

Swansway Homeowners Association
Rules and Regulations
Adopted January 26, 2017
Modified September 8, 2023

The Swansway Homeowners Association, in Section 5.07 of the Amended Declaration of Covenants (the "Covenants"), provides for the Board of Directors (the "Board") to adopt Rules and Regulations covering the details of the operation and use of the Lots and Property. The intent of these Rules and Regulations is to provide direction to all homeowners as to how best to insure that the attractive qualities that brought us to this community can be maintained.

GOVERNING PHILOSOPHY AND ENFORCEMENT

The goal of the Board is to set forth general guidelines that permit each homeowner sufficient latitude to enjoy their homes as they see fit. The Board recognizes that by not being absolutely prescriptive in every matter, opportunities for differing interpretations of a particular rule or regulation may arise. While the Board will attempt to resolve disputes arising out of such interpretations in a collegial way, it reserves the exclusive right to make the final determination on any issue.

Article VIII of the Covenants describe the parameters for enforcement of the Rules and Regulations and the remedies available for addressing violations. In particular, see Section 8.05 which addresses the Board's right to levy reasonable fines after notice and an opportunity to be heard. At the discretion of the Board a fine of up to \$1000 can be levied per violation.

The Board does not desire to act as a "neighborhood cop" by engaging in active surveillance and inspection. Rather, it is the Board's philosophy that a homeowner who has a specific concern about the appearance or condition of another homeowner's property should address the concern directly with the homeowner, in the spirit of not escalating the issue. However the Board recognizes that a peer to peer process may not be possible in all cases and will review any concern brought forward. The Board will use the following procedure to address any concerns brought to it:

1. Homeowner submits Homeowner Concern Form (Attachment 1) to the Secretary of the Board.
2. Secretary will notify the Board and any other appropriate committee (e.g., Architectural Control Committee).
3. The Board will make a determination as to whether the concern justifies action.
 - a. If the Board does not agree that the concern is a violation of the rules, then the Secretary will send an email to the homeowner initiating the process advising them that the concern has been dismissed and no further action will be taken.
 - b. If the Board agrees that a violation has occurred, the offending homeowner will be notified per Step 4.
 - c. If the Board determines that the homeowner's concern does not merit action or consideration, the homeowner is reminded that they can invoke Article 2,

Section 2 of the Bylaws of Swansway HOA, which is in Exhibit C of the Covenants, which states by identifying two more members willing to have said concern addressed, they can call for a special homeowners' meeting.

4. Secretary will send an email to the offending homeowner outlining the issue and process for resolution (Attachment 2).
5. Secretary will send an email to the homeowner initiating the process advising that the Board is addressing the concern and action is pending.
6. Offending homeowner's written response is reviewed by the Board and action is taken to resolve the concern if necessary.
7. If the offending homeowner fails to respond to Step 4, the Secretary will send a follow up email (Attachment 3).
8. If there is no response to the follow up email, a registered letter will be sent to the offending homeowner as a final effort to communicate with the homeowner.
9. Board takes final action. Secretary notifies both the initiating homeowner and offending homeowner of the action taken.

LOT AND PROPERTY MAINTENANCE

It is expected that all homeowners will maintain their Lot and property in a manner that preserves the overall appearance of the Swansway subdivision. In order to more fully describe how best to accomplish this, the following requirements are established:

Maintenance of Structure

- All exterior finishes shall be kept in good repair; in particular, there shall be no peeling paint or rotting wood on any structure.
- Any painting of a structure requires the approval of the Architectural Control Committee if a change of any existing color is contemplated. Structures covered by this section include front doors, gazebos and decks. If the paint colors used are identical to existing, no approval is required.
- Paint color changes must be in keeping with the Covenants requirement of Article 5.08 which states that structures shall be of colonial design only. It is the Architectural Control Committee's discretion to approve or reject any proposed color scheme in consideration of Article 5.08.
- In addition to cedar shake roofs, the Architectural Control Committee may approve the following alternatives: DaVinci Bellaforte Shake in Aged Cedar or Enviroshake in Silver Cedar, both with snow guards (as needed for safety reasons) in the least visible style and color. Homeowners will need to submit an approval form (Attachment 4 of the Rules and Regulations) to the Architectural Control Committee, stating the exact type and color of roofing material, the snow guard style, color and placement, and the name of the contractor/installer.
- Homeowners making any changes to cedar shake roofs, such as a new cedar shake roof or restaining/reconditioning of an existing cedar shake roof, will need to get approval from the Architectural Control Committee, using the approval form

(Attachment 4 of the Rules and Regulations) stating the type of shake and the color of any stain.

