DEC/NYS regulations, as these chemicals are not allowed to be stored on Condominium property. Chemicals cannot be disposed of on the grounds.

TRASH REMOVAL

- 1) No waste or trash of any kind is permitted in/on the common elements/grounds of the Condominium. Trash cans and recycle bins must be kept inside the townhome or within the unit owner/Tenant's rear patio area. Garbage containers and recycle bins may not be stored in front patio area or shrubs.
- 2) Trash, especially garbage, must be placed in trash bags and secured trash receptacles in order to prevent birds and various other scavengers from making amess. Placement of a weight on materials in recycle bins prevents papers and other lightweight materials from scattering.
- 3) **NO TRASH OF ANY KIND MAY PLACED AT THE CURB UNJTIL 7 PM THE DAY BEFORE COLLECTION DAY.**
- 4) **TRASH CONTAINERS AND RECYCLE BINS MUST BE RETURNED BY THE END OF COLLECTION DAY AND LOCATED IN BACK PATIO AREA. THERE WILL BE A FINE CHARGED TO THE HOMEOWNER AS STATED IN ENFORCEMENT.**

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- 5) Cardboard boxes, wood, etc. must be flattened, and, if needed tied and bundled so the bundles are less than four feet long. Any other materials must be contained so they cannot be scattered.

- 6) Trash removal contractor does not handle hazardous materials such as tires, paint, oil etc. Arrangement for the proper disposal of these items is the unit owner/tenants responsibility. If not disposed of properly the homeowner will be fined as well as held accountable for the cost of the disposal fee. NO WARNING letter on this issue. Immediate fine.

- 7) The removal of large volumes of trash and or large items such as furniture and appliances require a special pickup. Homeowners are responsible to call the trash removal company designated by the HOA and items must be picked up within 2 days of call. The trash company requires a 4 day notice of pickup and currently will not charge if you call.
 - A. Refrigerant from refrigerators, freezers, and air conditioners must be removed and therefore require special treatment.
 - B. Arrangement for pickup MUST be made directly with the appliance store or trash contractor.
 - C. All charges for special pickups are the responsibility of the unit owner.
 - D. Non-Compliance to the trash pickup rules could result in higher monthly HOA fees to cover costs of the owners/tenants leaving these items at the curb.**
 - E. Also includes: Hot water tanks
Stoves/Microwaves/computers/Monitors/hard drives/TV's Dishwashers.

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SWIMMING POOL RULES

- 1) Use of the pool when it is closed will result in the loss of pool privileges for not less than thirty (30) days, without exception. Use of the pool without a lifeguard is not permitted by the regulations of the Monroe county Health Department, and doing so could result in the pool being shut down by the County.
- 2) Children 12 years of age and younger must be accompanied by an adult (18) Eighteen years of age or older at all times.
- 3) Any child (regardless of age) who cannot swim one length of the pool to the lifeguard's satisfaction must have parent or parent authorized adult supervision in the pool with the child. At the lifeguards discretion a test of an adult's swimming ability in the deep end may be requested.
- 4) Swim Diapers MUST be worn by all children who are not toilet trained at all times.
- 5) Swimming attire is required in the pool. Every day clothing is NOT allowed. Example: shorts/shirts
- 6) To avoid clogging the filter, bandages, adhesive tape, hairpins, jewelry should be removed before entering the pool.
- 7) Anyone having any contagious disease or infectious condition is denied use of the pool, as per Monroe County Health Department.
- 8) No animals or pets are allowed inside the pool fence or clubhouse area.

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9) The following are NOT permitted in the pool area:

- A. Running, pushing, dunking
- B. Excessive yelling and screaming
- C. Horse playing in or around the pool area
- D. Profane language
- E. Diving
- F. Large floating devices: Exceptions: Noodles, Small Loungers, Kick boards are allowed.
- G. Music must be listened by headphones only
- H. NO SMOKING of any kind, including vaping, cigarettes, marijuana
- I. Food or glass containers
- J. Alcoholic Beverages of any kind

Cleanup and removal of water bottles is the sole responsibility of the person who brought the drink into the pool area.

