



Woodbury Commons Homeowners Association (WCHOA)

Booklet 3 RULES AND REGULATIONS

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TABLE OF CONTENTS

TABLE OF CONTENTS	ii
Purpose and Overview	1
Exterior Appearance and Upkeep.....	2
RULE 1. Requests for Approval ("RFA") and Fines for Noncompliance with Rules.	2
RULE 2. Rules that Require Prior Approval.	3
RULE 3. Antennas and Satellite Dishes.	4
RULE 4. Awnings.	4
RULE 5. Decorations.	4
RULE 6. Deck and Under Deck.	4
RULE 7. Exterior Lighting.	4
RULE 8. Flags, Wind Chimes and Bells.	5
RULE 9. Garage/Estate Sales.	5
RULE 10. Gas Fireplaces, Heaters and Other Gas Appliances.	5
RULE 11. Outdoor Drying or Airing.	5
RULE 12. Pets.....	5
RULE 13. Signs.....	6
RULE 14. Staining Schedule.	6
RULE 15. Trash and Recycling Collection by Private Refuse Company.	6
RULE 16. Trespassing.....	6
RULE 17. Window and Door Replacement.....	6
Safety and Comfort.....	8
RULE 18. Vents.	8
RULE 19. Heat Tapes and Wires.	8
RULE 20. Home Business.	8
RULE 21. Inspections.	8
RULE 22. Noise and Odors.	8

RULE 23. Over-sized, Commercial and Unlicensed Vehicles.....	8
RULE 24. Parking.	8
RULE 25. Recreational Vehicles and Boats.....	9
RULE 26. Snow Plowing.....	9
RULE 27. Soliciting.	9
RULE 28. Speed Limits.....	9
RULE 29. Water Valves.	9
Grounds	10
RULE 30. Planting.....	10
RULE 31. Bird feeders and Birdbaths.	10
RULE 32. Hose Storage.	10
RULE 33. Insect and Pest Control.....	10
RULE 34. Potted Plants and Flowers in Gardens, Front Entry Area Hanging Plants, and Seasonal Items.	11
RULE 35. Protective Screening and Fences.....	11
RULE 36. Pruning, Mulching, Spraying and Fertilizing.....	11
RULE 37. Statuary/Decorative Items and Outdoor Furniture.	11
RULE 38. Removal of Yard Waste and Landscape Debris by Town of Perinton.	11
RULE 39. Shrub and Tree Replacement and Removal.....	11
RULE 40. Watering Regulations.....	12
RULE 41. Initial Installation and Re-location of Existing Heat Pumps and Air Conditioning Compressors.	12
RULE 42. Dumpsters and Temporary Moving Storage Units.	12
RULE 43. Grills and Fire Pits.....	12
RULE 44. Alterations to the Existing Footprint of a Unit.	12
RULE 45. Hot Tubs.....	13
RULE 46. Interpretation of this Document.	13

PURPOSE AND OVERVIEW

The Rules and Regulations of the Woodbury Commons Homeowners Association have the primary purpose to allow homeowners the full use and enjoyment of their homes and facilities without violating the rights and privileges of other homeowners.

Members' Responsibility. In order to ensure and preserve the quality of the community now and in the future, it is the responsibility of all Members to adhere to the Rules and Regulations contained herein and to provide an updated copy of all three WCHOA Booklets to the new owner upon the sale or transfer of a Unit, whether a private or broker-assisted sale or transfer.

The three Booklets are:

Booklet 1 - *Useful Information*

Booklet 2 - *Legal Documents*

Booklet 3 - *Rules and Regulations*

Rules and Regulations. These rules and regulations have been formulated based upon the following criteria which are to be used when a review, change or addition is planned:

- Ensuring property values are not degraded;
- Reduction of the impact on operating and maintenance costs;
- Promoting the safety of the Association's members;
- Ensure the rules or regulations are enforceable; and
- Making the criteria for Requests for Approval clear and uniform.

Request for Approval (RFA). All Requests for Approval (RFA) are to be submitted in writing to the Property Manager and President of the Board of Directors for the Board's review and consideration with sound rationale as to why the RFA should be granted (See Rule 1). A written response, by either mail or email, indicating approval or denial will be provided to the applicant within 30 days following the board meeting at which the Request for Approval has been reviewed.

