

The Hills of Waterford Association

Rules & Regulations

Modified and Effective as of June 15,2017

The Rules & Regulations below supplement the Condominium bylaws and related documents of the Hills of Waterford Association. We trust you will find the Rules & Regulations a valuable tool to keep Hills of Waterford beautiful and pleasant for all its residents.

These Rules & Regulations have been approved by the Board of Directors for the Hills of Waterford Association in accordance with Article I, Section 4(a) 11 and Article VI, Section 11 of the Condominium Bylaws.

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### **Prior Written Approval from Board of Directors**

Adopted December 2, 1999 – Effective January 3, 2000

Modified and Effective October 1, 2015

Any modifications that deviate from criteria provided in the Master Deed, Bylaws and/or Rules & Regulations for the Hills of Waterford require Prior Written Approval from the Board of Directors. Prior Written Approval consists of the following steps:

1. Submittal to the Board of Directors, in c/o of the Management Agent, plans and specifications, including site, grading, utility, residence, garage and landscape plans, as applicable, prepared by homeowner, skilled tradesman, licensed builder, architect and/or engineer (if necessary), or by another person or entity approved by the Board of Directors, along with a completed signed Alteration and Modification Request form (available through the Management Agent).
2. These plans shall include the size, nature, kind, type and color of the elevations, façade, height, materials, color scheme (including but not limited to roofing materials, stain and paint colors), siding and location. Approximate cost of the proposed improvement may be included at the Co-owner's discretion.
3. The Board of Directors will have thirty (30) days from when the complete request and submissions were received to approve/disapprove the proposed alteration. The 30 day period shall not begin to run if the request and submissions are incomplete or deficient in any respect.
4. A copy of the plans and specifications, as finally approved, shall be kept permanently with the Board of Directors.

### **Collection Policy**

Adopted March 13, 1998 – Effective April 12, 1998

Modified and Effective October 1, 2015

Any Association account that becomes delinquent in an amount equal to or greater than three (3) months of Association Fees shall be subject to a lien and all applicable property management and legal fees for the placement of the account in collection, the recording / preparation / discharge of the lien and the subsequent collection of the delinquency will be assessed to the corresponding Co-owner account. Any account that remains delinquent and exceeds an amount equal to or greater than six (6) months of Association Fees shall be subject to foreclosure action or court action for money judgement and all applicable fees, costs and expenses shall be charged to the Co-owner account as defined in the Condominium Documents.

## **Rule Enforcement and Violations**

Adopted March 13, 1998 – Effective April 12, 1998  
Modified and Effective October 1, 2015

Article XI, Section D of the Association's Bylaws provide for monetary fines when there is a violation of the Association Bylaws, the Master Deed, the Michigan Condominium Act, and existing Rules and Regulations of the Association. The process for notification of violations and the fining of these violations is as follows:

1. NOTICE – Notice of the violation must be delivered personally or mailed via First Class Mail. The notice shall contain the provision violated, together with a factual description of the alleged offense.
2. OPPORTUNITY TO DEFEND – The offending Co-owner shall have the opportunity to submit a written response to the Notice of Violation and offer evidence in defense of the alleged violation.
3. DEFAULT – Failure to respond, in writing, to the Notice of Violation within ten (10) days of the date of notice shall constitute a default.
4. HEARING AND DECISION – Upon submission of a written response by a Co-owner to the Board and presentation of evidence of defense at the next regularly scheduled Board Meeting, or in the event of a Co-owner's default, the Board shall, by majority vote of a quorum of the Board, decide whether a violation has occurred. The Board's decision is final. The Board in its sole discretion may waive or reduce fines if the Co-owner corrects the violation.
5. AMOUNTS – After default of a Co-owner or a finding of violation by the Board per "4" above, the following fines shall be levied:

First Violation: No (\$0) fine shall be levied.

Second Violation: Twenty-five dollar (\$25.00) fine shall be levied.

Third Violation: Fifty dollar (\$50.00) fine shall be levied.

Fourth and Subsequent Violations: One hundred dollar (\$100.00) fine shall be levied.

If the violation is continuing (i.e. nonconforming structures, parked vehicles, unsightly yards, etc.), the Board in its sole discretion shall determine what constitutes a repeat violation for purposes of assessing fines (e.g. every 7 days of continuing violation is a repeat violation).

6. COLLECTION – The fines levied shall be assessed against the Co-owner and shall be due and payable with the regular Condominium assessment on the first day of the following month. Failure to pay the fine will subject the Co-owner to all liabilities, fees and collection costs set forth in the Condominium Bylaws.

