

**Allens Creek Valley**

**Homeowners Association**

**Handbook**

**When a home is sold, the "Green Binder," including this Handbook, must be provided to the new owner.**

## Table of Contents

<b>Section</b>	<b>Page</b>
<b>1 Welcoming Resolution</b>	<b>1</b>
<b>2 Operating Principles</b>	<b>1</b>
2.1 Mission Statement and Goal	1
2.2 Assurance of Continuity	1
2.3 Buildings, Structures and Roads	1
2.4 Communications	2
2.5 Community Relations and External Affairs	2
2.6 Finance	2
2.7 Landscape	2
2.8 Maintenance	2
2.9 Rules and Regulations	3
2.10 Social Environment	3
2.11 Taxes	3
<b>3 Board of Directors &amp; Committee Responsibilities</b>	<b>3</b>
<b>4 Emergencies</b>	<b>4</b>
4.1 Emergency Contact Numbers	4
4.2 Emergency Repair Procedure	4
4.3 Emergency Notifications	4
<b>5 Property Management</b>	<b>4</b>
<b>6 Allens Creek Valley Website</b>	<b>4</b>
<b>7 General Maintenance</b>	<b>5</b>
<b>8 Service Requests</b>	<b>5</b>
<b>9 ACV Service Building and Club Room</b>	<b>5</b>
9.1 Guidelines for Use of the Club Room	5
<b>10 Insurance, Casualty and Liability</b>	<b>6</b>
<b>11 Rules and Regulations Overview</b>	<b>6</b>
11.1 Criteria for Rules, Regulations and Enforcement	6
11.2 Enforcement Procedure for Violations	6
<b>12 Property Modification Rules</b>	<b>7</b>
12.1 Property Modifications	7
12.2 Modifications Requiring Approval	7
12.3 Stipulations for Approved Additions and Modifications	7
12.4 Annual Property Inspection	8
<b>13 Planting Guidelines and Standards</b>	<b>8</b>

<b>14 Courtyards</b>	<b>9</b>
14.1 Plantings	9
14.2 Maintenance Responsibilities	9
14.3 Features and Decorations	10
<b>15 Exterior Structural Additions and Modifications</b>	<b>10</b>
15.1 Clotheslines and Window Air Conditioners	10
15.2 Deck Enclosures	10
15.3 Satellite Dishes	11
15.4 Awnings and Window Films	11
15.5 Hot Tubs	11
15.6 Bird Houses and Feeders	11
15.7 Garage Doors	11
15.8 Replacement, Addition or Modification of Skylights, Windows, Exterior Doors, Storm Doors	11
15.9 Dryer Vents and All Other Exhaust and Flue Pipes	12
15.10 Standby (Backup) Generators	12
15.11 Heat Pumps and Central Air Conditioners	12
15.12 Solar Energy Equipment	12
<b>16 Common Areas</b>	<b>12</b>
16.1 Prohibited Activities	13
16.2 Trees	13
16.3 Pond	13
16.4 Creeks	14
16.5 Tennis and Pickleball Courts	14
<b>17 Rental of Property</b>	<b>14</b>
<b>18 Household Sales</b>	<b>15</b>
<b>19 Signs</b>	<b>15</b>
<b>20 Garage Security</b>	<b>16</b>
<b>21 Soliciting, Trespassing and Privacy</b>	<b>16</b>
<b>22 Commercial Activity</b>	<b>16</b>
<b>23 Resident Motor Vehicle Operation and Parking</b>	<b>16</b>
<b>24 Noise and Odors</b>	<b>17</b>
<b>25 Trash and Garbage</b>	<b>18</b>
<b>26 Pets</b>	<b>18</b>
<b>27 Insect and Animal Control</b>	<b>19</b>
<b>28 Storage</b>	<b>19</b>
<b>29 Dumpsters</b>	<b>20</b>
<b>30 Deck Repair and Replacement</b>	<b>20</b>
<b>31 Recreational Fires (Fire Pits/Tables) and Grills</b>	<b>20</b>
<b>32 Wood Burning Fireplaces</b>	<b>21</b>

# 1. Welcoming Resolution

Resolved, that the Allens Creek Valley Homeowners Association (Association or ACVHOA) and its board of directors and resident members constitute a welcoming community. We proudly embrace the spirit of inclusiveness, welcoming all new residents regardless of:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status
- Disability
- Sexual Preference
- Age
- Marital Status

Our spirit of inclusiveness is reflected in our group activities, formal and informal, in the friendliness and welcoming spirit among neighbors and among the members of our board of directors, and in the rules by which the association and its members abide. The association is committed to protecting the safety and well-being of all our residents.

The association and its members are dedicated to preserving the abundance and richness of our surroundings for the pleasure of every person.

# 2. Operating Principles

## 2.1 Mission Statement and Goal

### Mission Statement

Create and maintain a community environment in which all residents may enjoy and participate in its future development, and in which property values are protected and enhanced. Value a shared community spirit.

### Goal

Ensure that prospective home buyers choose Allens Creek Valley as an ideal place to live.

## 2.2 Assurance of Continuity

Adhering to high standards for property maintenance and community-wide respect for the common good are the best assurances that ACV's mission and goal will be continuously sustained through the efforts of the association and its board.

