

Southern Hills
Homeowners
Association, Inc.

Rules

& Regulations

September 2023

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SOUTHERN HILLS HOMEOWNERS ASSOCIATION, INC. RULES AND REGULATIONS

INTRODUCTION

When you purchased your townhome you received a copy of the By-Laws and Declarations of the Southern Hills Homeowners Association, Inc. (SSHA). The following is a supplement to the By-Laws, published to consolidate the rules in a single document.

The purpose of this document is to ensure Southern Hills continues its reputation as a high standard community, reflecting an excellent quality of life for all residents, as well as maintaining the property value of all townhomes in the community.

This supplement is approved by your elected SHHA Board of Directors (Board) and applies to all owners, tenants, and their guests.

NOTE: Owners MUST supply a copy of this document to their tenants or point tenants to the rules at: <https://www.croftoninc.com/southernhills>

VEHICLE REGULATIONS

1. VEHICLE TYPES:

No motor vehicle or vehicles, other than a registered, licensed, and operable passenger sedan, pickup truck, or SUV, as defined or described in the Vehicle & Traffic Law of the State of New York, shall be operated or parked in the driveways or parking areas.

Vehicles which MAY NOT be parked in the driveways or parking areas, include but are not limited to boats, trailers, house trailers, recreation vehicles, tractors, buses, minibuses, tractor-trailer trucks or tractor-trailer cabs.

2. PARKING:

Each townhome in the community has at least three (3) dedicated parking spaces, one (1) in its garage, one (1) in its driveway and one (1) in the designated parking areas. Townhome occupants are expected to limit their vehicle parking to those specified areas.

PARKING IS NOT ALLOWED ●

On any lawn.

- At the end of a unit driveway with vehicle extending into the road.
- In the public drive from 11:00pm to 7:00 am.
- In any area which impedes and/or hampers access to individual driveways, snow removal, and fire/rescue efforts throughout the property.
- For connected double driveways, you are not allowed to park in your neighbor's portion of the driveway, nor use your neighbor's driveway to avoid moving cars in your driveway or to avoid clearing snow. Driveways for each townhome are privately owned.

Parking rules will be strictly enforced. A single warning will be given to anyone failing to comply with the parking rules and regulations. Repeat offenders will be fined. In addition, those parking in

the public drive from 11:00pm to 7:00am and/or vehicles that are not registered, licensed, and operable passenger sedans may be towed at the owner's expense.

If you are planning an event (such as a graduation party) that will result in street parking during the permitted hours (7:00 am to 11:00 pm), you are asked to remind your guests to avoid the designated parking areas that are used by other residents.

If you have occasional overnight guests whose vehicle will not fit in the driveway or your allocated parking area, please notify the Managing Agent by phone before 5:00 pm of that day, AND handwrite a note with your name/phone number and leave that note on the dashboard so emergency workers can call you if needed.

3. REPAIR OF VEHICLES:

Minor repair of motor vehicles is limited to driveways only. Major repair of vehicles is not allowed anywhere on the property. Repair which results in spillage of any automobile fluids on driveways is prohibited. Vehicles that leak fluids on driveways or the private drives must be repaired. Any accidental automobile fluid spillage on driveways or private drives must be cleaned up immediately by the vehicle owner.

4. SPEEDING:

Speeding or careless driving on the property is both dangerous and inconsiderate. All drivers must drive slowly and carefully. The preferred speed limit in the community is 15 mph for the entire road.

ARCHITECTURAL CONTROLS

5. MAINTENANCE:

Each townhome owner is obligated to maintain in good order and repair, the interior and exterior of their townhome in accordance with the provisions of the By- Laws and Declaration.

6. INSURANCE:

Nothing shall be done or kept in any townhome or in the common areas which will:

- Increase the rate of insurance of any of the buildings applicable for residential use without the prior written consent of the Board of Directors.
- Result in the cancellation of insurance on any of the buildings.
- Be in violation of any law.

Homeowners are strongly advised to review their individual insurance needs with a professional agent to protect their personal property contents from casualty, theft, etc... changes/betterments/improvements to interior finishes from the original specifications, individual liability claims, medical payments, losses due to water leakage from the roof due to lack of repair, essentially areas not part of the master policy, or qualified conditions of the Master Policy.