## **Insurance Coverage**

Adopted May 1, 2002 – Effective June 1, 2002

All Co-owners must carry insurance coverage that is consistent with the Condominium Bylaw requirements. Any claims arising within or upon a condominium unit must be submitted to the insurance company of the individual Co-owner prior to submission to the Association. Coverage by the association's insurance policy shall only apply subsequent to any coverage offered by the existing homeowner's policy. Any coverage provided to a Co-owner by the Association's insurance policy shall only be those amounts in excess of the Association's deductible. In the event that repair costs are paid by the Association and the insurance proceeds do not satisfy the amount due for repairs, the Association shall post any shortage, including the applicable deductible, to the corresponding Co-owner's Association Account for immediate reimbursement to the Association.

## **Basketball Hoops**

Adopted August 5, 2003 – Effective September 5, 2003

Basketball hoops may be installed with freestanding posts that are permanently cemented into the ground adjacent to the driveway of each unit. Basketball hoops may not be affixed to a residential structure or garage. Portable basketball hoops may be used provided that they are stored adjacent to the driveway of each unit in the same position as the freestanding posts that are permanently cemented or within the garage when not in use.

### **Color Scheme**

Adopted March 13, 1998 – Effective April 12, 1998  
Modified and Effective October 1, 2015

Certain color combinations were approved by the developer of The Hills of Waterford in an effort to maintain uniformity throughout the community. Any modifications that deviate from the original color scheme including but not limited to roofing materials, front doors, shutters, siding, trim, and windows require the Prior Written Approval of the Board of Directors. The color combinations are available from the Management Company or the Hills of Waterford website.

### **Community Lighting**

Adopted February 1, 2002 – Effective March 3, 2002

In order to ensure adequate lighting for the entire community, all garage lights must have operational photocells in working condition and be illuminated during the evening hours.

### **Decks/Patios**

Adopted December 2, 1999 – Effective January 3, 2000  
Modified and Effective October 1, 2015

All proposed new or modified decks/patios require Prior Written Approval from the Board of Directors. All decks/patios must be constructed in accordance with local building code, and be approved by the local building department and governmental authorities pertaining to deck construction. No part of the deck or patio shall extend or protrude beyond the side walls of the attached building structure. All visible deck materials, including any approved privacy fencing, must be uniform in appearance. Privacy fences that are approved by the local building authorities may be installed on decks or around patios provided they do not exceed 6 feet in height.

### **Fencing**

Adopted November 19, 2002 – Effective January 1, 2003  
Modified and Effective October 1, 2015

All fences require Prior Written Approval from the Board of Directors. A white picket fence or a hedge fence (not more than 4 ft. high) may be installed around the rear perimeter of each unit's property within the approved boundaries of the unit in accordance with a true survey. The gap between each picket must be no less than two inches apart. Any and all applicable permits must be secured by each Co-owner and be approved by the governmental authorities pertaining to fence construction and placement. No part or portion of the fence may extend or protrude beyond the front plane of the building structure (between the front of the home and the street). All fences must be properly maintained and constructed of wood or PVC. No fence of any kind is allowed in front of the building structures. No chain link fence is allowed.

### **Landscaping and Street Trees**

Adopted April 24, 2007 – Effective May 31, 2007  
And Adopted December 2, 1999 – Effective January 3, 2000  
Modified and Effective October 1, 2015

A Co-owner shall remove and replace any dead or diseased trees, shrubs, and/or landscaping located on their Unit within 30 days after written notice from the Association. Failure of the Co-owner to complete the work within the 30 days after written notice to do so shall entitle the Association to proceed with removal and replacement of the dead or diseased trees, shrubs and/or landscaping without further notice to the Co-owner and to charge the cost thereof, including any administrative costs, collection costs, fees and charges to the Co-owner.

Each Co-owner shall plant and maintain one (1) large deciduous tree in the area between the sidewalk and the street in front of their residences. All trees newly planted or replaced shall follow Article VI, Section 12 of the Bylaws and shall have a trunk caliper of two and one-half inches (2 ½”), measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted. These trees shall be Red Maple, Crimson King, Bradford Pear, Linden or equivalent upon Board approval.

### **Landscaping**

Adopted March 13, 1998 – Effective April 12, 1998

Typical landscaping may be installed around the perimeter of individual homes, provided that the existing grade is not altered. Typical landscaping may consist of metal or plastic edging, mulch, plant materials, and landscape lighting around the perimeter of a home. Any deviations from this standard must have Prior Written Approval from the Board of Directors.