## 2.3 Buildings, Structures and Roads

Changes or additions to ACV property are expected to harmonize, insofar as possible, with the natural, low profile and woodland environment of the community. Exterior construction,

painting, staining and decorations of all types are to use materials and colors that complement the woodland look of the surrounding area.

The Architectural Standards Committee, under the board of directors, is responsible for establishing guidelines and specifications for buildings, structures and roads, and for monitoring conformance to the appearance and environmental philosophy expressed in this document.

## **2.4 Communications**

The board is expected to be as open as possible on all matters that come before it. Monthly meetings are open to homeowners. In addition to the association's newsletter, the board communicates through email notices, mailbox notices, informational coffee hours, minutes of board meetings and the ACV website.

## **2.5 Community Relations and External Affairs**

ACV desires to live harmoniously with its neighbors in the town of Penfield. To this end, the association will maintain liaison among town authorities, businesses and ACV owners and residents. The goal is to influence contiguous community development for the common good, as well as to reflect the concerns and interests of the association.

## **2.6 Finance**

Sound financial management requires short and long-range planning, balanced budgets, adequate reserves and prudent money management. The board of directors specifically is charged with meeting these criteria as a means of protecting property values and assuring that owners will avoid special assessments in the future.

## **2.7 Landscape**

The ACVHOA recognizes the long history of our community. The woodland setting, the existence of a naturally wild area immediately surrounding the property, and the earth tone cedar construction define a development that strives to be in harmony with its surroundings. Vegetation, grass, trees, bushes and homeowner plantings are to be cut, watered, pruned, fertilized and given additional care and treatment as necessary to ensure a well-kept but natural appearance within the entire community. Owners are also encouraged to water lawns and plantings in common areas during dry periods.

## **2.8 Maintenance**

General maintenance will be such that Allens Creek Valley will preserve its reputation for its well-kept appearance. Major maintenance will be funded from financial reserves of a sufficient amount to preclude special assessments.

## **2.9 Rules and Regulations**

Rules and regulations exist only as necessary to protect and ensure the continuing viability of the ACV community. The board is charged to secure adherence to the objectives and vision expressed in this document. Rules and regulations are reviewed regularly to ensure continuing need, relevance, conformance and enforceability. Periodic external inspections of ACV common property and the exterior of individual properties, including courtyards and rear and side plantings, are appropriate to such reviews.

## **2.10 Social Environment**

In a shared community, consideration of one's neighbors is of paramount concern. To the extent residents respect the comfort and convenience to which all residents are entitled, restrictive rules and regulations can be minimized. The board is expected and empowered to exercise its authority to assure equitable consideration for all home owners regarding public conduct, noise, control of pets, use of common property, recreational and other facilities, operation and parking of motor vehicles, etc.

## **2.11 Taxes**

The ACV community is an important contributor of Town of Penfield taxes. The association intends to have its voice heard on town tax and service issues to support fair and equitable treatment for all taxpayers.

# **3. Board of Directors and Committee Responsibilities**

The ACVHOA's board has been established under the terms of the declaration and bylaws of the association. The board operates according to the provisions of these documents and administers compliance with their terms and conditions. The Board is empowered to establish and enforce additional rules, regulations and penalties that, in its judgment, may be necessary to protect and preserve the rights and privileges of individual residents and the quality of the community. Board policy is to establish only those rules it considers necessary to manage ACV in accord with its declaration, bylaws, mission, and goal.

The board of directors may include as many as nine members in accordance with Section 5.01 of the HOA bylaws. Terms of service are three years. HOA bylaws stipulate a board member may not serve more than two consecutive terms without interruption.

The board meets regularly. Homeowners are welcome to attend. To be included on the agenda to address a particular topic, a request (with the name and address of the homeowner and the topic to be discussed) should be submitted to the president one week in advance.

The board establishes committees to carry out the work of the association under the direction of the board. The names and contact information for current officers, directors, and committee chairs are posted on the website and printed in the ACV newsletters. The "Directory of Residents" is updated and distributed annually for insertion in the ACV association binder.

## 4. Emergencies

### 4.1 Emergency Contact Numbers

Gas	Call RG&E	1-800-743-1702
Electric	Call RG&E	1-800-743-1701
Water	Call MCWA	442-2009
All Other		911

### 4.2 Emergency Repair Procedure

Homeowners are responsible for repair of damage caused by most interior emergencies. Association responsibility for the repair of interior damage from an exterior cause must be determined by the property manager on a case-by-case basis.

Repairs that have been determined to be the responsibility of the association will be contracted for by the association. ACV assumes no responsibility for emergency repair work unless authorized and contracted for by the association.

Contact the property manager to determine responsibility for an emergency repair. ACV office: 385-3049 (Follow the instructions on the answering machine.)

### 4.3 Emergency Notifications

In the event of an emergency such as utility outages, downed trees, etc., the association will notify homeowners and residents via an email message. Owners are encouraged to register email addresses with the property manager.

## 5. Property Management

The ACVHOA contracts with COMPASS Property Management, a member of The Cabot Group, to provide administrative services required for effective management of association property. The property manager is the on-site person responsible for maintenance of ACV property and reports to COMPASS and the board of directors.

## 6. Allens Creek Valley Website

The ACV website is available for resident use. The website contains general information about the association, board meeting minutes, a bulletin board, service and variance (modification) request forms, a member directory listing those residents who opt to share their contact information, the association's legal documents (the declaration and bylaws) and more. The website is maintained by COMPASS.

