

## **Herb River Bluff Rules and Regulations**

Architectural Review Board (ARB) - consists of one (1) or more persons who are appointed by the Developer. When the Homeowners Association is released to the Homeowners, the vacancies shall be filled by a majority vote of the Board members. The ARB shall regulate the external design, appearance, use, location and maintenance of the Property. The ARB will review submissions and make decisions using their best judgment of what will be compatible with the character and appearance of the community.

If the Homeowner proceeds with an improvement without requesting permission from the ARB, they risk the potential of redoing or removing the improvement. If the ARB disapproves a request, the Homeowner may not proceed with the improvements. Approval or disapproval will be granted within 30 days as long as all requested information is submitted. It will be the Homeowners' responsibility to provide all additionally requested information in a timely manner.

**ANTENNAS AND SATELLITE DISHES-** Satellite dishes are limited to 18" in diameter and 1 dish per home site, or as dictated by federal law. They are encouraged to be placed on the back or sides of home if possible. Antennas and satellite dishes may be mounted on the roof or on a pole (preferable in the back yard).

**ARCHITECTURAL CHANGES-** Any changes to the exterior of the home are subject to review by the ARB and must be approved prior to installation or change.

**BASKETBALL HOOPS AND BACKBOARDS-** Basketball hoops should be stored in the back yard (not visible from the front of the home) or in a garage. Basketball hoop are permitted in the driveway while actively being used, but must be removed and stored from sight after use, and must only be used only the homeowner's property. All other recreational equipment must be approved by the ARB.

**BIRDHOUSE OR BIRDFEDER-** Birdhouses and birdfeeders are generally acceptable when installed in the backyard. Any other location will require approval of the ARB.

**CARPORTS AND SHEDS-** No structure, shed, tent, shack, carport, garage, barn, or other outbuilding shall be erected by the Owner or Occupant, other than the Declarant, on any portion of the Property, at any time, either temporarily or permanently, without the prior written approval of the Board. The above listed items will not be approved while the developer has control of the HOA.

**CLOTHESLINES-** Clotheslines are not permitted. Fences or porch railings shall not be used as clotheslines.

**DECKS, PATIOS, SCREENED PORCHES AND COVERS-** All decks, patios, screened porches and covers will require approval from the ARB. Dimensions of the options with materials, colors, and specifications must be submitted with the plans for ARB approval. Decks and patios must be natural in color.

**DOGHOUSES-** Doghouses are restricted to (16) square feet and must be located in a fenced backyard. Doghouses must be installed at ground level, and must not be visible above the fence or from any public or private Street. Dogs may not be tethered unattended.

**DRAINAGE DEVICES-** All drainage devices must be approved in writing by the ARB. Any modification impeding the flow of water is prohibited. Each owner shall maintain the grading upon his or her lot. A change in any drainage pattern must be approved by the ARB.

**FENCES-** All fencing (which includes but is not limited to: height, location, color, material, style) **MUST** be approved by the ARB. For further specifics, please refer to the ARB application and guidelines.

**FIREARMS AND FIREWORKS-** Regulations are to be followed as dictated and governed by the local municipalities.

**FLAGPOLES-** Flagpoles that are freestanding are prohibited, except as approved by the declarant for new home marketing. Flagpoles attached to the front of the house do not require approval as long as the length of the pole does not exceed 6 ft. Flags shall not be tattered or faded.

**FLOWERBOXES ON WINDOWS-** Require ARB approval.

**FOUNTAINS/ PONDS-** Fountains and ponds of any kind will not be allowed in the front yard unless approval is received from the ARB. Approved items must be maintained in appearance and functionality.

**GARAGE DOORS-** Garage doors must remain completely open or closed at all times. Garage doors may not be left partially opened or blocked with the use of any item, including screens. Interior rolling screen doors may be installed, if prior approval is received from the ARB.

**HOME BUSINESSES-** Home business occupations are permitted provided such businesses are undetectable from the street by sight, sound, odor or noise. The following must also apply. 1. The use shall operate in its entirety within the dwelling unit and only by the person residing in the dwelling. 2. The use shall not have a separate entrance. 3. The operator shall not display any external evidence of the operation of the home business. 4. The use shall not exclusively utilize more than 20% of the gross square floor area or 300 square feet, whichever is less. A garage shall not be utilized for, or in conjunction with a home business. 5. The home business shall clearly be incidental and secondary to the use of the dwelling or of the neighborhood by excessive noise, lights, traffic or other disturbances. 6. A business license must be acquired if it is required by the city/county and the business must meet zoning and business regulations.

**HOLIDAY DECORATIONS-** All holiday decorations must be removed within fifteen (15) days of the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (30) thirty days before the holiday and must be removed within (15) fifteen days after the holiday. Decorations may not include any audio that can be heard beyond the limits of the lot. Any decoration that does not fall under this category requires ARB approval.

