

Valley Creek Condominium

Rules and Regulations



**Revised 11/2023
Revision #8**

DEAR VALLEY CREEK HOMEOWNERS AND RESIDENTS;

The following revised edition of rules, regulations and guidelines is published to assist in the proper care of the Valley Creek Condominium, to assure your complete enjoyment, and to maintain your investment as a unit owner.

As homeowners, you also own a share of the common area, landscaping, etc. We are confident that all will have a rightful sense of pride in these facilities and will use them with care.

If you have any questions regarding your unit, please do not hesitate to contact the Resident/Property Manager, the Management Company or any member of the Board of Managers.

It is the responsibility of all residents (owners and renters) to inform visitors and make certain they adhere to ALL rules, regulations and guidelines of the Valley Creek Condominium.

All homeowners who rent their property to another party must inform the renters of their units of the rules, regulations and guidelines of the Valley Creek Condominium. The unit owner will be held legally and financially responsible for those actions and activities of the renting parties and their guests, which prove detrimental to the Condominium.

The following rules and regulations supersede any and all rules and regulations established by previous Boards of Managers and are effective as of November 9, 2020.

To avoid any misinterpretation, please note that any comments, complaints or suggestions be submitted in written form to the Management Company via the United States Postal Service. Your document will be presented in its entirety to the seated Board of Managers for review, consideration and potential implementation.

Your Board of Managers.

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DEFINITION OF TERMS

These may be found in the Valley Creek Condominium Offering Plan of 1973.

What is a rule and regulation?

A rule is a specification of a required action. It states exactly what must be done. The word “regulation” is suggested as being a little broader in meaning than the word “rule”.

What is a By-Law?

A By-Law is a rule for the Board of Managers’ internal operation.

What is a guideline?

A guideline is a Board directive for discretionary action.

The following is the legal basis for which the Valley Creek Condominium Board of Managers derives its authority to establish and carry out rules and regulations pertaining to the operation of the Condominium:

Article IX, Section 6, Page 10 of the Declaration:

The Board of Managers shall, if any questions arise, determine the purpose for which a common element is intended to be used. They shall have the right to promulgate rules and regulations limiting the use of the common elements to unit owners and their respective families, guests, invitees and employees as well as to provide for the exclusive use by the Board of Managers for the purpose of defraying the costs thereof.

Article IX, Section 13, Page 11:

Every unit owner shall comply strictly with the By-Laws, rules, regulations, resolutions and decisions adopted pursuant thereto in relation to the units of the common elements. Failure to comply with any of the same shall be grounds for an action to recover sums due, for damages, or injunctive relief or any or all of them. Such action may be maintained by the Board of Managers on its own behalf or on behalf of the unit owners aggrieved. In any case of flagrant or repeated violation by a unit owner, he may be required by the Board of Managers to give sufficient surety or sureties for his future compliance with the By-Laws, rules, regulations, resolutions and decisions. Nothing herein contained shall prevent, in a proper case, any independent action by an aggrieved unit owner for such relief.

Article XII, Section 2, Page 15:

The Board of Managers shall have charge of and be responsible for and is authorized to manage the affairs of the condominium organization, the common elements and other assets held by it on behalf of the unit owners except as herein otherwise limited. It shall have all the powers, rights, duties and obligations wherever set forth in this Declaration or in the Condominium documents. It shall adopt and execute all measures and proceedings necessary to promote the interests of the Condominium. It shall fix charges, assessments, fees and rents. It shall hold all funds or other assets of the Condominium and administer them as trustees for the benefit of the unit owners. It shall keep accurate records and audit and collect mortgages, leases and purchase or sale of units in the Condominium acquired by it or its designee on behalf of all of the unit owners, where applicable. It shall direct all expenditures, select, appoint, remove and establish the salaries of employees and fix the amount of bonds for officers and employees. It shall maintain the common elements and other portions of the buildings as herein specified, paying for services and supervising repairs and alterations. It shall pass upon the recommendations of all committees and adopt rules and regulations as in their judgment may be necessary for the management, control and orderly use of the common elements, and in general it shall manage the Condominium property as provided herein and in the By-Laws, but nothing herein shall prevent the Board of Managers from employing and designating such powers as it deems advisable to professional management.

Article XII of the By-Laws, Page 21:

Rules and Regulations

The Rules and Regulations of the Condominium are intended to govern the details of the operation and the use of the common elements and the restrictions and requirements for the use and maintenance of the unit. They are designed to prevent unreasonable use of their respective units and the common elements by other unit owners. The Rules and Regulations may be amended from time to time by the Board of Managers.