7. EXTERIOR MODIFICATIONS:

No exterior modifications of any kind will be made to any townhome until the plans and specifications of the desired modification have been submitted to and approved in writing by the Board. The goal is to maintain a consistent and high-quality presentation of the property. Requests for exterior changes or modifications should be submitted by the townhome owner using a Variance Form available from the Managing Agent, together with detailed plans and specifications showing the nature, dimensions, shape, length, materials, and location. The homeowner shall be notified in writing of approval within 30 days. If a request or proposal is rejected, a reason for the rejection shall be included. The townhome owner is welcome to ask the Board to reconsider its position by presenting new or additional information which might clarify the request or demonstrate its acceptability.

Should a townhome owner or their contractor stray from an approved variance form or fail to complete an approved modification, the townhome owner will be given written notice to bring the modification into compliance. Failure to correct the deviation within a specified period of time will result fines as per the Fine Schedule, in this document.

8. TOWN/COUNTY PERMITS:

Possession of a town or county permit does not waive the need for Board approval of an exterior modification. Although the Board will not knowingly approve a project which is in violation of the county or town building and/or zoning codes, the responsibility for compliance with all applicable codes is solely that of the homeowner. The townhome owner requesting a modification is responsible to determine if a town permit, New York Board of Fire Underwriter's, electrical inspection, or the like, are required and to secure all such permits and inspections.

9. USE OF TOWNHOUSE:

The townhome dwelling structure shall be used for residential purposes only. We recognize that many individuals work from home; this is considered residential use. However, no industry, business, trade, occupation or profession of any kind, commercial, religious, educational or otherwise, designed for profit, altruism or otherwise shall be conducted, maintained or permitted on any part of the properties.

10. VIOLATIONS:

No immoral, improper, offensive, or unlawful use shall be made of the properties or any part thereof. All valid laws, zoning ordinances, and regulations of all governmental bodies, having jurisdiction thereof, shall be observed. Violations of laws, orders, rules, regulations or requirements of any governmental agency having jurisdiction thereof, relating to any portion of the properties shall be eliminated, by, and at the sole expenses of, the townhouse owner or the Board of Directors, whichever shall have the obligation to maintain or repair such portion of the property.

11. RENTING OF TOWNHOME:

No portion of a townhome (other than the entire townhome) may be rented and no transient may be accommodated therein. The Managing Agent should be notified of the tenant's name, phone number, and must be notified of the owner's new address and phone number.

Due to insurance requirements, no more than 25% of the townhomes that comprise the Southern Hills HOA may be rented. There are 40 townhomes in the Southern Hills HOA. Before entering into any contract for the leasing of a townhome, the owner is expected to contact the Managing Agent to determine if such lease would violate the 25% limitation. STIFF PENALTIES APPLY TO A VIOLATION OF THIS PROVISION.

Homeowners are responsible for managing their property and handling all tenant issues. All communications between the Managing Agent and Board of Directors will be directly with homeowners (landlords) and not the tenants. Any fine or other action taken in response to a tenant's violation to any SHHA Rule and Regulation will be against the homeowner and not the tenant.

12. GARAGE DOOR REPLACEMENT:

Garage doors are replaced by the Association pursuant to a schedule. If an individual desires to replace a garage door in advance of the schedule, they may do so at their expense, provided that replacement door is similar in design and color to other garage doors in the community. As with any exterior changes or modifications, a variance form must be submitted.

13. EXTERIOR DECORATION:

- Townhome owners shall not hang or permit anything to be hung on the outside of windows or placed on the outside walls or doors of a building, other than seasonal wreaths and holiday decorations. Holiday decorations should be removed after a reasonable time.
- Planters are permitted, but should be removed when the plants are dead.
- No sign, awning, canopy, clothesline, or shutter shall be affixed to, or placed upon, the exterior walls, doors, roof, deck, or any part thereof, or exposed on or at any window, without the prior written consent of the Board.

14. ELECTRICAL EQUIPMENT (Outside)

All radio, television, or other electrical equipment, of any kind or nature, installed or used in each townhome, shall fully comply with all rules, regulations, requirements or recommendations of the New York Board of Fire Underwriters and the public authorities having jurisdiction. The owner alone shall be liable for any damage or injury caused by any radio, television, or other electrical equipment in the townhome.

15. ADDITIONAL COMMUNICATION EQUIPMENT:

Satellite dishes and antennas may be installed. Residents must comply with installation guidelines and requirements established by the Association. As with any exterior changes or modifications, a variance form must be submitted. A maximum of one satellite dish or antenna may be installed.