To access the site, register at [www.compassmanagement.net](http://www.compassmanagement.net) by clicking on "Client Login" and then "register". After filling in the required fields, COMPASS staff will verify

homeowner information and permit access to the ACV website. After receiving authorization revisit [www.compassmanagement.net](http://www.compassmanagement.net) and login to be redirected to the ACV website. For additional help or password assistance call COMPASS (585-249-5010).

## **7. General Maintenance**

Homeowners own their townhome and their individual lot. Lots include the townhome, the courtyard and the patio or deck footprint. All homeowners are members of the association by virtue of their fee simple ownership of their townhome and individual lot. The ACVHOA owns all remaining land, referred to as common property. Responsibility for maintenance and repair derives from individual or association ownership. See Schedule B of the declaration.

## **8. Service Requests**

The property manager is a COMPASS employee assigned to ACV and can accept direction only from COMPASS and the board. This provision also applies to contractors working for COMPASS on behalf of the ACVHOA.

To submit a maintenance request, call the service building. Or the homeowner may submit a service request form to the property manager directly or via the ACV website. If the request is an emergency, call the property manager directly.

## **9. ACV Service Building and Club Room**

The ACV Service Building and the ACV Club Room are both located at 61B Waterview Circle. The ACV Service Building is overseen by the Property Manager and contains his office, as well as space in the garage and basement for equipment and supplies used to service ACV. The ACV Club Room is overseen by the CR Coordinator and makes up most of the main floor, including a kitchen and a spacious activity room.

### **9.1 Guidelines for Use of the Club Room**

- Can be reserved for use by the ACVHOA Board and committees, for meetings and HOA social functions.
- Can only be reserved by ACV residents for private functions. The ACV Residents are also encouraged to host community activities such as games, seminars, and social functions. The ACV host must be in attendance.
- To reserve the Club Room, contact the CR Coordinator through the Property Manager.
- ACV does not supply alcohol at any ACV-sponsored event. Hosts may provide alcohol at their own expense/liability
- Smoking and vaping are prohibited.
- A lift is available for handicap access.



## **10. Insurance, Casualty and Liability**

The ACVHOA maintains insurance in accordance with the requirements set forth in Article IX of the declaration. The specific amounts and types of coverage are established in consultation with COMPASS and the insurance carrier(s). Coverage may change from time to time.

The association does not insure personal possessions but attempts to reasonably insure all original structures and betterments. Homeowners should contact the property manager and the owner's insurance carrier to determine where association insurance ends and individual homeowner responsibility begins. The amount of insurance homeowners carry is their decision.

## **11. Rules and Regulations Overview**

In accordance with the declaration and the bylaws the board is empowered to establish and enforce any rules, regulations and penalties that in its judgment may be necessary to protect and preserve the rights and privileges of individual residents and the quality of community life in ACV.

### **11.1 Criteria for Rules, Regulations and Enforcement**

Rules, regulations and procedures are founded upon four criteria:

- They are considered necessary and desirable to promote and maintain a high quality of living and property ownership in ACV.
- They reflect the Mission Statement and Goal set forth in Section 2.1.
- They are of sufficient importance to warrant active and continuing attention and enforcement.
- They are consistent with the provisions set forth in in the bylaws and the declaration.

Common sense and good judgment should be evident in their application and enforcement. If the board elects to deviate from an established rule, such a decision will not be considered precedent setting.

### **11.2 Enforcement Procedure for Violations**

When a member of the association violates a rule or regulation, it is the responsibility of the board and the property manager to take action so that the violation will have the least effect on the ACV community and the rights of its members.

The action taken by the association will usually take place in stages in the hope that the matter can be resolved with the least disharmony. When appropriate, and depending on the severity of the infraction, the stages will be in the following order:

1. First notice: A letter will be issued to the member citing the violation(s) and stating the corrective action that must be taken by the member and by what date.
2. Second notice: An official "Notice of Infraction" will be sent, noting the date required to address the situation or else a fine will be applied for noncompliance.
3. Third Notice: A letter will be issued stating that the fining process has started, noting the previous communications. The fines will continue until corrective action is taken or fines become substantial enough to place a lien on the property.

Should no action be taken within a reasonable time, the association may elect to correct the violation and bill the homeowner for expenses.

## **12. Property Modification Rules**

### **12.1 Property Modifications**

Residents planning to make changes or additions to the exterior grounds of their unit or to adjacent or restricted common areas must obtain prior approval for a variance by submitting a Request for Modification/Variance to Buildings or Grounds form to the Architectural Standards Committee for each modification or addition desired. The form is available at the service building and on the ACV website.

### **12.2 Modifications Requiring Approval**

If, after reading the information provided in this handbook, there are doubts or concerns about the process or requirements for making additions or modifications to a unit's exterior structure or features, courtyard or common area property, consult with the property manager or the Architectural Standards Committee before proceeding with the Request for Modification/Variance. Such modifications include:

- Changes or additions to decks, patios, fences and some courtyard elements, including trees and handrails.
- All structural additions or modifications to the exterior of any unit including, but not limited to those listed under Section 15 Exterior Structural Additions and Modifications, Section 14 Courtyards, Section 13 Planting Guidelines and Standards, and Section 16 Common Areas.
- Plantings or structures on any part of the common area.
- Changes or additions to previously approved or existing landscaping outside courtyards, around decks or patios and the sides of end units, or other common property.