I. PARKING AND VEHICLE USE

A. RULES AND REGULATIONS:

1. A resident is defined as:
 - a. Person(s) who continuously and consistently reside at a unit in Valley Creek, or
 - b. Whose legal address is within Valley Creek.
 2. Speed limit of 15 MPH is in effect throughout Valley Creek Condominium complex.
 3. Residents are to park cars only in the garage, which is the restricted common area designated for their building, or on the apron in front of their garages. Parking in front of or on walkways is not allowed.
 4. If a resident has three vehicles they are to park them as follows:
 - a. First vehicle in the garage.
 - b. Second vehicle in front of the garage on the apron.
 - c. Third vehicle on the creek side of Valley Creek Drive, which must be moved every 3 days, or park off the premises. There will be a limit of three vehicles regardless if the vehicle is registered or unregistered.
 5. All campers, trailers, boats, snowmobiles and all unregistered motor vehicles are restricted to garage interiors only. They are NOT to be parked along Valley Creek Drive without written permission from the Resident/Property Manager. If the Board of Managers or Resident/Property Manager determines they create health or safety hazards they must be removed from the property immediately.
- Motor homes or any vehicle, which will obstruct vision of persons entering or leaving the street shall be parked temporarily (2-3 days) on Valley Creek Drive or off premises.
6. Motorcycle owners must abide by all parking rules. Any motorcycle parked on the premises must use a kickstand plate to avoid damage to the asphalt. Damage caused by kickstands will be repaired by the Resident/Property Management and billed to the offending homeowner. Motorcycles are not to be parked along Valley Creek Drive.
 7. The parking areas between buildings, the creek side of Valley Creek Drive and other areas specifically designated as visitor-parking areas, are available to any properly licensed motor vehicle, authorized to be on the premises. These visitor-parking areas are not reserved for the use of any particular building because of their proximity to that building. Violators are subject to two notices followed by fine and/or towing.
 8. Residents are NOT to park in visitor parking except for short periods of time, i.e. car washing, etc. Violators are subject to two notices followed by fines and/or towing.
 9. Residents and visitors are NOT to park in fire zones, in front of the mailboxes, along mailbox areas, on or in front of walk ways, on lawn areas, or so as to impede the flow of traffic or block access roads or driveways. Violators are subject to immediate fines and/or towing.

10. Motor vehicles are NOT to be driven or parked on lawns or sidewalks except when directed by the Resident/Property Manager.

11. No commercial vehicles may be stored or parked on any portion of the Property, except in an enclosed garage. Violators are subject to immediate fine and/or towing. (Exception: ambulance, fire, police vehicles, utility vehicles.) A commercial vehicle shall be considered any motor vehicle specifically used for commercial purposes, being so determined by its obvious “working load” chassis structure, toolboxes or accessories, advertising or size. The size limitation shall be such as to not allow easy entry through a single garage doorway.

12. Parking on the streets of Valley Creek is not permitted within 15 feet of any intersection.

13. Cars cannot be backed into your garage area due to the possible build-up of carbon monoxide. Cars cannot be left idling in your garage.

14. The sidewalks, entrances and driveways must not be obstructed or encumbered or used for any purpose other than ingress and egress to and from the premises.

15. Residents are requested to keep their motor vehicle in the garage during the winter to make snow removal easier and, therefore, less expensive.

16. The garage space is common property. Items stored in the garage should be in the storage area in the front of the garage. The areas between the parking stalls within the garage unit, must be left unobstructed of any personal belongings and materials of any kind. If items are stored in the garage, there must be a minimum of 4 feet between the stored items and garage door, to allow walking around vehicle or garage door maintenance.

17. The garage space in each building is considered a resident common area and may be used for storage of personal and household items as described in #16 above. This space cannot not be used for human habitation, such as bedroom or office space. Such use is a violation of local and New York State Building Code and Valley Creek Regulation.

18. Garage doors, including the pedestrian entrance door, must remain locked when not in use.

19. Any vehicle parked on Valley Creek property must be properly licensed, with a current registration and inspection sticker. Any vehicle parked on Valley Creek property must be in running condition, without leaks. Violators will be towed and/or fined.

B. ENFORCEMENT OF PARKING RULES AND REGULATIONS:

1. UNREGISTERED VEHICLES must be parked inside a garage. Those vehicles parked elsewhere will be considered abandoned and in violation of the Rules and Regulations, and may be towed immediately. The vehicle will then be disposed of as deemed appropriate by the Resident/Property Manager and/or Board of Managers.

2. The Valley Creek Board of Managers has authorized the Resident/Property Manager to provide violators with notification as follows.

- a. First is a warning
- b. Second is a warning
- c. Third, within 60 days of the first warning, results in a fine
- d. Continuous violations will result in larger fines

The Management Company or Resident/Property Manager is authorized to tow any vehicle at the owner's expense, whether it be that of a resident or a guest, when the owner of the parked vehicle chronically or flagrantly violates the parking regulations: therefore, if your vehicle or that of a guest is not found where it was originally parked, you should contact the Resident/Property Manager before notifying the Sheriffs' Department of a stolen vehicle. Residents are reminded that they should double-check where their guests have parked.