EXTERIOR APPEARANCE AND UPKEEP

RULE 1. Requests for Approval ("RFA") and Fines for Noncompliance with Rules.

Section (1)(a). RFA Submission. As mandated by Article VIII of the Declaration of Covenants, exterior changes to the building and grounds require prior Board approval of a Request for Approval ("RFA"). RFAs should be submitted to the Property Manager and Board President as far in advance of an upcoming Board meeting as possible to allow sufficient time for any necessary notice to neighbors as provided below. Consideration of an RFA may be moved by the Board to its next meeting if the RFA is not submitted in time for the Board to give it due consideration or to provide notice, if appropriate, to neighbors, or if the RFA is not sufficient and additional information is needed. In determining to postpone consideration of an RFA, the Board shall consider if there are emergency circumstances that render postponement inappropriate or potentially damaging and shall endeavor to consider such an application as soon as possible. If the date for consideration of the RFA is postponed to the next meeting, the Board shall give the applicant written notice, by mail or email, of the date of the Board meeting at which the RFA will be considered.

Possession of any required town permit does not waive the need for Board approval. Although the Board will not knowingly approve a project that is in violation of town, county or zoning codes, the responsibility for compliance with any applicable codes is solely that of the homeowner.

Upon receipt of an RFA, the Board President or the Property Manager will determine whether the RFA is such that neighbors of the applicant homeowner should receive notice of the RFA for the purpose of submitting comments. If the Board President determines that notice is necessary, written notification, by email or mail, shall be sent to, at a minimum, all neighbors in the same building as the applicant and, as appropriate to the nature of the RFA, shall also be sent to any immediately adjoining neighbors in another building, whether located, in front of, beside or behind the applicant's unit. Written notice to neighbors shall include the nature of the RFA request, the date by which any written communication in support of or in opposition to the RFA must be received by the Board, and the date of the Board meeting at which the RFA will be considered.

Any neighbor who may feel that he or she will be adversely affected by the approval of an RFA may comment upon or oppose the RFA, but does not have veto authority with respect to an RFA. The approval or denial of an RFA rests in the sole discretion of the Board, consistent with the Declaration of Covenants 4.8, Article VIII, By-Laws 5.7, Article VII (1)(f), and these Rules and Regulations.

Section (1)(b). Homeowner Responsibility. The homeowner is responsible for familiarizing him/herself with the Rules and Regulations when an RFA is submitted and to make the application on the prescribed form attached as Appendix K to Booklet 1, *Useful Information*.

Section (1)(c). Inspection. After work is done pursuant to an approved RFA, the homeowner shall give written notice by email or mail to the Property Manager and Board President on or before 3 days after completion of any work or replacement so the Board may cause an

inspection of the work or replacement to be performed. Any such inspection by the Board shall be completed on or before seven (7) business days after receipt of the requisite notice from the homeowner. If it is found that the work or replacement by the homeowner does not conform to the terms of the RFA or the governing provisions or the Rules and Regulations, the Property Manager or Board shall notify the homeowner no later than seven (7) business days after the date an inspection is conducted. If the Board fails to timely conduct an inspection or to notify the homeowner of a failure to comply with the RFA or other governing provisions or Rules and Regulations, the Board's right to require any corrective action shall be waived.

Section (1)(d). Fines and Penalties for Violations and Noncompliance. When the Board of Directors becomes aware of any infraction of the Rules and Regulations, the Property Manager will notify the homeowner in writing, by either email or mail, of the violation and, as appropriate, provide a time frame for correction by the homeowner, taking weather and other relevant conditions into consideration, as set by the Board. If the homeowner fails to correct the infraction within the time frame provided by the Property Manager and action by the Association is deemed necessary, the Association may hire a contractor to address the infraction at the homeowner's expense and/or levy a fine.