### **12.3 Stipulations for Approved Additions and Modifications**

The homeowner assumes all costs of design and construction and the continuing costs of maintenance for approved modifications. These must be completed in a timely manner acceptable to the association.

In the event maintenance is not continued in a manner acceptable to the association, the homeowner will be obligated for any costs incurred by the association to continue maintenance or to restore the property to its original condition.

In the event of transfer of ownership of the unit, the selling homeowner must comply with the stipulations and guidelines applicable to the modifications, or pay any costs required to restore the property to its condition prior to the modifications, and notify the new owner of their obligation to comply with stipulations and guidelines applicable to the modification(s).

#### **12.4 Annual Property Inspection**

All association property and courtyards, and exterior plantings and modifications by homeowners will be reviewed annually for compliance with ACV standards and regulations. The Architectural Standards Committee will notify in writing those homeowners whose units or landscaping fail to meet association standards or specifications. Homeowners are responsible for taking timely corrective action specified by the association.

### **13. Planting Guidelines and Standards**

Guidelines in this section are applicable to common areas. (See Section 12 for more information about common areas and Section 14 for planting within courtyards). Common areas which require variances for homeowners' limited plantings include the 4-foot area beyond the patios or decks and courtyards of all units and the sides of end units. If an area has been granted such a variance, the 4-foot stipulation will be interpreted as approximate if it is in reasonable compliance. Areas already cultivated are grandfathered.

- Any first time or additional planting in any common area requires that the area has an approved Request for Modification/Variance to Buildings or Grounds per Section 12. Owners should contact the property manager to determine if an area has previously been granted a variance.
- The areas that will be considered for a variance include: 4 feet in front of the courtyard fence, 4 feet from the rear patio or deck and from the end wall of an end unit, and 2 feet from the outer edge of the sidewalk to the driveway.
- Plantings are to be mainly shrubbery, ground cover and perennials or annuals. Flowering shrubbery is highly recommended. Plantings must be routinely trimmed by owners for appearance and to not present obstacles for painting siding and fencing or lawn mowing.
- The small gardens along the outer edge of the walkway from the gate to the driveway may extend no more than 2 feet from the outer edge of the walk and should not exceed 2 feet high.
- Owners may not plant in any common area, including around common area trees. Courtyard trees, when permitted, must be approved by the Architectural Standards Committee specifically for size, location and variety. (See Sections 12.1 and 12.2).
- Plantings requiring trellises or attachment to walls, fences or privacy screens will be approved only if removable and will not adversely affect siding or impede building maintenance. The association may exercise the right to have any supports, or the

plantings, removed when necessary to maintain or protect buildings or the common property.

- Small stones and marble chips are not permitted in any of the cultivated areas outside the courtyards. The use of imitation rocks and plants is prohibited.
- Edging materials outside the courtyard require approval from the Architectural Standards Committee.
- Mulch outside the courtyard must be consistent in color with that used by the association in common areas.
- To prevent wood rot, mulch may not be placed against siding or the bottom rung of courtyard fences.
- Courtyard plantings may not touch the fence or house siding or roofs, inhibiting any exterior maintenance. Nor should they extend out enough to impede lawn mowing.
- Residents are encouraged to plant noninvasive, indigenous plantings that will harmonize with and enhance the natural, low profile, woodland appearance of our development.
- Artificial plants/flowers are not permitted to be displayed except within the courtyard.

## **14. Courtyards**

### **14.1 Plantings**

Courtyard plants and decorations should be selected to harmonize with or augment the natural, low profile, woodland appearance of ACV. Refer to Section 13 above for standards related to design and selection of materials and plantings for courtyards.

### **14.2 Maintenance Responsibilities**

#### **Association Responsibilities**

- Replace or level original standard flagstone walks when the association determines a stone is a tripping hazard.
- Repair or replace fencing and gate components as deemed necessary by the association.

#### **Homeowner Responsibilities**

- Regular weeding, cultivation, maintenance and pruning of all courtyard plantings, trees and shrubbery, as well as any approved plantings in the 4-foot area around the unit footprint, avoiding an unkempt appearance inside and outside the courtyard.
- Pruning courtyard trees and shrubbery to a reasonable height so branches do not overhang or interfere with periodic maintenance of gutters, roofs, walls and fences.
- Remove dead growth to maintain a well-kept appearance.
- Replacement or leveling of any nonstandard walks or patios, including those installed under an approved Request for Modification/Variance to Buildings or Grounds, when in the opinion of the association they are a safety hazard.
- Snow shoveling the courtyard walk including the section outside the courtyard gate to the driveway.

In cases where a courtyard appears neglected or overgrown, the property manager may, after notification of the owner, arrange to have the necessary work performed by the association or a contractor and bill the homeowner for all related expenses.

### **14.3 Features and Decorations**

Well-maintained courtyards and gardens connect us to the beautiful, natural ACV surroundings. They can have a substantial effect on ACV's home values. Because homes are close to neighbors and the streets, owners must be thoughtful about decorations.

