

WINDRUSH CREEK PROPERTY OWNERS ASSOCIATION COMMUNITY RULES

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I. INTRODUCTION

The Board of Trustees of the Windrush Creek Property Owners Association interprets, applies and enforces rules derived from the Windrush Creek Subdivision’s *Amended and Restated Declaration of Covenants, Restrictions, Easements and Assessments* (the Declaration). This document sets out the rules of the POA and the process for addressing violations. References are to sections of the Declaration unless otherwise noted.

The rules are not exhaustive: They are not intended to anticipate every possible situation that might emerge. They provide an essential framework for carrying out the restrictions in the declaration that can be amended as needed over time. See Appendix A for the form for members to use to apply to the Board of Trustees/Architectural committee for building alterations and Appendix B for the Formal Complaint Form for owners to file with the Board of Trustees if they see a violation.

Jefferson Township, the State of Ohio, and other government entities also have rules and regulations that apply to homeowners in Windrush Creek. The rules presented here are only those in the Declaration and enforceable by the Windrush Creek Board of Trustees.

II. ARCHITECTURAL CONTROL

External Structures

Carports, storage sheds, above-ground swimming pools or fences are not allowed. Exceptions are fences around in-ground swimming pools and short fences to enclose a vegetable garden plot during the growing season (III.1 (a)).

Architectural Approval

Owners must submit completed plans for building, adding to or altering a structure to the Board of Trustees/Architectural Committee ((III 1(b) Use the form for an exterior modification application in Appendix A. The Board/committee approves plans if it finds:

- The exterior design is harmonious
- The general quality is in keeping with the standards of Windrush Creek
- The location is in keeping with surrounding structures and topography

Structures covered under this rule include family dwelling units and exterior modifications, detached garages, fences and in-ground swimming pools.

Plans and specifications include:

- The nature, kind, shape, heights, materials, basic exterior finishes and colors, location and floor plan
- Front, side and rear elevations

III. BUILDING RESTRICTIONS

Residential Use

Lots may be used only for residential purposes (III.2 (a)). Only one single-family dwelling may be erected (III.2 (b)). The outside finishing of all buildings must be completed within one year after construction has started (III.2 (c)).

Lighting

All interior and exterior lighting must be arranged to avoid excessive glare on adjacent streets, property or into the path of oncoming vehicles (III.2 (c)).

Trees

It's up to the Board to approve removal of:

- Trees measuring more than six inches in diameter at a point two feet above ground level
- Any flowering trees or shrubs
- Any evergreens

Exceptions are:

- Trees and shrubs within 10 feet of a building or the approved site for that building
- Trees and shrubs within the right-of way of driveways or walkways
- Damaged trees that must be removed because of an emergency (III. 1 (d))

Temporary Structures

Temporary structures are not allowed except shelters used by contractors during construction (III.2 (e)).

IV. PROPERTY USE RESTRICTIONS

Offensive Activities

Noxious or offensive uses of property are prohibited. Nor can property owners cause embarrassment, discomfort, annoyance, or nuisance to any owner, tenant, or guest (III.3(a))

Unsightly Conditions

Each owner must prevent unclean, unsightly, or unkempt conditions of buildings or grounds (III.3(b))

Outdoor Fires

~~Outdoor fires are permitted only with the prior consent of the board.~~ Outdoor fire pits, fireplaces and open-hearth wood ovens on the owner's property must comply with all EPA burning restrictions and any other federal, state and local law. (III.3(c))

Garbage

Except on scheduled garbage pick-up days, owners must keep garbage receptacles in an enclosed area shielded from view from roads abutting the owner's property (III.3 (d)).

Fuel Tanks

Fuel tanks or similar receptacles must not be exposed to view. They are only allowed within the main dwelling, in an accessory building, in a fenced area approved by the Board, or buried. (III.3 (e))

Recreational Vehicles

Property owners may not expose recreational vehicles, trailers, buses or campers to view. Those vehicles may be parked only in the residence's garage. (III.3 (f))

Pets

Only animals normally considered household pets are allowed to be kept. Nor can they be used for any commercial purpose. Pets can't run loose off an owner's lot. (III.3 (g))

Wild animals

Hunting and trapping of wild animals is prohibited. (III.3 (h))

Firearms

Discharge of firearms or bows and arrows is prohibited (III.3 (h)).

Off-road vehicles

Snowmobiles and off-road vehicles are prohibited within the properties(III.3(i)) [(III.3 (i))

V. COMMON PROPERTIES

Enjoyment

Owners are free to enjoy the common properties (II.3).

Recreational Facilities

The Board sets reasonable rules and regulations for use of recreational facilities constructed on the common properties, which may include dues, charges or fees (II.3).