3. Visitors are permitted to park in visitors parking up to three consecutive days/nights. Anyone exceeding the limit must park on the creek side of Valley Creek Drive or be fined. Special parking situations may be approved by the Resident/Property Manager with notification.

II. PETS

A. RULES AND REGULATIONS:

1. No unit owner shall allow any household pet to run free on the common property. Pets on the common property shall be on a leash and accompanied by an adult. Owner shall be responsible for immediately picking up after pets.

2. Dog houses, invisible fencing or fencing-in of any pet, in the common area is prohibited.

3. Leashes are to be secured to the building by attaching them to an eye hook which should be fastened to the kick plate underneath the door entrance. Chains and leashes cannot be tied or wrapped around the wooden or metal poles on the porch. Refer to guideline for Pet Excrement.

4. The placement of pet food on porches or balconies for consumption by pets is prohibited.

5. The confinement of pets in or adjacent to the garage areas is prohibited.

6. The harboring of pets within individual units, which create a nuisance (noise, sanitation problems) for the Condominium is prohibited.

7. Bird feeders, birdhouses or any kinds of food put out for any other wild life, or other animals, are strictly prohibited since they attract rodents and deer. This includes liquid bird feeders.

8. No nonresident unit owner shall permit his or her tenants or other persons entering into possession or occupancy of the unit on or after the date set forth below to harbor any pet or pets therein. All leases and rental agreements shall notify the prospective tenant(s) or occupant(s) of

this rule and require compliance as a condition of the lease or rental agreement. This rule shall apply only to leases and/or rental agreements entered into after July 1, 1995. If such owner shall fail to enforce this rule against his or her tenant or other occupant of the unit who is in violation thereof within ten (10) days after receipt of written notice to do so from the Board of Managers or the managing agent, then the owner will be subject to a fine.

9. Pet owners shall not allow pets to urinate or defecate on porches or balconies.

10. Guideline for Pet Excrement: Pet owners are required to remove their pet's excrement, immediately, from common areas, place it in a plastic bag, and put the tied plastic bag, in the trash (garbage) toter. Excrement may also be placed in a small can in the flower bed if it is able to be hidden and out of plain sight. Resident is responsible for removing the waste in coordination with garbage day. Pet owners who violate this rule will be assessed a minimum \$50.00 fine to cover clean up and damage costs, for each occurrence.

11. Dogs may be walked anywhere on or off Valley Creek property, however, excrement must be picked up immediately, placed in a plastic bag, disposed of in the garbage toter. Do not allow pets to defecate or urinate on common area bushes, shrubs, homeowner's flowers, etc.

12. Effective February 1, 2017, unit owners are permitted a maximum of two (2) licensed dogs and/or two (2) cats. Renters are not allowed to have pets, with the exception of service animals or emotional support animals. Current New York State documentation (ESA letter from a licensed mental health professional) for these types of animals must be on file with the resident manager and the management company for Valley Creek.

13. All dogs must be licensed in the Town of Perinton, and both cats and dogs must have current rabies vaccinations.

14. If the Perinton Dog Warden received documented evidence of an aggressive animal, Valley Creek Board of Managers has the authority to require permanent removal of the animal from the premise.

B. ENFORCEMENT OF PET RULES AND REGULATIONS:

1. The Resident/Property Manager has the authority, as delegated by the Board of Managers, to call for the assistance of the Perinton Dog Warden, the Sheriff's Department, the Health Department and the Humane Society to resolve pet problems if he deems it necessary.

2. The Management Company has the lawful authority to call the Perinton Dog Warden when the Perinton leash law is violated.

3. The cost of repair of any damages caused by the pet, (continuous urination, defecation) to the common areas, including grass is billable to the unit owner involved.

I. COMMON PROPERTY – GENERAL:

Any change to the common property contemplated by a resident must first be submitted to and approved by the Board of Managers before the unit owner may make a change. The Board of Managers wants to be certain that before common property is modified the proposed change is in keeping with the general character of the Condominium; meets code qualifications of the Town of Perinton and/or the State of New York; does not present any special or costly maintenance problem for the Condominium, or adversely affect the safety and well-being of residents.

A. VARIANCE NOT REQUIRED

The following modifications to the Condominium common area do NOT need written Board approval prior to installation but must meet the prescribed Rules. The Board may direct removal of any modification at the homeowner's expense, which does not meet the criteria.

1. STORM DOORS:

- a. The storm door window should be shatterproof or tempered glass.
- b. The storm door must be white.
- c. Maintenance of the storm door is the full responsibility of the unit owner and must meet or exceed minimum standards of looks and safety as determined by the Board of Managers.
- d. The repair cost of any damage caused by the storm door to any exterior common elements is the full responsibility of the unit owner. As per by By-Laws, the doorjamb, as with any other common element, is to be repaired by the Association only and will be billed to the homeowner.