- 10) Chaise Lounges and chairs may not be reserved or removed
- 11) Friends and relatives of homeowners are not allowed use of the pool unless accompanied by the homeowner. Homeowners must not abuse this guest policy and should only bring a reasonable number of guests to the pool at any one time.
- 12) Before leaving the pool and shower area, please double check to be sure that you have left nothing behind. Kimberly Condominium Estates is not responsible for any lost or stolen articles. Lost articles are kept for (1) week and then disposed of or donated to charity.
- 13) Any other rules that the lifeguard/s believe are necessary for the safety of residents and guests are to be observed.
- 14) Everyone must sign in, whether or not planning to swim

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- 15) Anyone not a resident or the guest of a resident will not be the responsibility of Kimberly Condominium Estates.
- 16) Residents are responsible for the conduct of their guests.
- 17) Non-compliance with these pool rules may result in the loss of pool privileges for not less than thirty (30) days. Loss of pool privileges shall be at the sole discretion of the Kimberly Condominium Estates Board of Managers

OTHER REGULATIONS

- 1) **Combustibles** – Unit owners may not permit or keep in their units any flammable combustible or explosive materials, chemical or substance. Ex. Kerosene/Propane heaters
- 2) **Sewers** – Any damage resulting from misuse, such as throwing diapers, rags, sweepings, rubbish, cat litter or any other articles in any water closets or other apparatus in a unit shall be repaired and paid for by the owner of the unit
- 3) **Insurance** – Nothing may be done or kept in any unit or the common elements that would increase the rate of insurance for the Condominium. Nor may any unit owner permit anything to be done or kept in the owner's unit or in the common elements which would result in the cancellation of the condominium's insurance, or which would be in violation of any law.

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- 4) **Unit Access** – The Board of Managers, or its designee, has the right of access to any unit for the purpose of making repairs, replacements or improvements, or to remedy certain conditions that could result in damage to the other portions of the building. In the event that vermin, insects or other pests are present, action, deemed necessary to correct the problem, will be taken.
 - A. End units that contain water main shutoffs, MUST have emergency contact information available to Board Managers and Realty Performance Group

- 5) **Roof** – Unit owners, their contractors, and visitors are not allowed on the roof of the buildings at any time, for any reason, without the prior written consent of the Board of Managers.

- 6) **Noise/Odors**- Unit owners shall not cause or permit any disturbing noise or objectionable odors to be produced upon or to emanate from their units. Contact a Board Member. Warning Letters and fines per Enforcement.

- 7) **Annoyances** – No noxious or offensive activity may be carried on in any unit or in the common elements, nor may anything be done, either willfully or negligently, which maybe be or become an annoyance or nuisance to the other unit owners or occupants. Ex. patio parties, swearing, fighting

- 8) **Rentals**- No unit owner may lease a unit without providing the Board of Managers a copy of the lease, and proof that the tenant has a copy of the rules and regulations of the Condominium.

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- 9) **Keys**- If any key or keys are entrusted by a unit owner or occupant or by any member of his/her family, agent, servant, employee/s , licensee or visitor/s to an employee of the Board of Managers, whether for such unit or an automobile, truck or other item of personal property, the deliverance of the key shall be at the sole risk of such unit owner or occupant, and the Board of Managers shall not be liable for injury, loss or damage of any nature whatsoever directly or indirectly results therefrom or connected therewith. Contact a Board Member for Emergency contact numbers of Owners/Tenants including email, phone numbers of Owners/Tenants.

- 10) **Complaints** – Complaints regarding services or operation of the Condominium should be written or called into the management company.

- 11) **Landscaping**- White or any other stone or any kind of small decorative items that could cause damage if caught in equipment while mowing or snow removal that could result in broken glass or damage to personal property will result in the repair cost directly to the homeowner.

- 12) **AC Units**- Units are not allowed in windows.

- 13) **Fire Pits/ Fire type containers**- Are NOT allowed anywhere on the property.

- 14) **Grills/Smokers**- Must be stored and used only in the rear patio areas.

- 15) **Shrubs**- No Items shall be stored behind shrubs.

- 16) **External Building/Sidewalk chalking**- No chalking is allowed on the buildings and or sidewalks or roadways in the Condominium. Chalking for children is permitted on the basketball court. No obscenities are allowed. The Board of Managers will issue a fine and cleanup costs to the homeowners.

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- 17) **Dryer vent-** Maintenance: Vents must be cleaned out and checked for damage by the homeowner. A work order to Reality Performance Group can be initiated to fix damaged receptacles.
- 18) **Food-** No food of any type may be left on the ground for wildlife or domestic animals.
- 19) **Cigarette Butts -** Please do NOT throw on ground or in mulch. This could cause a fire hazard. Place in Butt cans or something that can be disposed of in garbage pickup.
- 20) **Window Coverings:** Window covering visible for the outside. No Sheets, blankets, flag papers etc. permitted as window covering at any time.