16. OPEN FLAME/FIRE REGULATIONS

In order to comply with the Henrietta Town Code and reduce the risk of fire within the Association, open flame cooking devices and fires are limited to the following:

- Open flame cooking devices, including charcoal, wood, or propane grills, in working condition and having proper containment including a grill or grate, and no closer than 10 feet to any combustible construction, including combustible balconies.
- Recreational fires (fire pits) no larger than three feet in height and four feet in length, width, or diameter, burning only charcoal or dry, clean, untreated, and unpainted wood, and no closer than 25 feet to any structure or combustible material. A variance request is required to insure compliance with the 25 feet requirement.
- All outdoor fires must be attended until fully extinguished.
- Sufficient fire extinguishing material, such as dirt, sand, or water, or fire extinguishing devices, such as a fire extinguisher, garden hose, or water truck, shall be available nearby for immediate utilization.

17. OTHER REGULATIONS:

- Sheds, free standing clothes lines, swing sets and like items are not permitted in any yard or on any deck.
- In ground and above ground pools (not including kiddie pools) are not allowed.
- If items are to be stored underneath a deck, lattice must totally enclose the underside of such deck. The lattice is to be wood and a traditional diamond pattern, and stained with a product and color approved by the Association.
- Window air conditioning units are allowed. They must be removed, however, for the winter.

MAINTENANCE:

18. DECKS:

Decks that have not been enlarged since a townhouse unit was originally built (6' by 10') are maintained by the Association. All other decks are to be maintained by the townhome owner. Such owners shall stain their unit (typically not less than a 5-year cycle) between April 1st and October 1st with a product and color approved by the Association. The Board may extend or postpone the stain cycle based on annual review of the stain. Visual inspections by the property manager and Board will determine when to stain. Owners are encouraged to work together with the other owners in their townhome grouping to get the most uniform result when staining.

19. DRIVEWAY SEALING AND MAINTENANCE:

Driveway sealing and maintenance are scheduled by the management company as needed. A townhome owner should submit a maintenance request to the management company to notify it if there are "potholes" and/or broken asphalt in need of repair.

20. LANDSCAPING:

- Bushes, shrubs and flower gardens must be pruned and weeded by the owner to present a neat, uniform appearance.
- The association contracts for lawn mowing, weed control of the lawns and leaf raking.
- Trees are to be pruned or removed by professional tree surgeons contracted by the management company. Dead trees can pose a hazard to community residents or their townhomes, if within the trajectory of fall. Tree branches that touch any townhome roof can reduce the useful life of the roof. Residents are encouraged to submit a maintenance request concerning any tree that appears to pose a danger, so that a tree surgeon can be contacted to assess the situation.

21. PET REGULATIONS:

A. Dogs

- The "Declaration of Covenants" of Southern Hill Homeowner's Association provides that no dogs may be housed or maintained on any portion of the property that is a part of the Association. That "Declaration" can only be changed by a 90% vote of the townhome owners or at least 36 of the 40 townhomes.
- The Board has granted exceptions in the past for support or therapy dogs where there is adequate medical backup. It has also granted exceptions for short term housing of up to three weeks a year, when an owner has needed to house the dog of a family member and notified the Managing Agent in advance. Any exception granted is conditioned on the pet owner (1) not allowing excessive barking, whether the dog is outside or inside the unit, (2) obeying Henrietta leash laws and (3) removing defecation immediately.
- Except as provided above, the board has no ability to grant exceptions to the housing of dogs in our community. Before listing a home for sale or lease, the owner MUST make these regulations clear to any prospective buyer or tenant. Otherwise, a great hardship is created for the dog owner who must either relinquish their dog or their home or incur substantial penalties.

B. Cats

The number of cats that may be housed in a premise is limited to 3.

GENERAL INFORMATION:

22. GENERAL UPKEEP

The property (including yards and driveways) in the Southern Hills community is private property. Use of another Owner's property, including recreational use and unnecessary walking upon, without the Owner's permission, is prohibited, due to liability, should these actions result in injury to the offending party.

Townhome owners shall clean, keeping unsightly objects, rubbish, and debris from their porch, patio, deck, and yard. This is especially important immediately before and after the winter season.

Keeping your driveway and front entrance free and clear of leaves, snow, or any object which may result in another individual's injury is recommended to help prevent potential lawsuits related to such injury.

23. TIDINESS

- Garbage cans and totes must be stored in the garage at all times except on the day before (preferably mid-afternoon or later) and on the day of garbage.
- Unwanted items that are too big to be placed in totes are only to be put out on your property the day before (preferably mid-afternoon or later) and on the day of garbage pick-up. Owners must arrange for pickup of large items with their garbage collector.
- Owners are responsible for ensuring that any discarded items, theirs or their tenants, are picked up by their garbage disposal service.
- All toys, bicycles, rakes, shovels, brooms, hoses, lawn and other power equipment, etc., should be removed from your yard when not in use.