**HOUSE NUMBERS-** House numbers as installed by the builder must be maintained. No alternatives/changes are allowed without ARB approval.

**LANDSCAPING, TREE REMOVAL, VEGETABLE GARDENS-** All landscaping must be approved by the ARB in advance of installation. Eighty percent of the lot area, exclusive of the portion occupied by the house and original driveway, shall be covered with live vegetation cover. Gravel, mulch and similar materials shall not be considered live vegetation. No artificial plants, flowers or rubber mulch shall be part of the landscaping. Each owner shall use his or her best efforts to keep and maintain attractive, healthy, live and growing conditions, any and all grass, shrubs, trees etc. Please refer to Landscape Standards for additional expectations. Trees that are installed by the Builder should be maintained, if a tree requires removal, ARB approval should be obtained unless the tree is replaced with the same type of tree of similar size.

**LIGHTING-** Removal of existing lighting installed by the builder is prohibited without approval from the ARB. Additional lighting installed must be approved by the ARB. Any and all exterior lighting installed on the lot shall either be indirect, or shall be of such controlled focus and intensity that it will not unreasonably disturb the neighbors or neighboring lots.

**MAILBOXES-** Mailboxes must remain in the original standard of the builder. The Homeowner owns the mailbox and should maintain the box/pole in good condition.

**PAINTING-** ARB approval is required for repainting of any house that is painted differently than the original color. A sample paint swatch must be submitted with the request. The ARB may require that a sample area is painted with new color and trim before approval is granted.

**PATIO FURNITURE-** All patio furniture in the front or side of home must have ARB approval. Patio furniture must not be in landscaped or grass areas.

**PETS-** Regulations are to be followed as dictated and governed by the local municipalities.

**POOLS-** ARB approval is required before a pool is installed. Above-ground pools will not be permitted.

**PONDS, LAKES, MARSHES AND BODIES OF WATER-** All boats, rafts or sailing craft are expressly prohibited. All ponds, lakes and bodies of water are declared “no swimming” areas. Due to slippery banks and muddy shores, parents are required to maintain constant supervision of their children. The natural area of ponds should not be disturbed.

**RECREATIONAL EQUIPMENT-** All permanently installed exterior recreational equipment including play yards (swing sets, slides, tree houses, trampolines, etc.) must have the ARB approval. The maximum height of the equipment shall not exceed 9 feet, with the exception of the community amenity area. Recreational equipment shall be located on any lot as not to be visible from any public street, and the homeowner must have fence prior to equipment being installed. No equipment installed for children’s recreational use, shall be installed or placed within the front or side yard of any lot or in any easement or common area adjacent to a lot.

**RESIDENTIAL STRUCTURES-** No residential out structures are permitted and all expansions/additions must be approved by the ARB. It is the responsibility of the Homeowner, or their Contractor, to obtain a building permit from the appropriate municipality prior to any building.

**ROOF VENTS AND SHINGLES-** All roof vents shall be painted a color to match the color of the roof. Roof shingles, if replaced, must be the same color and style as the shingles replaced unless otherwise approved by the ARB.

**SECURITY DOORS, STORM DOORS, SECURITY SYSTEMS-** High quality, full panel glass doors, decorative wrought iron doors, or decorative aluminum doors may be installed if approved by the ARB. Any other door, any enclosure, or change of the original builder’s design requires ARB approval. All other security systems or measures which are installed on the exterior of the house require the ARB approval.

**SHUTTERS-** Exterior shutters on windows need ARB approval. Shutters must match or accent the house trim color and be consistent with other homes in the community. Shutters must be maintained and should be replaced if damaged.

**SIGNS-** Residents are permitted to display one (1) neatly painted “For Sale” or “Open House” signs no larger than six (6) square feet. One (1) “For Rent” or “For Lease” sign may be placed in a window ONLY and must be 18” x 12” or less. Builder lot signs are permitted. Political signs may be placed in your yard as part of your first amendment right. However, in order to protect the aesthetic harmony of the neighborhood, only one (1) political sign not more than six (6) square feet is permitted to be placed in the front yard (as defined above) two (2) weeks prior to the election date. The sign must be removed within three (3) days after the election. Except for security alarm systems, all other commercial and advertising signs, including signs of contractors performing work at residence, are prohibited. Placement of signs and notices on fences, trees and other objects are prohibited. The Board of Directors reserves the right to periodically place signs in the common space for the benefit of the community. Such signs include, but are not limited to informational signs and warning signs.

**SPAS-** Spas must be approved by the ARB. The equipment must be located in such a way that it is not immediately visible to adjacent property owners, i.e. hidden by fence, shrubs, etc.