Fishing

Fishing in Windrush Pond is restricted to residents and their guests. (III.3 (j))

Fires

No outdoor fires are allowed on the common properties without prior consent of the Board (III.3 (c))

Off-road vehicles

No motorized vehicles are allowed in the common areas except on private roads and parking areas (III 3 (i)).

VI. SCENIC PRESERVE

Designation

Areas of some homeowners' property are designated "scenic preserves" in order to enhance the visual appearance and amenities of Windrush Creek (III.4)

See the Windrush Creek website for a map of the properties, the reserves (common properties) and scenic preserves.

Landscaping

Owners may not disturb the natural vegetation, geology or habitat of any area within their lot designated as scenic preserve except to comply with any law, ordinance or regulation pertaining to the removal of noxious weeds or the eradication of pests and insects. (III.4(a))

Construction

The Board may construct small improvements in the scenic preserve consistent with the preserve's purpose. These include walking bridges, pools for water from natural streams, small retaining walls to control erosion (III.4 (b)).

Use

All owners may use the scenic preserve for their enjoyment (iii.4 (c)). They may walk and bicycle through it and fish from the pond within the scenic preserve, as long as there is no disturbance of the peace or destruction of scenic preserve areas (III.4 (c and (d)).

VII. ENFORCEMENT OF VIOLATIONS

If the Board of Trustees receives a formal complaint asserting a violation of any of the covenants or restrictions in the Declaration:

1. The Board will send a letter to the property owner within fourteen days of receiving the complaint. The letter will identify the violation and inform the property owner of the next steps.
2. The property owner will have 14 days in which to either correct the violation or respond to the Board's letter explaining why they believe there is no violation.
3. The Board will respond to the property owner within 14 days of receiving the response from the property owner. The response will either agree there is no violation or determine the property owner's response was inadequate.
4. If the property owner does not correct the violation, respond to the Board's letter, or the Board determines the response is inadequate, the Board will proceed with enforcing the covenant and/or restriction. The Board will send the property owner via certified mail a letter that informs the property owner that the Board will be taking legal action and that the property owner will be responsible for all legal costs and other costs to come into compliance with the covenant and/or restriction. That may include but not be limited to the costs to remove any structure, vehicle, fence or debris not in compliance with the covenant and/or restriction.

The property owner and any personal representatives, heirs, or successors waive any claim against the Board and release these persons from any liability arising from enforcement.

VIII. CHANGES

The Community Rules are derived directly from the Declaration and can only be changed by amending it. The Rules, however, can be added to, interpreted and clarified by the Board of Trustees through either of two processes:

1. Complaints
 - a. A member files a complaint under Section VII, enforcement of violations, and the Board of Trustees finds a violation of a rule has occurred
 - b. The Board prepares an interpretation of the meaning of the existing general rule as it applies to the cause of the complaint, and circulates its decision and reasoning to the membership.
 - c. The membership approves the change at a duly called Association meeting by a majority vote
 - d. The change is inserted under the applicable section of the Community Rules, including the date of the decision.
2. Initiatives

- a. The Board proposes in writing an addition or clarification to a section of the rules, either on its own initiative or upon consideration of a petition by five or more members
- b. The membership approves the change at a duly called Association meeting by a majority of members present and voting
- c. The change is inserted under the applicable section of the Community Rules, including the date of the decision

Whether the change is made through the complaint process or by initiative, the Board will circulate the amendment to the membership, revise the Community Rules document and post the updated version on the website.

APPENDIX A: Exterior Modification Application

Property owners or their designees (contractors) must comply with the architectural restrictions in the Windrush Creek Subdivision Declaration of Covenants, Restrictions, Easements, and Assessments, Article III, Sections 1 and 2. To obtain approval, submit this completed form and attachments to the Architectural Committee at boardoftrustees@windrushcreek.us or mail to a current trustee. A list of trustees, an electronic version of the form to download and the Declaration are available at <http://windrushcreek.us> .

Name: _____

Address: _____

Phone: _____ Email: _____

Date submitted: _____

Description of proposed modification:

Draw or attach plot plan showing the exact location of the proposed changes.

Modification to begin on (date): _____

To be completed by (date): _____

The Architectural Review Committee recommends approval/disapproval. Date: _____

Signed: _____

APPENDIX B: Formal Complaint Form

Name of violators: _____

Address of violators: _____

Vehicle make, license plate number, if applicable: _____

Description of pet or animal, if applicable: _____

Describe the nature of the violation, including location, date(s), and time(s): _____

Signature: _____ Date: _____

Print Name: _____

Address: _____

Phone: _____ Email: _____

Form is available on website <http://windrushcreek.us> as are names of trustees. Submit form to Windrush Creek POA Board of Trustees at boardoftrustees@windrushcreek.us or mail to a trustee.

APPENDIX C: Penalty Schedule for Failure to Pay Dues