The board takes seriously its responsibility to ensure that courtyard features and decorations reflect traditional ACV standards of appearance and good taste, and that they are properly maintained. Owners' decisions should consider what is likely to be regarded as appealing to the community and neighbors nearby in their use of decorations. The association will take appropriate action for violations of these standards.

- Decorations may not deface or be attached permanently to building surfaces or fences. They are expected to harmonize with the natural, low profile appearance of ACV.
- Seasonal and festive decorations, including lights, flags, and balloons should be in good taste and be removed promptly after a holiday or private event.
- No inflatable decorations except balloons are allowed.
- Decorations and lighting shall not be placed on common property.
- Enhancements such as expanded walks and seating areas, birdbaths, fountains, sculptural statues and ground lights are permitted only when approved by the Architectural Standards Committee.

## **15. Exterior Structural Additions and Modifications**

Before commencing or committing to structural additions or modifications, owners should closely read Section 12.

### **15.1 Clotheslines and Window Air Conditioners**

Clotheslines and air conditioners, other than central air, are not permitted.

### **15.2 Deck Enclosures**

Applications for deck or patio enclosures will be approved based on the individual merits. To assure that applications receive appropriate review, the board of directors has implemented a process for submitting and review of proposals. A copy of the process may be obtained from the property manager.

It will be the owner's responsibility if a deck (or portion) beneath or surrounding a deck enclosure requires replacement.

### **15.3 Satellite Dishes**

Both federal law and ACV rules and regulations apply to the installation of exterior-mounted satellite dishes and antennas. Homeowners may obtain a copy of the regulations at the service building. Homeowners must not install satellite dishes or related equipment without the previous approval of the Architectural Standards Committee. Installations not approved under a modification request will be subject to removal or modification at the homeowner's expense.

### **15.4 Awnings and Window Films**

Awnings, sunshades and window films are permitted but must be approved in advance by the Architectural Standards Committee. When installing a new awning or replacing the canvas of an existing awning, the color of the canvas must be a solid neutral color with no stripes or prints and must be approved before installation.

### **15.5 Hot Tubs**

Requests to install hot tubs must be approved in advance by the Architectural Standards Committee. If the deck area beneath or surrounding the tub requires replacement, it will be the owner's responsibility and expense.

### **15.6 Bird Houses and Feeders**

Houses and feeders should be of such material and construction as to harmonize with the natural, low profile, woodland appearance of ACV. Any feeders or other exterior additions that become an attractive nuisance, causing discomfort or annoyance to neighbors, or that attract undesirable animals, rodents, or insects, must be removed when requested by the property manager. Bird feeders should be placed where they will not be an annoyance to neighbors and not attract other animals.

### **15.7 Garage Doors**

Repair or replacement of a garage door is the responsibility of the homeowner and requires submission of a Request for Modification/Variance to Buildings or Grounds form. The association is responsible for painting the garage door.

### **15.8 Replacement, Addition or Modification of Skylights, Windows, Exterior Doors, Storm Doors**

Owners are responsible for modification, repair and replacement of these external components. Replacement requires the submission of a Request for Modification/Variance to Buildings or Grounds form and its approval by the Architectural Standards Committee.

### **15.9 Dryer Vents and All Other Exhaust and Flue Pipes**

To install or move a dryer vent or other exhaust vent pipe, including changes to fireplace flue pipes and caps, a Request for Modification/Variance to Buildings or Grounds form must be submitted to the Architectural Standards Committee to obtain approval for its location and termination point. No vents or exhausts can be vented into courtyards.

In addition, homeowners must follow Town of Penfield codes when installing or moving a dryer vent or other exhaust vent.

### **15.10 Standby (Backup) Generators**

Since there have been substantial technological improvements in the manufacture and operation of standby generators in recent years, the board has developed a policy permitting the installation of natural gas standby generators in ACV.

Homeowners interested in installing a generator should contact the property manager for a copy of the specific procedure and guidelines which must be followed before their request can be granted. In addition to the ACV requirements, the Town of Penfield and Rochester Gas and Electric also require compliance with their codes and regulations.

### **15.11 Heat Pumps and Central Air Conditioners**

The location of new and relocation of existing heat pumps require submitting a Request for Modification/Variance to Buildings or Grounds form to, and approval by, the Architectural Standards Committee.

### **15.12 Solar Energy Equipment**

The goals of saving energy and reducing the world's greenhouse gas emissions have resulted in increased interest in the installation and use of systems that make use of renewable energy sources. The Allens Creek Valley HOA does not want to discourage such initiatives but feels it important to ensure that the installation of any power generation equipment is reasonably controlled for appearance and location to protect the overall attractiveness of the community and to maintain property values. The ACV Solar Energy Equipment Installation Policy and Guidelines were developed to achieve those goals, and homeowners must adhere to the guidelines. This includes submitting an ACV Request for Modification/Variance to Buildings or Grounds form with all required supporting documentation. Contact the ACV property manager for the latest copy of the policy and guidelines.

## **16. Common Areas**

Common areas include all property not owned by individual homeowners. They are maintained by the association in their natural or existing state unless the association decides otherwise. Some common areas, such as the four-foot areas beyond the sides of end units and the patios or decks and courtyards of all units, have been granted variances to permit owners

to use them for limited planting. (See Section 12.)

Homeowners are encouraged to water common areas when dry conditions threaten the viability of the association's lawns and plantings.