### **Yard Care Rules and Regulations**

Adopted May 11, 2017 – Effective June 15, 2017

Summary: The general intent and purpose is to keep everything looking neat, free of clutter, and within the standards of the community. The basics of yard care in Hills of Waterford include, but are not limited to, regular mowing, weeding, edging, fertilization, insect control, trimming, removing dead plants/trees, and keeping a neat appearance. All homeowners are responsible for reading and understanding these Rules and Regulations. The “yard” is defined as the space or grounds surrounding or surrounded by a dwelling structure. This means the physical area on a Lot, including, but not limited to, the foundation plantings, all grass areas (including the grass strip between the sidewalk and the street), planting beds, trees, flowers, the driveway area, and the mailbox area. The following is a partial list of the requirements for yard care. It is not meant to be an exhaustive list of all possible conditions, which could apply to proper yard care. Those will be addressed (and enforced) on a case-by-case basis.

#### **LAWN MAINTENANCE:**

Lawn maintenance is a year-round requirement with some seasons requiring more attention than others. Regardless of the season, a neat appearance must be maintained. Weeds sprouting up in a lawn or, weeds that are allowed to dominate the make-up of the “lawn”, must be eliminated by hand or by chemical means. Weeding, mulching, edging, fertilization and insect control of the lawn and all plantings is also required. Raising the mower blade height, especially during the warmer months, is strongly encouraged to maintain a neat and healthy appearance of the mowed lawn and to avoid scalping. If garden beds or planting areas are developed in a yard, they must be kept weeded and/or mulched to present a neat appearance from the street and neighbors' views. Trees and shrubs must be pruned and fertilized to maintain health and appearance. Dead trees must be removed from any Lot after information is gathered from a routine survey by the Board or property manager or by complaint from a neighbor and subsequent evaluation and recommendation is completed by the Board or property manager. Fruit trees must be cared for to prevent noxious insect infestation. All vegetable gardens must be located out of view from the street and/or integrated with a general landscape plan and are not to exceed 5ft x 10 ft. All vegetable plantings exceeding 5ft x 10ft feet must be included in a landscape plan approved in advance.

#### **YARD-RELATED ISSUES:**

No changes or barriers in the original flow of drainage water in the Community shall be made. Lots in Hills of Waterford must be regularly maintained by weeding and mowing/trimming; erosion must be prevented. At any street intersection,

any fence, wall, hedge, shrubbery, tree or any other installation, shall not block line of sight. Outdoor areas shall not be used as storage areas at any time, except for temporary storage of yard waste bags which must be taken to the dump or placed for disposal on a weekly basis. These bags must be placed out of sight from the street and in a neat arrangement until removed from the Lot. Leaves and other debris, which are bagged for disposal, must be temporarily stored in the garage or in an inconspicuous location that is not directly visible from the street or neighbors' views. All bags must be removed from the property on a weekly basis.

**ENFORCEMENT:**

The Board of Directors and/or the Association property manager shall have the authority to enforce the above rules and regulations. Association costs, expenses and legal fees incurred in enforcing the above rule shall be assessed against the offending homeowner (and their unit) pursuant to Bylaws Article VI, section 19. Without limiting the foregoing, fines may be assessed pursuant to Bylaws Article XI, section 1(d) and/or corrective action may be undertaken by the Association and the cost thereof charged to the offending homeowner and his/her/its unit pursuant to Bylaws Article XI, section 1(c).

**Hot Tubs**

Adopted March 13, 1998 – Effective April 12, 1998  
Modified and Effective October 1, 2015

Hot Tubs, Spas, Jacuzzis and similar items may be installed on the approved deck or patio of each condominium unit. Hot Tubs and similar items must be maintained in a manner consistent with applicable laws and/or municipal codes, including any provision for covering the device or installing a fence around the perimeter of said device. In no event shall any fence around the perimeter of said device exceed 6 feet in height.

**Pets**

Adopted May 1, 2002 – Effective June 1, 2002

All pets must be on a leash and attended to at all times when on limited common elements. All unattended pets within a unit's lot perimeter must be retained by a leash or some other means of restraint in the area behind the home. No unattended pets may be left restrained or otherwise in the area beyond the front plane of the building structure (between the front of the home and the street). Co-owners shall be responsible to remove immediately after deposit, any excrement or other deposits left by their pets or by their guest's pets. Per Article VI., Section 6 of the Bylaws, no animal, except up to two (2) domesticated household pets, shall be maintained by any Co-owner unless specifically approved in writing by the Association. The term "animal" or "pet" as used in Section 6, shall not include small domesticated animals which are constantly caged, such as small birds, hamsters or fish. Please see Article VI, Section 6 of the Bylaws for further details.