After providing notice to the offending resident of a violation of any Rule, covenant as set forth in the Declaration of Covenants, or By-Law or a failure to obtain or conform with a RFA, the Board shall have the discretion to assess a fine of \$10 per day for every day the violation continues. If a violation is not continuing but rather occurs on an isolated occasion(s) or as a discrete event, the Board, in its sole discretion, is empowered to assess a fine or take other measures commensurate with the nature and severity of the violation. The Association is authorized to pursue a judgment and lien for any fine not paid on or before 30 days after being assessed.

Right to Appeal. A homeowner may appeal a decision by the Board to assess a fine or other penalty by giving written notice, either by email or mail, to the Board not more than five (5) days after receiving notice of the assessment of a fine or penalty. The homeowner shall have up to one hour to present his/her position to the full Board and may call no more than two (2) witnesses. The decision of the Board after a hearing shall be communicated to the homeowner in writing, by either email or mail, and shall be final.

The fine established herein does not apply to the Nonpayment of Assessments which is addressed in Declaration of Covenants, Article VII, Section 7.

RULE 2. Rules that Require Prior Approval. A Request For Approval (RFA) for any changes to the exterior of units, shrubs, trees or other aspect of the landscape is required and includes, but is not limited to, the following.:

Rule #3 - Antennas and Satellite Dishes

Rule #4 - Awnings

Rule #6 - Deck and Under Deck - also may require a Town Permit.

Rule #7 - Exterior Lighting

Rule #9 - Garage/Estate Sales

Rule #17 – Window and Door Replacement

Rule #18 - Vents

Rule #19 - Heat Tapes and Wires

Rule #30 - Planting

Rule #31- Bird feeders and Birdbaths

Rule #35 - Protective Screening and Fences

RULE 3. Antennas and Satellite Dishes. If possible, antennas and satellite dishes should be mounted on the rear roof. Installation must meet Town of Perinton Codes. On or before three (3) days after installation and on or before three (3) days after removal of an antenna or satellite dish, the owner of the unit where the device is/was installed shall give the Property Manager and Board President written notice, by email or mail, that the installation or removal is complete so the Board may cause an inspection to be conducted. The existing homeowner, or any successor homeowner, is responsible for removing any unused antennas or satellite dishes on his/her unit. The cost for installation, removal and inspection of any antenna or dish is that of the homeowner. However, if the antenna or dish is removed when the roof is being replaced, the Association will bear the expense of removal of the antenna or dish.

RULE 4. Awnings. Awnings may be installed after Board approval of an RFA. Awnings must be retractable. Awnings may not be installed on any roof nor may any awning installation unreasonably impede air flow through soffit vents. The homeowner is responsible for any damage caused by an awning or its installation. Installation must meet Town of Perinton Codes.

RULE 5. Decorations. Holiday decorations may be displayed provided they are removed within thirty days (30 days) of the holiday (see Rule 34). Permanent accessories, name plates and initial insignia may be attached only to the surface of the homes under the roof of the front door stoop area.

RULE 6. Deck and Under Deck. The homeowner is responsible for staining, sealing, repair, replacement or maintenance of the wood decks, porches, structures, deck railings, under deck and enclosures. The Association is responsible for seeing that all homeowners maintain their rear decks and porches. To prevent deterioration, deck staining should be done on the same rotation as the staining and/or painting of buildings.

Use of decks or under decks for storage is not permitted unless visually shielded in accordance with an approved RFA. The approved structure must blend with the architecture or approved plantings in accordance with an approved Request for Approval. Color of the deck should match the stain of the unit. Current decks that do not match are grandfathered until the next scheduled date for staining of the building.

Stone or other material as a ground cover under the deck is the responsibility of the homeowner together with weed control. Decks and under decks must meet Town of Perinton Codes, unless grandfathered.

RULE 7. Exterior Lighting. When exterior lighting is being replaced, the homeowner shall select, and the WCHOA Board shall only approve, a replacement that is the same or similar to the criteria

set forth herein. Additions, replacements and changes to exterior lighting require an approved RFA. The RFA, at a minimum, shall include a picture of the proposed fixture and color selection.

The RFA Review shall be guided by By-Law 4.5, Article V, Section 3 which, in relevant part, provides that "All maintenance, repair and replacement, whether or not performed by the Association, shall be of a quality and appearance consistent with the enhancement and preservation of the appearance and value of the Property."