Owners no longer wanting to maintain common area(s) for which their properties have previously been given a variance must submit a Request for Modification/Variance to Buildings or Grounds form to rescind the corresponding variance(s) for the property concerned. The completed restoration must be in keeping with ACV's landscaping standards and at the owner's expense.

Any owner contracting gardening or landscaping work must verify that the contractor is fully insured.

### **16.1 Prohibited Activities**

- Planting trees or other vegetation without the permission of the Architectural Standards and Landscaping Committees (via a Request for Modification/Variance to Buildings or Grounds form).
- Cultivating an area that has no approved variance from the association.
- Cutting, pruning or clearing without the permission of the property manager.
- Discarding leaves, cuttings or other refuse in a common area, except in areas specifically approved by the Landscaping Committee or the property manager. Owners who contract for gardening or landscaping must inform the contractor that they are responsible for removing any debris from ACV property.
- Feeding deer, raccoons, ducks, geese or other wildlife on association property.
- Sledding, downhill skiing or riding vehicles on or in any common area.
- Installing decorations or lighting.
- Skateboarding, rollerblading, and roller skating.

### **16.2 Trees**

Common area trees will be removed only if they are diseased, dead, dangerous or causing property damage. Requests for removal will be reviewed on a case by case basis using these criteria. Because common area trees belong to all ACV residents, healthy trees will not be removed, even with private funding.

### **16.3 Pond**

Use of the pond for boating, fishing, swimming, wading, skating, skiing, walking or any other purpose is prohibited.

Use of the common area around the pond is restricted to homeowners, their families, and guests. In any case, the homeowner assumes responsibility and liability. Children are not permitted close to the water unless accompanied by an adult.



The pond is treated annually to control algae, weeds and other harmful elements. Runoff from storm sewers empties into the pond. Homeowners are asked to help prevent harmful or toxic effluent such as soap, detergent, chemicals, pesticides, etc. from entering the association's storm drain system

#### **16.4 Creeks**

Allens Creek and Irondequoit Creek join at the southeast corner of ACV property and border the property on the south and west. ACV property bordering the creeks is restricted to the exclusive use of residents and guests. There is a 15-foot public easement on both sides of the creeks. The public is not permitted to park on, walk on, or drive across ACV property to access the creeks. Fishermen may enter the creek beds from off association property and traverse the creeks, provided they stay within the easement boundaries.

#### **16.5 Tennis & Pickleball Courts**

The Tennis & Pickleball courts in ACV are for the exclusive use of homeowners, family members, residents and guests.

- Tennis and pickleball courts are open from 8 a.m. until 8:30 p.m.
- The gates to the courts are to be locked when the courts are not in use. Resident players are responsible for locking the gates after use. The combination for the gate lock is available from the court chairperson or the property manager and is not to be shared with anyone who is not an ACV resident.
- Nonresidents may use the courts only when a resident host is present.
- Only nonmarring tennis or athletic shoes are allowed.
- No skateboarding, bicycling, rollerblading or other activity is allowed on the courts.
- Pets, food, smoking, and alcohol are not permitted on the courts.
- Players should sign up for court use (except during designated open court time) using the signup sheets. Sheets for tennis are in the container next to the gate entrance. Sheets for pickleball are in the brown box on the left side of the fence corner.
- Sign-up is on a first-come, first served basis. Reservations are generally for 1-2 hours for pickleball, 1 hour for singles tennis and 1½ hour for doubles tennis.
- Vacant courts may be used without signing up.
- The refuse policy is carry in–carry out. Players are expected to keep the courts clean by removing trash, used balls, ball cans, water bottles, etc.
- The gate must be locked when leaving the courts.

### **17. Rental of Property**

Allens Creek Valley townhomes are single-family dwellings that are subject to the Town of Penfield zoning laws that apply to dwelling occupancy. It is the obligation of the owner of a rented unit to ensure that renters are fully informed of and comply with the rules and regulations set forth in the Allens Creek Valley Handbook. The owners must provide and specify in writing within the lease, specific reference to the declaration and that the tenant

shall comply in all respects with the terms of the declaration, bylaws, and the handbook of the association.

The owner is expected to provide the property manager with contact information for the tenants, dates of occupancy and any changes. When purchasing a unit with the intention to rent, purchasers must provide their contact information, including telephone number and email address, at time of closing. Renters, although they may not vote or hold office in the Allens Creek Valley Homeowners Association, are encouraged to participate in association activities, attend meetings and serve on committees.

## **18. Household Sales**

Garage, yard, porch and driveway sales are not permitted. In addition to being unattractive, they pose a potential security risk. Limited parking and increased traffic within ACV are also a disruption for residents.

Household sales are permitted, subject to the following:

- The homeowner must obtain and complete a request form from the property manager. The completed request form must be submitted to, and approved by, the president of the board of directors at least two weeks in advance.
- Residents in the affected area must be notified of the sale at least one week in advance.
- The homeowner must provide a traffic monitor to direct parking and traffic flow.
- Sale items must be displayed inside the house only.
- Garage doors must be kept closed.
- Sale hours may be between 10 am and 4 pm only.
- Household sale signs may be posted from 10 am to 4 pm only on the day of the sale.
- No more than three household sale signs may be posted.
- The homeowner assumes liability for damage to association common areas.