2. DEAD BOLT SECURITY LOCKS.

3. HANGING PLANTERS:

- a. Hanging planters must be suspended from a galvanized or plated eyebolt attached to the underside of the wood framing of the porch overhang only.
- b. All planters must be removed by November 1st.
- c. Decorative hanging items cannot interfere with or cause damage to any common property, such as siding, porch posts and cannot be the cause of excessive noise.

4. FLOWERS AND PLANTS:

- a. Valley Creek is responsible for maintaining shrubs, bushes and mulch. Valley Creek DOES NOT plant or maintain flowers.
- b. Planting flowers by residents, is allowed but discouraged, because of unavoidable damage during routine maintenance.
- c. If a resident chooses to plant annual or perennial flowers, Valley Creek will not be responsible for the maintenance or damage to these flowers during routine maintenance. Resident is responsible for clearing dead flowers from the bed.
- d. When a unit is resold, the new owner is responsible for all flowers planted by the previous owner.

- e. Sod cannot be removed to provide additional planting area.
- f. Plants taller than thirty inches, clinging or climbing vines, and trellises are not permitted.

5. PORCH FLOOR COVERING:

- a. Effective 8/1/2008 carpeting will not be allowed on porches that have not been previously carpeted.
- b. Porches that have been previously carpeted may be re-carpeted at the owner's expense.
- c. Plain green or brown indoor-outdoor carpeting must be used.
- d. The covering becomes the unit owner's maintenance responsibility and must continue to meet or exceed minimum standards for looks and safety as determined by the Board of Managers.
- e. Valley Creek is not responsible for damage caused to the carpeting due to the regular maintenance of Valley Creek property.
- f. No carpeting is allowed on the balconies.

6. LIGHT SENSOR CONTROL FOR ENTRANCE LIGHT:

- a. Must be inconspicuous, however an indoor electronic timer is preferred and recommended.

7. WINDOW AIR CONDITIONER:

- a. Seasonal – In after April 1st and out by November 1st
- b. No exterior brackets attached to building are allowed
- c. The space between air conditioner and window frame must be of suitable material furnished with the air conditioner or of wood painted to match trim of building.
- d. The storm window and/or window frame must not be damaged or modified to facilitate installation of the air conditioner.

B. VARIANCE IS REQUIRED

The following modifications to the Condominium Common area (Common area property includes but is not limited to, roofs, siding, garage and grounds) require written Board of Manager's approval in the form of a variance before installation. Residents may obtain variance request forms from the Resident/Property Manager or Management Company and submit them for processing. (See Sample form Attachment C, APPLICATION FOR COMMON PROPERTY VARIANCE). Residents are NOT to make exterior modifications until they have received written notification of approval. The specifications are listed so the homeowner can consider installation guidelines before applying for variance approval. They must be filled out completely, and are considered at each regular Board of Manager's meeting. The requesting homeowner shall allow a maximum of thirty (30) days from the date the variance request is submitted for approval or rejection by the Board. All variances shall be approved or rejected by the Board of Managers. Variances will not be approved if there is an outstanding lien or fees due Valley Creek, by the unit owner.

Electrical wiring for central air conditioners, garage door openers, electrical outlets, electric vehicle chargers must meet all local codes and must be inspected by the Fire Underwriters, and at the unit owner's expense. All contractors (regardless of work being performed) must provide Certificate of Insurance, and Workers' Compensation documentation with the variance request.

1. CENTRAL AIR CONDITIONERS:

- a. The compressor unit must be placed on a one-piece concrete slab of appropriate size.
- b. New or replacement compressor locations must be approved by Resident/Property Manager.
- c. All piping and electrical access holes through unit wall(s) must be through concrete/cement block, not through vinyl siding, and must be sealed. Homeowners are responsible for keeping this hole filled and sealed.
- d. A rusted compressor cabinet and/or rusted electrical disconnect enclosure must be painted and maintained by the unit owner especially when requested by the Board of Managers. Color to be approved by the Resident/Property Manager.

2. ELECTRIC GARAGE DOOR OPENERS, ELECTRIC VEHICLE CHARGERS AND ELECTRICAL OUTLETS IN GARAGE AREA:

- a. Power must be supplied from homeowner's electrical source.
- b. Wiring must be contained in rigid or flexible conduit. It is preferred that longer runs be in rigid conduit.
- c. Rigid and flexible conduit must be installed in a workmanship like manner and be well secured to the building structure. The installation must be approved by the property manager.
- d. The process for changes is:
 1. An approved variance from the Board of Managers.
 2. Apply for and receive a permit from the Town of Perinton.
 3. Complete the installation.
 4. The Town of Perinton will inspect the work and provide an approval.