Replacement of the light fixture over the garage shall be of the same or similar design as the fixtures depicted in Booklet 1, *Useful Information*, Appendix H and in proportion to the building structure with a size of 22 inches high by 13 inches wide by 10 inches deep, plus or minus two inches (+/- 2"). Color shall be black, brass or antique bronze. Other exterior lighting fixtures at the front entrance of each Unit which are visible from the street shall be of the same style and color as that of the garage fixture except for motion detector devices which will be approved separately. The homeowner shall bear the cost of the fixture and installation, preferably to be performed by a licensed electrician. If the installation is not done by a licensed electrician, the homeowner will be deemed solely liable for any injury or damage that may result as a result of the installation.

RULE 8. Flags, Wind Chimes and Bells. The installation of one attached flag pole per unit is allowed for the display of the American flag or one decorative flag. Poles may be attached to the wood framing of the garage or wooden porch post. Wind chimes and bells are not to be installed outside units.

RULE 9. Garage/Estate Sales. No individual garage sales are allowed. From time to time, the Association may hold a community sale with the approval of two-thirds (2/3) of the homeowners. Estate sales may be held only with prior Board approval of an RFA so that provisions can be made to ensure adequate security, parking control and appropriate day(s)/hours for the sale.

RULE 10. Gas Fireplaces, Heaters and Other Gas Appliances. A gas detector is required for the specific type of gas to be used (Propane is heavier than air and Natural gas is lighter than air). Additionally, an Oxygen depletion sensor, a Carbon Monoxide sensor and a monitored fire alarm system are strongly suggested for your life and safety considerations. Any exterior fuel tanks must be limited to 100 pounds (23.6 gallons at 80% full, approximately 14" in diameter by 60" high) and placed on the side or rear of unit, shielded from street and neighbors' view by evergreen plantings and/or decorative screening painted/stained like the main structure of the units. The tanks must also be tethered by metallic chain to a support structure to prevent tipping or falling. Installation must meet Town of Perinton Code.

RULE 11. Outdoor Drying or Airing. Outdoor drying or airing of any clothing, bedding or carpets on deck rails, under decks or in yards is not permitted. Installation of an exterior clothesline is prohibited.

RULE 12. Pets. Homeowners may have either two dogs, or two cats, or one of each. All pets must be restrained at all times. No pet may be left unattended. Residents and their guests must promptly clean up after their animals. No RFAs are permitted to alter these restrictions.

Homeowners may report infractions to the Board, the Property Management Company, and if serious, Perinton Animal Control.

RULE 13. Signs. Signs are not allowed except one “For Sale” sign, conforming to the Town of Perinton regulations, is allowed on a resident’s property from the time of listing until transfer of the property. The sign may be placed in a front window, front door or garage window. The sign may also be mounted on a post and placed in the front yard, with care taken not to sever cable, water or electrical lines. Any damage caused by sign placement must be remedied and paid for by the homeowner.

RULE 14. Staining Schedule. Each cluster of units comprising one building is scheduled for routine staining on a five-year rotating basis with caulking during painting. See *Booklet 1 - Useful Information*, Appendix C – Staining and Painting Schedule.

RULE 15. Trash and Recycling Collection by Private Refuse Company. Refuse and recycling items will be collected weekly by WCHOA’s private trash hauler from a location near the homeowner’s driveway entrance that does not interfere with lawn mowing, snow removal or the U.S. Postal Service. To avoid litter caused by birds and animals opening trash bags, all food items must be in a trash bag and placed in a covered trash container. Non-food matter, as, for example, wood, stone, metal, and paper, that will not attract birds or animals, may be placed in a trash container without a bag. Small amounts of leaves, branches and yard debris are to be placed in trash cans (preferable) or bags for pick up rather than left on the ground at the curb.

The contents of recycling bins must be arranged and secured to discourage animals and blowing papers

All trash and recycling containers are to be kept in the homeowner’s garage until the day before collection. Contact a neighbor for assistance if you will be away and need to have your trash or recycling collected.

Large items, such as appliances, or bulk refuse will be collected from the above-described location near the homeowner’s driveway by the refuse company. Homeowner must contact the refuse company to arrange for pickup of large items. Large or bulk items should be placed at the homeowner’s curb as close to the day before pick up as possible.