24. AVOIDING RODENTS

Residents must refrain from activities that would attract rodents to their home or to the neighborhood.

- Bird feeders with commercial bird food are allowed, however, bread or other foods placed on the ground, pavement, window sill, ledge or similar location is not permitted.
- Composting in a townhome community is necessarily limited. Electric kitchen composters are recommended for kitchen scraps. Otherwise, composting should be limited to yard clippings, leaves, coffee grounds, and like items.

25. JACUZZI

Jacuzzi/hot-tub may be installed on the rear deck, but are subject to the following regulations:

- An approved variance request from the Board is required
- A permit from the Town of Henrietta is required
- Use is limited to the hours of 8:00 am. to 11:00 pm.
- When not in use, the Jacuzzi must be covered and locked.
- Proper bathing attire must be worn at all times.

26. KIDDY POOLS

Kiddy pools must be drained nightly and stored inside the townhome or underneath an enclosed deck.

27. ANNOYANCE CONTROL

No noxious or offensive activity or odor shall be permitted in any townhouse or common areas, nor shall anything be done therein, either willfully nor negligently, which may be or become an annoyance or nuisance to the other townhouse Owners or occupants.

28. EMERGENCY ADMITTANCE

In the event of an emergency (fire, gas, or electrical), to ensure the safety of our residents and property, a Board Member or the Managing Agent may facilitate entry into a townhouse by the organization attempting to deal with the emergency (fire department, utility company, sheriff's department).

29. REVISION OF RULES AND REGULATIONS

These Rules and Regulations may be added to, amended, or repealed at any time by resolution of the Board of Directors.

30. FAILURE TO COMPLY WITH RULES

Failure to comply with a rule or regulation will result in a written notice being sent to the townhouse Owner from the Managing Agent. Townhouse Owners will be given a specified period of time to correct the violation. The Association reserves the right to issue a fine for failure to comply with a written request.

If you believe that your townhome neighbor's failure to follow the SHHA Rules and Regulations are detracting from your property's value or your quality of life, if you feel comfortable doing so, first talk to your neighbor (or the townhome owner) and attempt to resolve the issue. If you do not feel comfortable talking to your neighbor, or if talking to your neighbor does not resolve the issue, you may escalate the rules violation to the Managing Agent.

31. NOTE: Prior notice is not required for vehicles subject to immediate towing.

32. Fee Schedule

Southern Hills HOA

Fine Schedule for Noncompliance with Rules and Regulations

In addition to the specific powers to enforce these rules and regulations as otherwise stated herein, the Board of Directors has adopted the following schedule of fines to enforce compliance with the Rules and Regulations established for the Southern Hills Townhome Community.

1. Unit Owners and/or their tenants who are not in compliance with any given rule or regulation will be notified in writing by letter sent by registered or certified mail. This notification will be considered a 30-day (or other specified duration) notice to the Unit Owner to correct the violation and will include a specific description of the violation.
2. The Homeowner will be given 30 calendar days (or other specified duration) to correct the violation described in the written notice.
3. The Unit Owner has a right to request a meeting with the Board of Managers to discuss the infraction and possible solutions. This meeting must be requested in writing and addressed to Property Management, Crofton Associates, Inc., 111 Marsh Road, Pittsford, NY 14534, within the 30-day period.
4. If the Unit Owner is in violation of the Rules and Regulations regarding leasing of property (#11 Renting of Townhome), the fine schedule will be as follows:
 - \$500 first month
 - \$600 second month
 - \$700 third month
 - \$800 fourth month
 - \$900 fifth month
 - \$1,000 sixth month and any following months until issue is resolved
5. If the Unit Owner and/or their tenant is in violation of any other of the Rules and Regulations and is still non-compliant at the end of the 30-day (or other specified duration) period, the following schedule of fines will be initiated:
 - \$25 after 30 days of original notice;
 - \$50 after 60 days;
 - \$100 after 90 days.

After 120 days the fine will be \$150 per month until compliance is rendered.

6. The Board of Directors reserves the right to levy stiffer penalties to non-compliant Unit Owners and/or their tenants, as to issues that threaten the peace, safety or health of the community. Unit Owners will be notified in writing by letter sent by registered or certified mail of such fines.