**TRASH CONTAINERS, RECYCLE BINS AND ENCLOSURES-** No refuse, garbage, trash, lumber, grass, shrub, tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse, or debris of any kind shall be kept, stored, or allowed to accumulate on any site except within an enclosed structure or appropriately screened from view. All trash receptacles and/or yard waste to be emptied must be placed at curb and removed from curb within 24 hours. Items placed out for collection must be secured such that animals can not get into trash or such that litter is caused. Trash and recycle containers shall be stored and placed so that they are not visible from the street. Trash cans may be stored in a garage, behind the home, behind a fence, behind an ARB approved service yard or directly behind a shrub that sufficiently buffers the can(s) from view in front of the home.

**VANDALISM-** Any vandal destroying improvements located upon Common Area within the community will be prosecuted to the fullest extent of the law. Owners are responsible for any vandalism committed by their family members, invitees and guests and shall be subject to cost for repairs and a fine equal to the cost of repairs to reimburse the association. In addition if a reward is paid for information leading to an arrest, that reward must also be reimbursed.

**VEHICLES-** Vehicles must be parked in driveways or garages; this includes all guests and visitors to your home. No vehicles may be parked in landscaped areas or on the street. Recreational vehicles such as motorcycles that are not street legal, mini bikes, go-carts, golf carts, mopeds, motorized scooters, 4 wheelers, lawn cutting equipment, maintenance equipment, commercial vehicles, or any other type of recreational equipment must be parked in garaged areas. Commercial vehicles are defined as vehicles with company logos, wraps, vehicles with wording or pictures on the outside, vehicles displaying roof racks or obvious additions used for a specific purpose. Vehicles with more than 6 tires are prohibited with the exception of delivery or maintenance vehicles, requiring short trips within the Community.

Boats, towed trailer units, or unoccupied motor homes (motor homes are not permitted to be occupied) shall be parked or stored in a garage except on a temporary basis not to exceed 2 days within a 7 day period. Discharge from any engines, motors, drive trains, and holding tanks shall not be allowed into the street, storm drain, or sanitary sewer storm drain. Vehicles can not be maintained, repaired, serviced, rebuilt or dismantled on any lot except within the confines of the garage. This does not prevent a vehicle from being washed or waxed in the driveway of any lot. Blocks, jacks or any items used to prop or prevent movement of vehicles are prohibited. Car covers that are designed specifically for this purpose may be used if maintained in good condition. Tarps may not be used to cover vehicles.

**WATER FILTRATION SYSTEMS-** Water filtrations systems require ARB approval.

**WELLS-** No wells are permitted. This does not prevent the Association from keeping a well for landscape purposes.

**WEATHERVANES-** ARB approval is required for any weathervane.

**WINDOWS-** ARB approval is required for the replacement of all windows not originally installed by the builder. Nothing may be placed in the window, which could be viewed from the exterior, such as window HVAC units or fans.

**WINDOW TREATMENTS-** No tinted, mirrored, brightly colored or other such window treatment may be installed which cause attention to themselves by virtue of these features. Window covering should not change the look of the exterior of the home. Blinds and draperies should show white or cream to the exterior unless approved by the ARB.

**WOOD STORAGE-** Storage of fireplace logs must be in a fenced backyard. Stored firewood must be neatly stacked, below the fence line, and not visible from any public or private street. Wood storage must not be located in an area so as to block any existing drainage pattern on the lot.

**ENFORCEMENT OF RULES-** All Association Rules and Regulations and all rules set forth in the Community Covenants and Restrictions shall be vigorously enforced by the Association, its members, the Board of Directors, and the Managing Agent, and all committees of the Association. The managing agent will do periodic inspections of the community and record violations to be reviewed by the Board of Directors. Homeowners shall be notified in writing of the alleged violation and said violation must be corrected immediately unless additional time is given according to the violation notice. Violations must be amended and maintained to avoid additional violations for an offense of the same type. Immediate correction of any violation does not relieve the owner of a fine incurred. Fines will be assessed according to the structure below.

Owner's voting rights and rights to the use of recreational facilities by the Owner, Owner's family; tenants and guests may be suspended or limited in addition to fines being levied.

**First Offense:** Written letter of warning. Notice to Homeowner giving nature of alleged violation.

**Second Offense:** \$100.00 fine for same type violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

**Third Offense and Subsequent Notice of Violation:** The HOA may chose to fix or repair the problem at the owners' expense or impose a \$175.00 fine for same type violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

After receiving the first violation, if a Homeowner feels that they are not in violation as described, they must contact the HOA immediately. If an agreement can not be met at that time, the Homeowner may request the opportunity to be heard at the next scheduled meeting of the ARB board at which time the Homeowner will be able to make as case as to why they do not feel they were in violation as described in the rules and regulations.

Owners may be required to remove any exterior improvement (at their expense) which did not receive ARB approval.

A violation by a rental tenant or guest shall be treated as a violation by the Homeowner. The owner shall receive the letters cited above via first class mail, or email if this designation is made by the owner, which shall outline a complaint for a rules violation committed by their Resident.

Rules and Regulations may be amended, repealed, and adopted from time to time by the Board of Directors. Notification will be mailed of rules changes to Homeowners 30 days prior to the rule change.