To eliminate a safety hazard, the door of any large appliance must be removed before placing the appliance at the curb. As with trash cans and recycle bins, any large or bulk items are to be kept in the homeowner’s garage until the day before collection. Any additional fees for the removal and disposal of large or bulk items will be assessed to the homeowner.

RULE 16. Trespassing. Any homeowner who witnesses the presence of persons not associated with the complex is encouraged to call 911. This Rule does not apply to political door-to-door canvassing which is protected by the First Amendment and cannot be legally prohibited (see Rule 27 below).

RULE 17. Window and Door Replacement. Replacements and changes to windows, exterior doors, garage overhead doors, sliding glass doors or storm doors require an approved RFA.

The RFA review by the Board shall be guided by By-Law 4.5, Article V, Section 3 which, in relevant part, provides that “All maintenance, repair and replacement, whether or not performed by the Association, shall be of a quality and appearance consistent with the enhancement and preservation of the appearance and value of the Property.”

When windows, exterior doors, garage doors, sliding glass doors or storm doors are replaced, the homeowner shall select, and the WCHOA Board shall only approve, a replacement that is the same or similar to the within criteria. An RFA that includes a picture of the proposed replacement and a color sample is required. For storm doors and sliding glass doors a color sample of the window frame and trim to which the storm door or sliding glass door is to be closely matched is also required. Since exterior door and garage door replacements must be painted Woodbury Gray, a color sample is not needed for these replacements. Installation shall not be commenced until the RFA is approved by the Board. To assist homeowners, the Rules and Regulations Committee has researched acceptable colors of several manufacturers found locally and produced a *Guide for Selection of Window Color* which the Rules and Regulations Committee will keep updated. This Guide can be found in Booklet 1, *Useful Information*, Appendix I.

DOOR: an exterior door designated as a front door or front entry that is the same or similar in design to the photos found in Booklet 1, *Useful Information*, Appendix J. Handle shall be brass or antique brass or black. Door shall be painted Woodbury Gray at the Association's expense.

STORM/SCREEN DOOR: an exterior front storm/screen door simple in design with no embellishments that is either full view removable glass and screen or full view or mid-view with retractable screen or screen that comes down from the top same or similar to the photos in Booklet 1, *Useful Information*, Appendix J. Handle shall be brass or antique brass or black. Color shall be brown closely matching frame and trim of the Unit's windows or painted Woodbury Gray at Association expense.

GARAGE DOOR: shall consist of four hinged sections consisting from top to bottom of the following: plain section; section containing 8 unembellished windows, and two bottom sections each having eight panels. Windows and panels shall be all square or rectangular. Garage door shall be painted Woodbury Gray at Association expense

SLIDING GLASS DOOR: shall be unembellished with color to be brown closely matching frame and trim of Unit's windows.

WINDOWS: shall be casement (crank-out) style. Window frame and trim color shall be matched as closely as possible to colors 7531 (medium brown) or 7533 (dark brown) on the Pantone Color Chart (<http://www.graphicsport.com/Pantone%20Chart.pdf>). To achieve consistent appearance when less than all the windows in a residence are replaced, the existing/unreplaced windows shall be painted to match the frame and trim of the replaced windows at the homeowner's expense. Window frame and trim combined shall be no more than 2.5 inches wide (+/- 1/2") and the same color.

Guide for Selection of Window Color sets forth acceptable colors for windows available in the Rochester, NY area and can be found in Booklet 1, *Useful Information*, Appendix I.

SAFETY AND COMFORT

RULE 18. Vents. Properly vented dryers and all other vents, except the exterior soffit vents, are the responsibility of individual homeowners. The Association is responsible for the exterior soffit vents. If premature roofing or other structural failure occurs because of improper venting, the repair will be the responsibility of the homeowner. All new exterior vent installations or changes in existing vent installations require an approved RFA, and must meet the current Town of Perinton Code.

RULE 19. Heat Tapes and Wires. All installations of heat tapes and wires require an approved RFA. For safety reasons, no heat tapes or wires may be installed on roofs for any purpose. Heat tapes may be installed in metal gutters and downspouts. Installation must meet Town of Perinton Codes.