**Pools**

Adopted March 13, 1998 – Effective April 12, 1998  
Modified October 1, 2015

Any pool installation must have Prior Written Approval of the Board of Directors and be located in the accessory area (area that is contained within the rear of the house and half the distance from the rear of the house to the rear lot line and within the boundaries of the side walls of the corresponding house) per Article VI, Section 12 of the Bylaws. Any pool structure must be completely fenced and maintained by the corresponding owner. Any liability associated with a pool shall be exclusively held by the unit owner of said pool, and all applicable insurance must be maintained solely by the unit owner.

**Satellite Dishes**

Adopted June 7, 1999 – Effective July 7, 1999

Personal satellite dishes for private home use may not exceed thirty-nine inches (39”) in diameter, and adhere to the Satellite Dish Standard. The color of the satellite dish should closely resemble the portion of the building structure that it is attached to, so as to avoid drawing undue attention to the device.

### Sheds

Adopted December 2, 1999 – Effective January 3, 2000  
Modified and Effective October 1, 2015

All sheds require prior written approval from the Board of Directors. One storage shed shall be allowed per condominium unit in the accessory use area of each unit (see Article VI, Section 12) unless otherwise approved in advance by the Architectural Control Committee, and shall not exceed a height of 10 ft. at the roof peak. Square footage of the shed floor shall not exceed 120 sq ft. Storage sheds shall be manufactured of wood and be painted or vinyl sided, and must match the color of the corresponding home. Shed structures must have a shingle roof that matches the shingles of the corresponding home. Sheds must be located behind the corresponding home in the accessory use area (are that is contained within the rear of the house and half the distance from the rear of the house to the rear lot line and within the boundaries of the sidewalls of the corresponding house) that is allowable for placement in consideration of Woodland ordinances, Wetland ordinances, and other applicable limitations unless otherwise approved in advance by the Architectural Control Committee. No sheds may be located next to or in front of the corresponding home. Any and all applicable permits must be secured by each Co-owner and approved by the appropriate governmental authority for the construction and location of storage shed. Storage sheds must be maintained in a consistent and presentable fashion, and must always match the color of the corresponding home.

### Vehicles

Adopted March 13, 1998 – Effective April 12, 1998  
Modified and Effective October 1, 2015

Per Article VI, Section 9 of the Condominium Bylaws for the Hills of Waterford, the Board of Directors has agreed that up to four (4) vehicles may be parked in the driveway apron of each home as long as no vehicles cross or block the sidewalk. The number of vehicles may be hereafter adjusted by the Board at its sole discretion. All vehicles must comply with the description and requirements set forth in the Bylaws. Additionally, vans and pick-up trucks used for personal transportation must meet *all following criteria*:

1. The registration and title must describe the vehicle as a pick-up truck or van.
2. No dump boxes, flat beds tilt cabs, or other commercial modifications are allowed.
3. All vehicles are limited to two (2) axles; one front and one back.

**Upon request by the Co-owner, exemptions may be granted by the Board of Directors in its sole discretion for vehicles that deviate from the following restrictions:**

4. No ladder racks, tool boxes, or similar attachments to the vehicle are allowed.
5. No commercial lettering, signage, or similar identification is permitted on vehicles.

Any trucks, trailers, motorcycles or other vehicles not specifically approved in Article VI, Section 9 of the Bylaws must be parked inside the garage of each unit at all times. Please note that all approved transportation vehicles must be parked within the garage or in the driveway apron of each home.

### **Wooded Common Elements**

Adopted August 28, 2003 – Effective September 28, 2003

Modified and Effective October 1, 2015

All Wooded and General Common Elements/areas will be open for the use and enjoyment of all Co-owners and their guests. All children under the age of 18 must be accompanied by an adult when visiting and/or playing in the Wooded Common Elements from dawn to dusk.

All local, state and federal laws apply to the use of the Common Elements. Further guidelines are:

- No motorized vehicles.
- Common areas should remain in their current state. No trees, wildlife or vegetation shall be removed or damaged.
- No littering or smoking.
- Co-owners must leash and clean up after their pets.
- No alcohol consumption is permitted on Common Elements.
- No open fires, chimneys, grilles or bonfires are permitted at any time on Common Elements.

The Association assumes no liability associated with the use of these Common Elements. Co-owners and their guests' use the Common Elements at their own risk.

Non-residents and non-guests are considered to be trespassing on the private property of The Hills of Waterford Condominium Association.