The electric vehicle charging (EVC) is limited to 5.5KW per building. Multiple chargers in a building must equally share the 5.5KW charging power or work out a power sharing agreement within the building.

The maximum (EVC) system charging current is 24 amps at 230 volts (5.5KW). The maximum two pole circuit breaker powering the system is 30amps.

All (EVC) variances are considered temporary and the Board of Managers reserves the right to require electrical vehicle chargers be disconnected if there are concerns about power.

- e. Electrical wiring for central air conditioners, garage door openers, electrical outlets and electrical vehicle chargers must meet all local codes and must be inspected by the town, all at the unit owner's expense. Proof of inspection must be submitted to the Board within thirty days of installation and a copy of it will be attached to the unit owner's variance request.

- f. Any electrical work must be performed by a licensed electrical contractor and a certificate of insurance must be provided along with the variance form and a copy of the permit from the town. Many buildings in Valley Creek do not have the necessary electrical service to accommodate level 2 or level 3 charging equipment. A proper evaluation must be performed before any equipment can be used or installed. **If this procedure is not followed Valley Creek will require you to remove the equipment and you may be subject to a fine.**

3. WROUGHT IRON RAILINGS:

- a. Railings must be black and match existing established design, homeowner will be responsible for the purchase, installation and maintenance.
- b. Railings must be securely fastened into the concrete and to the building as originally designed.
- c. The unit owner must request an inspection, within ten days of installation, by Resident/Property Manager. If approved, the responsibility for the railing becomes that of the Condominium and may not be removed or modified without the approval of the Board of Managers.
- d. If the railing becomes unsafe, the Board of Managers may request its removal or repair.

4. ADDITIONAL GARAGE STORAGE SPACE:

- a. Any additional storage locker shall not extend beyond the existing storage locker for the individual unit.
- b. This locker should be of sound construction and must have the same general appearance as the existing storage locker.

5. FRONT DOOR INTERCOM/ELECTRONIC DOORBELLS:

- a. It must be of non-corrosive material.
- b. Intercoms interfering with or damage to vinyl siding are not allowed.
- c. It must remain with unit upon resale.

6. ADDITIONAL TREES, SHRUBS, BUSHES:

- a. Any additional trees, shrubs, bushes MUST be approved by the Board of Managers BEFORE any plantings are made. The specific variety, characteristics, full growth height, root system, blossoms, seed pods, type of leaves and required care must be included in the variance request.
- b. The specific location must be given in the variance since underground cables, gas lines, and sewers must be taken into consideration along with grounds maintenance.

7. LETTER AND PAPER BOXES:

- a. As of January 1, 2017 letter and paper boxes may not be attached to any unit in Valley Creek. Those that exist have been grandfathered and must adhere to the rules below.
- b. Letter and paper boxes must be of non-corrosive material and fastened with brass or aluminum screws only. No wicker baskets are permitted.

- c. Maintenance of boxes is the unit owner's responsibility. Said boxes must remain with the unit upon resale.
- d. Vinyl siding may not be cut, damaged or removed to facilitate installation.

8. DOOR KNOCKERS AND DOOR NAME PLATES:

- a. Must be secured to the home owners' door, with brass, stainless steel or aluminum screws only.
- b. Vinyl siding may not be cut, damaged or removed to facilitate installation.

9. REPLACEMENT WINDOWS:

- a. ALL windows in unit must be replaced at the same time.
- b. Must be sash type, and double hung.
- c. Must be white vinyl or wood wrapped in white vinyl.
- d. Neat in appearance

10. ENTRANCE DOORS (UNIT DOOR):

- a. The pedestrian door must be a nine (9) light steel door, cross buck or rail and stile design.
- b. The door color must be white per Association requirements.
- c. Window replacement must be shatterproof glass.

11. CABLE TV, CAMERA INSTALLATION:

- a. TV dishes, antennas, cameras and connecting wires cannot be attached to common property. Common property includes but is not limited to, roofs, siding, garage and grounds.
- b. Variance application for an antennas/satellite dishes may be approved on an individual basis.
- c. The FCC rules are available at www.fcc.gov/mb/facts/otard.html

12. INSULATION:

- a. A variance is required for any additional insulation.

14. PORCH WIND BREAKER:

- a. Seasonal - Up after November 1st, down by April 1st.
- b. Subject to Resident/Property Manager installation and inspection.
- c. Heavy clear plastic, attached to wooden frame, not to be attached to siding.

The foregoing was not intended to cover ALL possible changes to the common area. Homeowners who desire changes not mentioned above are cautioned that a variance must be submitted and APPROVED prior to making the desired change.

C. THE FOLLOWING WILL NOT BE ALLOWED OR APPROVED

Any existing modifications or installations must be removed immediately or Resident/Property Manager will remove at unit owner's expense.

NO FURTHER NOTICE WILL BE GIVEN.