RULE 20. Home Business. The Woodbury Commons Declaration of Covenants specifies that "No commercial or business activities shall be permitted upon the Properties." (Article IX). However, incidental "work from or at home" activities are permitted if such activities do not infringe on the character of the neighborhood with signs, increased traffic, parking problems, noise or employees. "Customary Home Occupations" as defined by § 208-8(B) of the Town of Perinton Zoning Code (<http://ecode360.com/6741149>), which could be permitted elsewhere in Perinton by special permit from the Town of Perinton Zoning Board of Appeals after a public hearing, are NOT permitted within Woodbury Commons.

RULE 21. Inspections. Twice a year, the Property Manager and Board Members make exterior inspections for the purpose of maintenance and upkeep. Any infraction will be noted in writing to the homeowner via mail.

RULE 22. Noise and Odors. Excessive noise, as well as cooking and barbecue odors can be transmitted, and require respect and courtesy to other residents.

RULE 23. Over-sized, Commercial and Unlicensed Vehicles. Commercial vehicles, other than those vehicles making deliveries or providing services to the Units in the development, may not be stored or parked on any portion of the properties, except entirely within an enclosed garage. Residents with commercial vans, pick-up trucks, and unlicensed vehicles must keep them within the enclosed garage.

RULE 24. Parking. Each townhouse within Woodbury Commons is designed to have a minimum of four in-garage and driveway parking spaces for use by residents and their guests. When multiple cars are at a residence, two cars should always be garaged with the remainder in the driveway only, never on the street, as it presents a safety hazard.

On street parking is permitted on special occasions such as large parties. To prevent possible hazardous traffic conditions, party guests should be instructed to park on one side of the street only.

Access to mailboxes must never be blocked by parked cars during normal delivery hours.

Parking on lawns is prohibited.

RULE 25. Recreational Vehicles and Boats. No boating vessel, trailer or recreational vehicle may be parked or left on the Properties for more than twenty-four (24) hours except entirely within an enclosed garage.

RULE 26. Snow Plowing. Plowing is done on a contractual basis and performed per the current contract when the snow depth reaches three inches or more, as required by the Responsibility Matrix found in Booklet 1. If any vehicle is parked in a driveway, the driveway will not be plowed due to the contractors' potential liability for vehicle damage caused by such plowing.

RULE 27. Soliciting. Soliciting is not allowed and homeowners may ask solicitors to leave. Political canvassing, however, is protected under the First Amendment and cannot be legally prohibited (see Rule 16 above)

RULE 28. Speed Limits. The roadway, which has several blind spots, has a posted speed limit of 15 miles per hour to protect residents, children, and animals engaged in outdoor activities.

RULE 29. Water Valves. It is important in an emergency to know where the main water turn-off valve for your unit is located, along with your own individual valve. The following homes have the building valve located in their basements: 1, 2, 9, 14, 16, 21, 22, 34, 40, 42, 52, 60.

Owners of one these units are to arrange for emergency access, if needed, during any period of absence.

GROUNDS

RULE 30. Planting. Harmony of the landscape is a priority and adds to the attractiveness of the community. An RFA must be submitted and approved by the Board of Directors prior to a homeowner: 1) planting any shrub(s), bush(es), or tree(s) in the front or side landscaping beds; 2) adding, enlarging or extending a front or side landscape bed; 3) removing or trimming any Association plantings; or 4) installing a trellis or support in the rear of the unit.

Due to the exposure to Woodbury Way of the rear yards of Units 1, 3, 5, 7, 9, 11, 15, and 17 an RFA must also be submitted and approved by the Board of Directors prior to any rear yard landscaping changes as described above.

The following are prohibited: 1) plantings that close off a yard; 2) plantings around the base of a tree(s); 3) plants growing on or attached to a unit; and 4) installation of a trellis or support in the front or side of a unit.

Due to the exposure to Woodbury Way of the rear yards of Units 1, 3, 5, 7, 9, 11, 15, and 17 the prohibitions set forth in the preceding paragraph apply to the rear yards of the noted units as well as to front yards.