## **19. Signs**

No advertising, signs or awning shall be affixed to or placed on the lots, exterior walls or doors, roof or any part of the home including the courtyard fence, or exposed on or at any window, unless approved by the board.

To accommodate homeowners for the period when a unit is for sale:

- Only a standard ACV for sale sign, available on loan from the association, may be posted. The standard sign will indicate “For Sale by Owner” or “For Sale by Realtor,” as appropriate. The telephone number of the owner or realtor will be prominently displayed. Proprietary realtor signs, including those visible through a window, may not be used.
- Signs and mounting hardware can be obtained from the property manager.
- Open house signs must be approved by the property manager and may be posted on association property only during the period of an open house.

## **20. Garage Security**

Garage doors must be kept closed when not in use. Closed doors more attractive and open doors are an attractive nuisance. Open doors are an invitation for raccoons, skunks, an occasional fox and other varmints to cause damage in the garage and possibly get into garbage cans. They are also an opportunity for theft and access to the house.

## **21 Soliciting, Trespassing and Privacy**

Soliciting, trespassing and canvassing within ACV are prohibited except on behalf of candidates for political office or the ACV's board. Residents privacy shall be respected. Resident and owner addresses, telephone numbers and email addresses are collected by the association strictly for the use and convenience of other residents, owners and the association. The information will not be shared with other organizations or individuals. Group email messages and other communications will be sent only under the direction of the president or designee. Group email messages will be addressed to "undisclosed recipients," using the blind copy option to protect homeowners' privacy. Resident directories are for resident convenience only and should never be used for sales or solicitation or shared with others. The association keeps a list of all resident and owner telephone numbers but does not publish numbers that residents request be unlisted.

## **22 Commercial Activity**

No wholesale or retail business shall be conducted in, or on, any lot or other portion of the property, except for social events authorized by the board. Business activities in ACV is also subject to Town of Penfield zoning laws.

Commercial or business activities will be those identified by any one of the following:

- An influx of traffic from visitors, customers, delivery trucks or personnel.
- Excessive amounts of trash and garbage or packing materials requiring disposal by the association.
- Monopolizing of visitor parking areas or roads.
- Any other activity that adversely affects the general atmosphere and homeowner comfort in a residential community.

## **23 Resident Motor Vehicle Operation and Parking**

Unless used in connection with the maintenance of the property, or unless garaged or otherwise consented to by the board of directors, the following shall not be permitted to be parked on the property:

- Oversized vehicles too large to fit in the resident's garage with the garage door closed.
- Commercial vehicles (vehicles used for business purposes)
- Recreational vehicles (parked for more than 72 hours)
- Unlicensed motor vehicles of any type

- Camper bodies
- Boats or trailers
- Buses
- Outdoor storage of vehicles

Personal vehicles with advertising displayed on them must be garaged when parked in ACV.

Parking of resident's or guest's private vehicles in visitor parking areas is limited to no more than seven consecutive days. Longer parking periods or frequent repetitive use of visitor parking areas requires written approval from the board of directors.

Parking is not permitted on community roads, except temporarily, when visitor parking lots are full.

Contractors' vehicles may be parked in common parking areas or driveways only for periods required for service.

Vehicles parked illegally, after due notice from the property manager, will be towed at owner's expense.

Parking is not permitted on the grass, except as required due to road or driveway repairs.

The speed *limit* within ACV is 25 MPH. The roads within our community are the sidewalks, also. Most of our townhomes are only one or two car lengths from our roads; the noise of quick acceleration or higher speeds is both annoying and dangerous for our residents.

## 24 Noise and Odors

No objectionable noise or odors should emanate from any unit. No noxious or offensive activity may be carried out on the property, nor may anything be done that may be or become a nuisance or annoyance in the area or to homeowners. The emission of smoke, soot, fly ash, dust, fumes, herbicides, insecticides and other types of air pollution or radioactive emissions or electromagnetic radiation must be controlled and not:

- be detrimental to or endanger the public health, safety, comfort or welfare
- be injurious to property, vegetation or animals
- adversely affect property values or otherwise produce a public nuisance or hazard
- violate any applicable zoning regulation or other governmental law, ordinance or code.

Homeowners should avoid excessive noise when hosting parties or when using radios, television and audio equipment.

Security system owners should give at least one neighbor instructions for their system to help police and to reset systems activated inadvertently.

## 25 Trash and Garbage

Household trash, garbage and compost pails for weekly pickup may be placed outside, at the end of the driveway, no earlier than dusk the night prior to pickup.

All containers and receptacles are provided by the homeowner and must be secured against wind, rain, snow and animals. Use well-secured, covered containers.

ACVHOA does not supply recycling or trash containers.

Owners should label their containers and their covers with their addresses.

Trash and garbage may not be dumped or left in any part of the common property.

Appliances or bulk items: Contact the property manager for disposal options.

Homeowners must act in accordance with town and county recycling laws.

The property manager will provide schedules for collection of garbage and recycling to homeowners, as necessary.