1. BALCONIES - Carpeting is not allowed on second floor terrace balconies.
2. BRACKETS OF ANY KIND, FOR ANY PURPOSE, ATTACHED TO THE EXTERIOR OF THE BUILDING.
3. LAWN OR GARDEN ORNAMENTS.
4. PERSONAL PLAYGROUND APPARATUS.
5. PERSONAL PICNIC TABLES OR PERMANENT BARBEQUE GRILLS.
6. PARTITIONS - may not be erected in garage.
7. CHAIN FALLS, BLOCK & TACKLE, OR HOISTS may not be fastened to garage ceiling, walls or floors.
8. DECORATIVE FENCE.
9. USE OF COMMON AREA FOR PRIVATE BUSINESS purposes is not allowed.
10. SKYLIGHTS OR TUBE LIGHTS.
11. WOOD BURNING FIREPLACES (pot belly stoves, fireplaces)
12. FIRE PITS, RECREATIONAL FIRES – wood burning, charcoal or propane
13. NO AWNINGS OR OTHER PROJECTIONS SHALL BE ATTACHED TO THE OUTSIDE WALLS OF THE BUILDING.

D. USAGE RESTRICTIONS:

1. Barbeque grills (New York State and Town of Perinton Fire Codes):
 - a. Charcoal open flame type - This type is not to be used or stored on terraces or porches, in garages or enclosed areas. Grills in use must be a minimum of ten (10) feet away from all building structures.
 - b. Propane type - this type is not to be used on terraces, porches or in garages, and is not to be stored on terraces. Propane tanks smaller than 2.5 pounds are permitted. Grills in use (or hot) must be used at ground level, a minimum of ten (10) feet away from all building structures.
 - c. Any damage to property resulting from the improper use and/or storage of a barbecue grill will be the responsibility of the unit owner and fines will be levied according to the extent of damages.

- d. June 11, 2008 - 20 pound propane fuel tanks cannot be used or stored anywhere on Valley Creek property, pursuant to the Town of Perinton and New York State Fire Codes. It must be immediately removed and properly disposed of or be subject to a violation notice from the town. If you are notified an appearance ticket will be issued with a potential fine of \$1,000.00 per day until the tank is removed.
2. Toys, bicycles, baby carriages, wading pools, scooters, skates, charcoal grills, starting fluids, grocery carts, etc. must not be left on common property. Violators will receive notification.
3. One “For Sale” or “For Rent” sign must be displayed on the inside of the window of the garage door corresponding with the unit for sale or for rent. Freestanding “For Sale” signs may be displayed on common property during an “Open House” but must be removed at the end of the day.
4. Garage Sale signs may be displayed on common property during the sale but must be removed at the end of the day. Garage section must be roped off as a courtesy to neighbors.
5. Political signs are NOT permitted on valley creek property.
6. Commercial shopping carts are NOT permitted to be left on Valley Creek property.
7. Unit owner is responsible for damage caused by and cleanup of any leaking fluids in garage or parking area. Failure to comply after written notification will result in fines or vehicle towing.
8. Porches – All items must be removed from porches and surrounding areas, including hoses, from November 1st to April 1st with the exception of a snow shovel. Items must be stored in unit, garage or off site.
9. External holiday decorations must be removed within 30 days after the holiday has passed.

E. ENFORCEMENT OF COMMON PROPERTY - GENERAL RULES AND REGULATIONS:

1. The Resident/Property Manager will remove residents’ personal items, such as charcoal grills, toys, bicycles, etc., from the exterior common property if they are not in use. This will be at unit owner’s expense.
2. Improperly displayed “For Sale” or “For Rent” signs will be removed by the Resident/Property Manager or the homeowner will be requested to remove such signage.
3. Political signs will be removed by the Resident/Property Manager or the homeowner will be requested to remove such signage.

IV. COMMON PROPERTY - RESTRICTIONS

A. RULES AND REGULATIONS:

1. Garage doors are to be kept closed unless entry or exit is being made from the garage.
2. The designated area for the storage of refuse and recycle totes is directly inside the pedestrian entrance door to the garage and under the stairs.
3. There are 2 community refuse (garbage or household trash) totes and 2 community recycling totes for each building, which are to be utilized by all residents (owners and renters) within each building. All refuse containers (garbage and recycling) should be put out and left by the garage pedestrian door, the morning of trash pick-up, by the residents (owners and renters) of that building, and the empty totes should be returned after trash pickup to the specified space within the garage the same day. All refuse (garbage or household trash) should be secured in tied garbage bags. Our refuse collector requested recycle items not be placed in plastic bags, however, can be in paper bags. Cardboard boxes, must be folded and /or broken down and placed in the recycling container. Cans, plastic or any recyclable food containers should be clean and dry before putting in the recycle tote. See the recycle rules posted in each garage.