Annuals and perennials may be planted and replaced in existing landscape beds without Board approval. A homeowner is responsible for the care of any plant material which he/she adds, to include such maintenance as trimming and removing dead blossoms and plants. If a homeowner fails to care for plant material in accordance with this provision, the Board shall be permitted to remove the neglected plant material at the homeowner's expense.

Shrub(s), bush(es) and tree(s) installed by a homeowner will become Association property and will be sprayed and maintained by the Association. All Association property, including plantings, are subject to at least annual review by the Board, or its delegates, for compliance with Woodbury Commons' rules and regulations.

RULE 31. Bird feeders and Birdbaths. Bird feeders must be approved by the Board of Directors by submission of a Request for Approval and are allowed in rear yards only. All clean-up related to the bird feeder is the sole responsibility of the homeowner. Bird feeders must be at least six (6) feet above ground and at least ten (10) feet away from the house structure. Window bird feeders affixed via suction cups with dimensions of six (6) inches or less do not require an RFA. Birdhouses are prohibited as are birdbaths which attract mosquitoes and rodents.

RULE 32. Hose Storage. Front yard hoses must be stored in the garage when not in use.

RULE 33. Insect and Pest Control. The Homeowners' Association is responsible for the removal of pests such as voles, carpenter ants and carpenter bees which attack grounds or structures. The Homeowners Association will remove any undomesticated animal which destructively (through boring, digging or gnawing) enters a unit or its walls.

The Association is also responsible for the removal of threatening insects such as hornets and wasps, in accordance with section 14 of the Responsibility Matrix set forth in Booklet 1, *Useful Information*.

RULE 34. Potted Plants and Flowers in Gardens, Front Entry Area Hanging Plants, and Seasonal Items. Potted plants and flowers in front and side gardens are allowed. The location must be such that they do not pose a tripping or mowing hazard.

Hanging plants may be suspended from the underside of the front entry area. All dead or dying plant material is to be trimmed, cut back or removed. Summer/fall outdoor items are to be removed by December 1. Any holiday or seasonal items are to be removed within 30 days after the holiday or change of season (see Rule 5).

RULE 35. Protective Screening and Fences. No fence, wall, or screen planting of any kind shall be planted, installed or erected upon property or other portions of the exterior of the unit unless an RFA is approved.

RULE 36. Pruning, Mulching, Spraying and Fertilizing. Woodbury Commons Association owned trees, shrubs and bushes will be pruned, mulched, sprayed and fertilized by an appointed contractor.

RULE 37. Statuary/Decorative Items and Outdoor Furniture. Statuary items, figurines, decorative items and outdoor furniture are not allowed in any front or side yards. Furniture on front porches is allowed. (See also Rules 8, 30, 31, 32, and 35).

RULE 38. Removal of Yard Waste and Landscape Debris by Town of Perinton. The Town of Perinton will not enter WCHOA's private road for pick-up of yard waste and landscape debris (e.g., limbs, twigs, plant trimmings). Any such debris must be placed on Association property at Hulburt Road (on the side where the Woodbury Commons sign is located). Yard waste/landscape debris must be in containers and NOT placed in bags (plastic or paper). Place your house number on the container to facilitate retrieval. Large tree debris is to be cut into 4-6 foot lengths and neatly piled parallel to Hulburt Road. Debris in plastic bags or any other type of bag will NOT be picked up by the Town (See Rule 15 for private refuse company rule). Except in the winter when delays may occur because DPW crews are involved in snow removal, the Town picks up yard waste and landscape debris every Tuesday. In order to maintain the entrance appearance, such items should be placed at the entrance as close to the day before pickup as possible.

RULE 39. Shrub and Tree Replacement and Removal. The addition, removal and replacement of shrubs and trees is at the discretion of the Association.

Section 1. Dead or dying shrub(s) or tree(s) on homeowner's premises. When a dead or dying shrub(s) or tree(s) is on a homeowner's premises, the homeowner shall contact the Property Manager to request its removal. When notified by the homeowner, the cost of removal will be borne by the Association. The selection of a replacement shrub(s) or tree(s) and whether a replacement is appropriate shall be made by the Board in consultation with the homeowner.