## 26 Pets

Rules and regulations:

- Dogs, cats, birds, aquarium fish or other domesticated household pets are permitted. No other animals may be kept on the premises.
- No more than two pets (excluding aquarium fish) may be kept at any lot.
- No reptiles, insects or arachnids are allowed.
- No pets are to be kept, bred or maintained for commercial purposes.
- The board may require an owner to remove any animal or bird from the community that is a nuisance because the owner does not clean up after the animal, the animal is too noisy, is overly aggressive, or is not properly controlled.
- Dogs must be leashed (not tethered) when off the owner's property and on common property.
- On the owner's outdoor property, including the front courtyard, the rear deck, the rear patio, under a rear elevated deck or in an open garage, a dog must be leashed, tethered or fenced-in in order to prevent it from getting loose and threatening, frightening, or injuring a person or a dog being walked.
- Invisible fencing is not permitted on common property.
- ACV has no designated area for exercising pets. Walk pets on roads and in wooded areas away from other units and landscaped common areas.
- Owners should restrict pets from urinating or defecating on driveways, grass or plantings of the common area, between housing units and immediately adjacent to courtyards, flower beds and decks or patios, except within a few feet of the paved road. Feces must be picked up immediately whether on common property or a

homeowner's property and disposed of in the pet owner's residence or garbage. It is illegal to dispose of feces in storm sewers or drains. This provision applies all year, including when the ground is snow-covered.

- Owners considering acquiring a dog are urged to train the animal and to select a breed that is not aggressive and likely to grow to a reasonable, mature weight and size, suitable for living in a townhouse community.
- Pets must be licensed and inoculated annually as prescribed by the laws of the Town of Penfield and tagged with the owner's name and address.
- Homeowners should call Penfield Animal Control (585-340-8616 or 911) to report any unleashed or unruly dogs. Penalties and fines can be levied under the Penfield Animal Control ordinance, based on the number of complaints and severity of violations.
- The board will issue warnings and fines for violations of the rules and regulations.

## **27 Insect and Animal Control**

### **Association Responsibility:**

- Control of insects or animals on common property.
  - Insect or animal damage to buildings, decks, patios, fences, walks and the exterior of buildings.
  - Correcting exterior damage in the case of insects or animals burrowing from the outside.
  - Disposal of ownerless dead, dying or unwanted animals.
  - Installation of screening on original chimneys to prevent the entry of birds or animals.

### **Homeowner Responsibility:**

- Control of insects and animals inside the home.
- Repair of insect or animal damage to plantings in courtyards and around decks and patios including the four-foot area around the unit if it was approved previously for plantings.
- Repair of any interior damage.
- Remove birds or animals that have entered the chimney, awnings or fireplaces, including calling a pest control company, if necessary.

## **28 Storage**

Residents shall not leave personal property or debris, including but not limited to garbage cans, empty pots or containers, lawn equipment, toys, etc. outside of courtyards, under decks or on grass or driveways. Tarps covering outdoor furnishings for the winter should be in good repair and a color that blends with the natural surroundings.

There shall be no obstruction of the common areas, nor shall anything be stored in the common areas without the consent of the association. No equipment or supplies, including firewood, may be stored outside.

## 29 Dumpsters

Use of dumpsters and bagsters is often required during remodeling. Before having containers placed in the driveway, the owner must discuss anticipated needs with the property manager. Approval will be granted based on size, placement of container and the duration of the project. Dumpsters must not be overloaded, and full dumpsters must be removed promptly.

## 30 Deck Repair and Replacement

Upon evaluation by the property manager, the association will replace any original deck boards that:

- Create a potential hazard such as tripping
- Show weakness or may collapse
- May lead to further damage, such as decay of adjoining boards or exterior walls or leaking into walls.

The association will not replace boards that only display cracks, checks or knotholes. Repaired deck boards will be stained during the usual staining cycle. At the homeowner's expense, the association may provide labor to replace decks with composite materials if appropriate, and as the staff schedule permits.

## 31 Recreational Fires (Fire Pits/Tables) and Grills

The use of outdoor fire pits/tables (also referred to as “*portable outdoor fireplaces*”) can pose a serious fire hazard. The Town of Penfield code states that wood-burning fire pits are not allowed on decks and must be located at least 15’ from structures (houses, decks, fences, etc.). This prohibits their use within our community.

- Fire Pits and Tables – To conform to code and minimize risk, the association will not permit wood-burning fire pits of any kind within our community. Propane fire pits/tables are permitted but can only be used on rear decks or patios. The association feels that the risk of operating them within an enclosed courtyard is too great. Manufacturer’s instructions must be adhered to.
- Grills – By code, grills are allowed on rear decks and patios, but must be located, when in use, at least 10’ away from the house structure or fences.
- Electric/Propane Heaters – These are allowed on rear decks and patios. Again, manufacturer’s instructions must be carefully followed.

Neither propane fire pits/tables, grills, nor heaters may be used in the courtyards, garages, or driveways, nor under decks for those who have walk-out basements. If there are any questions related to these regulations, contact the property manager.

## **32 Wood Burning Fireplaces**

In any units that use a wood burning fireplace, a qualified fireplace cleaning contractor must be obtained to inspect and (if necessary) clean and service them on at least a biennial basis (every 2 years) to minimize fire potential. This is a requirement by the HOA's insurance carrier. Failure to comply with the requirements could result in termination of insurance and/or higher insurance premiums.

- Homeowners must provide evidence of inspections to the association.
- Invoices/receipts must be filed at the service building.
- Failure to provide the requested information could result in fines and/or penalties.
- Enforcement procedures are contained in section 11.2 of this handbook.