Please note – these totes are the responsibility of all individuals (owners/renters) within a building. The Board of Managers, Resident/Property Manager, Management Company will not be responsible for monitoring or providing rules, schedules, etc. for who takes the totes in and out of the garage, placing them by the pedestrian door in the driveway. The totes should NEVER be placed anywhere other than outside the pedestrian door of the building, as this is the known pick up point for the trash hauler.

4. The storage of flammable materials in the storage areas, such as used motor oils and starting fluids, etc. is prohibited.
5. Smoking is not permitted within common property or garage units. Cigarette butt cans are not allowed on porches, and cigarette butts shall not be discarded on any common property.
6. Bags of garbage (refuse/recycle) must not be stored on front porches at any time.

V. MISCELLANEOUS

A. RULES AND REGULATIONS:

1. The operation of bicycles, skateboards, roller skates, motorbikes, minibikes, scooters, roller blades, battery-powered children's vehicles and snowmobiles, etc. on the sidewalks, lawns of Valley Creek is prohibited.
2. Hanging laundry outdoors is prohibited.

3. Inside window treatments should appear from the outside to be professional, neat and in good taste. As examples: curtains, drapes, vertical and horizontal blinds, shades, shutters. Items such as posters, foil, sheets, blankets, clothing, and rugs are prohibited.
4. Residents (owner/renter) shall not make or permit any disturbing noises in their condominium by anyone or anything, between the hours of 9:00 PM and 8:00 AM, if the same shall disturb or annoy other occupants of the buildings.
5. No occupant will use the premises in any manner which would be disturbing or a nuisance to other said occupants, or in such a way as to be injurious to the reputation of the condominium.
6. The monthly charge of the Condominium is due in the Management Company office by the first (1st) day of each month. Payment should show address of unit to be credited. This fee covers the annual maintenance and upkeep on the common property and grounds.
7. The Board of Managers may levy a Special Assessment for improvements and large projects such as paving, roofing, and retaining walls.
8. All contractors doing any work in Valley Creek must supply a Certificate of Insurance, verifying coverages and limits of liability for General Liability, Automotive, Workers' Compensation, Cancellation clauses.
9. Bathroom – Please be mindful of what is flushed/disposed of down the toilet as the plumbing for a building may be effected by one unit. Bathroom fans, if broken, may be repaired by Valley Creek crew upon request.
10. Ripped/torn window or storm doors and screens are the unit owner's responsibility and must be fixed in a timely manner. Replacements and repairs must be neat in appearance.

B. ENFORCEMENT:

1. Residents (owner/renters) disturbing other unit occupants may receive written notices and be subject to fines determined by the Board of Managers.
2. If the Sheriff is called for any type of disturbance or nuisance caused by the Resident (owner/renters), the unit owner will be fined, as this is injurious to the reputation of the condominium complex.
3. Failure to pay the monthly fee and/or Special Assessment fee will result in the resident being assessed a late fee in addition to the regular fee. There is a grace period until the 10th of each month. A \$50.00 late fee is assessed on the 15th of the month.
4. Delinquent accounts of three months could result in a lien being placed on the resident's property. All costs incurred in the filing of the lien will be borne by the unit owner.

VI. ENFORCEMENT OF RULES & REGULATIONS

In addition to the specific powers as to enforce these Rules & Regulations, as otherwise stated herein, the Board of Managers may, after giving violators two written notices, impose and assess fines in accordance with the following schedule:

These fines will be levied per occurrence:

	<u>Minimum – Maximum</u>
Pets	\$50 - \$500
Parking	\$50 - \$500
Any other violations not specifically listed	\$50 - \$500

VII. RENTERS

Renters are subject to the same Valley Creek Rules and Regulations, as unit owners.

See attached “Rental Agreement” and “Lease Addendum”. These are copies only, originals are available from the Resident/Property Manager or the Management Company.

All unit owners must fill out a Valley Creek Rental Agreement and the Valley Creek Lease Addendum, when a unit is rented or leased. (See attachments A & B, VALLEY CREEK RENTAL AGREEMENT and VALLEY CREEK LEASE ADDENDUM)

ATTACHMENT A

VALLEY CREEK RENTAL AGREEMENT

ADDRESS: _____

LANDLORD: _____

ADDRESS: _____

HOME PHONE: _____ WORK PHONE _____

TENANT(S): _____

We (I) have received a copy of the Valley Creek Condominium Rules and Regulations.

We (I) have read them, understand them, and agree to abide by them as presented.