Section 2. Common Areas. The Association shall be responsible for the cost of adding, removing and replacing a shrub(s) or tree(s) in Common Areas. Notice and the opportunity to comment regarding the removal of a shrub(s) or tree(s), whether replacement is appropriate and, if so, the choice of the replacement shrub(s) or tree(s) shall be provided to the residents.

Section 3. Homeowner Requests. A homeowner may add, remove or replace a shrub(s) or tree(s) at his/her expense provided an RFA is submitted to the Board and approved. A homeowner's request for removal, addition, and/or replacement of a shrub(s) or tree(s) shall be

made by submitting an RFA to the Board regardless of whether the homeowner or the Association will be bearing the expense of the removal or replacement. The selection of a replacement shrub(s) or tree(s) shall be that of the Association in consultation with the homeowner on whose premises the tree(s) or shrub(s) will be located.

Section 4. RFA Review. In reviewing the RFA, the Board shall give consideration to the appearance and character of the area where a tree(s) or shrub(s) is proposed to be removed or added, the size, shape, and retention of screening properties by any proposed replacement or additional shrub(s) or tree(s) when mature, and the impact of the requested change upon residents and the community aesthetic. As a condition of approval of shrub(s) or tree(s) removal, the Board may require the planting, at the homeowner's expense, of a replacement shrub(s) or tree(s) that the Board selects in consultation with the homeowner.

Section 5. Pet Damage. Homeowners are responsible for any damage to shrubs and lawns caused by their pets.

RULE 40. Watering Regulations. Just as interior plantings in our homes need watering, so do the exterior plantings. Each homeowner needs to water exterior plantings on a regular basis. If death of the plantings occurs from lack of water, the replacement will be at the expense of the homeowner who failed to adequately water. It is advisable to water before 9AM and between 5PM and 7PM.

RULE 41. Initial Installation and Re-location of Existing Heat Pumps and Air Conditioning Compressors. Initial installation or re-location of a heat pump or air conditioning compressor requires the submission of a Request for Approval and approval of the Board of Directors.

RULE 42. Dumpsters and Temporary Moving Storage Units. A Request for Approval shall be required to be submitted prior to the placement of a dumpster or temporary moving storage unit upon the premises of any Unit.

RULE 43. Grills and Fire Pits. Charcoal or wood grills and fire pits are not allowed on decks, under decks or inside garages. In addition, propane gas grills and propane fire pits are not allowed in garages. In essence, no open flame device is allowed in a garage. Propane gas grills are allowed on decks or patios as long as they are at least six (6') feet away from the unit walls when in use. Propane fire pits are allowed on decks, patios and homeowners' back yards as long as they are at least six feet (6') from any structure and do not interfere with lawn maintenance. Propane fire pits are not to be used when the Town of Perinton has issued a prohibition against any open fire due to drought conditions. Gas grills and fire pits may be placed in Common Areas temporarily during community social events.

RULE 44. Alterations to the Existing Footprint of a Unit. Alterations to the footprint of the existing unit are not allowed, except decks that are currently only eight feet (8') in depth as measured from the unit exterior wall can be increased to ten feet (10') in depth from the unit exterior wall. Upper decks may be enclosed but the footprint of the enclosure cannot extend beyond ten feet (10') in depth from the unit exterior wall. Rule # 6 and Rule # 35 in Booklet 3 regulate under deck enclosures.

A Request For Approval (RFA) is required for any work on decks except for staining. Work on a deck or deck enclosure shall not commence until an approved RFA is obtained.

RULE 45. Hot Tubs. Hot Tubs are not allowed (per July 2024 community referendum).

RULE 46. Interpretation of this Document. The paragraph headings contained in this document have been prepared for convenience of reference only and will not control, affect the meaning or be taken as an interpretation of any provision of this document.

NOTE: Booklet 1 - *Useful Information* contains the Responsibility Matrix (Appendix A), Staining and Painting Schedule (Appendix C), Exterior Lighting Illustrations (Appendix H), Guide for Selection of Window Color (Appendix I), Door and Storm Door Illustrations (Appendix J), and Request for Approval (RFA) form (Appendix K) in addition to other information.