TENANT(S): _____ DATE _____

TENANT(S): _____ DATE _____

TENANT(S): _____ DATE _____

LANDLORD: _____ DATE _____

ATTACHMENT B

VALLEY CREEK LEASE ADDENDUM

LANDLORD: _____

TENANT(S): _____

ADDRESS: _____

ORIGINAL LEASE:

TERM: _____

BEGINS: _____

ENDS: _____

The Landlord and Tenant agree to add the following provisions to the above-specified lease. These provisions shall remain throughout the term of said lease and any renewals thereof:

1. Landlord and Tenant acknowledge that the leased premises are part of the Valley Creek Condominium.
2. Landlord's right to lease and Tenant's right to use and occupy the Premises shall be subject and subordinate in all aspects to the provisions of the Declaration and By-Laws of the Condominium, and the Rules and Regulations. Failure to comply with the provision of the Rules and Regulations shall constitute a material breach of this lease.
3. In the event of a material breach of the lease as determined by the Board of Managers with written notification to the Tenant and the Landlord, the Landlord shall take immediate steps to correct said breach. If after 21 days from the receipt of said notice the breach has not been corrected, as determined by the Board of Managers, then the Landlord shall take immediate steps to evict the Tenant from the Premises.
4. This lease grants Tenant a leasehold estate in the Premises for the lease term specified together with a license granting Tenant, for such lease term, Lessor's rights to use the common elements and common facilities of Valley Creek Condominium (excluding without limitation membership rights in the unit owner's association) provided that Tenant and Tenant's family, permittee, licensees, employees and agents exercise such license in accordance with the provisions of the Association Declaration and rules and Regulations.

5. Landlord and Tenant shall be jointly and severally liable for any damages directly or indirectly incurred by the Valley Creek Condominium as a result of the noncompliance by Tenant and/or Landlord with the provisions of the Declaration, rules and Regulations or any other covenant of this lease.

6. Renters are not allowed to have pets, with the exception of service animals or emotional support animals. Current New York State issued documentation (ESA letter from a licensed mental health professional) for these types of animals must be on file with the resident manager and the management company for Valley Creek.

I (We) have received a copy of the Valley Creek Condominium Rules and Regulations.

I (We) have read them, understand them, and agree to abide by them as presented.

TENANT(S): _____ DATE _____

TENANT(S): _____ DATE _____

TENANT(S): _____ DATE _____

LANDLORD: _____ DATE _____

ATTACHMENT C (front)

**VALLEY CREEK CONDOMINIUM
APPLICATION FOR
COMMON PROPERTY VARIANCE**
(Instructions on back)

A. APPLICANT'S NAME: _____
STREET ADDRESS: _____
BLDG. #: _____
CHECK ONE: Own_____ Rent_____

I/We request variance for:

B. It is hereby agreed that the above named applicant will be fully responsible for compliance with the requested variance as stated and/or approved.

I have read the regulations on the back of this form, and I certify that the proposed variance will fully meet the conditions set forth and hereby agree to observe all rules and procedures stated therein.

Signature of Applicant	Telephone Number	Date
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For Board Completion:

Approved _____ Completed By: _____
Conditionally approved with specifications:

Disapproved _____
Explanation:

Signature of Acting Agent	Date
---------------------------	------

(Applicant's Copy)

ATTACHMENT C (back)

INSTRUCTIONS FOR COMPLETION OF A VARIANCE

1. Read Regulations below.
2. Fill in sections A and B completely.
3. Forward completed application to Resident/Property Manager.
4. Extra applications are obtainable from the Resident/Property Manager.

REGULATIONS

1. Declaration Article X, Section 3, Paragraph d, Pages 12-13:

It shall be the responsibility of the unit owner to refrain from repairing, altering, replacing, painting or otherwise decorating or changing the appearance of any portion of the common elements without first obtaining the consent in writing of the Board of Managers, or its designee, and to refrain from repairing, altering replacing, painting, decorating or changing any balcony, or other exterior appendages to the unit, or otherwise, without obtaining the aforementioned consent.

2. No modifications are to be made to the common property without the PRIOR consent of the Board of Managers or its designee.
3. Common property modifications made without prior Board approval, and/or made without adhering to variance specifications, or made after Board disapproval are subject to reversal and/or correction at the expense of the unit owner
4. Any approved modification to Restricted Common Property becomes the unit owner's sole maintenance responsibility. This responsibility will remain with the new homeowner upon change of ownership of the respective unit.
5. Unit owners wishing to reverse Common Property modifications must submit a variance request and must return the Common Property to its original condition.
6. Unit owners making exterior modifications involving electrical wiring must provide proof to the Board of Managers of an Underwriters Laboratory inspection within 30 days upon completion. Any charge made for this inspection will be at the expense of the homeowner.
7. The unit owner will bear the cost of any damages made to Common Property by the unit owner and/or his contractor in making any modification.
8. Any non-permanent variance modification will be transferred to a new unit owner. Such variances include: use of window air-conditioners, planting of flowers, plants, shrubs, or trees, hanging flower pots, etc.

RULES AND REGULATION AMENDMENTS:

Please see the following pages for amendments to these Rules and Regulations. Future Amendments should be added to this package for future reference and for transfer to purchaser upon sale of the unit.