Lawn and Garden

- Lawn Care- Lawns must be properly manicured to maintain the image and appearance of the neighborhood. All homeowners are expected to maintain a full, hearty, healthy, attractive, green lawn. Patchy lawns with excessive weeds are not acceptable.
- Weeds-Owners shall keep the weeds on their Lots under control throughout their property, including, but not limited to, driveways, flower beds, around trees and in culverts.
- Trees-Owners shall remove any and all dead or fallen trees, including broken limbs and branches, from their Lots in a timely manner, including stumps from the removed trees which must be completely removed or ground.
- Vegetable Gardens--No vegetable garden may be planted in a front yard.

Mailboxes

- Mailboxes and mailbox posts shall be in good condition and shall be perpendicular to the ground (within 2 inches of plumb). All mailboxes must be in compliance with the USPS requirements, which can be accessed online or at our local post office.

Driveways

- Each Owner shall be responsible for maintaining the driveways on his Lot and shall promptly repair any driveways which fall into disrepair including, but not limited to, heaving or collapsed culvert pipes, crumbling or deteriorating asphalt, concrete or bricks. Weed or vegetation growth in driveway surfaces shall be removed.
- Driveways may have other features such as decorative brick or railroad ties. The homeowner must obtain approval from the Architectural Control Committee prior to making any changes to the existing design of the driveway.

Parking

- Vehicles may only be parked on paved portions of the Lot, not on lawn adjacent to the paved area.

Screening of Yard and Recreational Equipment

- All equipment should be stored in the garage when not in use. This includes mowers, wheelbarrows, gardening tools and other similar items.

Exterior Lighting

- Exterior lighting shall be placed in such a way that it does not impact neighboring homes.

Noise

- Construction/demolition/renovation noise must be kept to a minimum. No work shall start before 7:00 a.m. Monday through Friday and 8:00 a.m. Saturday and Sunday.

Additional rules regarding construction noise are contained in the Deer Park Municipal Code.

Trash

- Trash bins, recycling bins, and other waste shall be placed at the curb no earlier than the evening prior to the day scheduled for pick up by the waste collector.

Short Term Rental

- Short term rental of a home for vacation or recreational purposes (e.g., Airbnb) is prohibited.

Long Term Leasing

- Home leasing is subject to Section 5.19 of the Covenants. Leasing agreements must be for a minimum term of 12 months. A signed copy of the agreement must be filed with the Board along with a tenant signature acknowledging the receipt and acceptance of the Covenants and Rules and Regulations.

ARCHITECTURAL CONTROL

Article IV of the Covenants establishes a process for the approval by the Architectural Control Committee (the "ACC") of changes or improvements to a Lot or property. It is the homeowner's responsibility to be aware of the requirements set forth in the Covenants and these Rules and Regulations in order that work subject to these requirements not commence prior to securing approval. Attachment 4 is the form that must be submitted to the ACC. Upon submission of the form, the ACC will act quickly to provide feedback to the homeowner. Please allow up to 30 days to review a request and provide initial feedback. It should be understood that the ACC intends to review projects quickly and approval can occur in less than 30 days, but if the ACC has questions or concerns the process may take longer, and that more time will be needed for building additions and complex projects. Once the ACC renders its final decision, the homeowner may appeal any adverse aspect of the decision to the Board.

Pursuant to the Covenants, Article 4.02 states: "...prior to obtaining any permit or license required by the Village of Deer Park for a project covered by the provisions of Section 4.02, the Owner shall be required to obtain approval from said Committee." The Village will expect to see written approval by the ACC during the permit process.

Should a homeowner commence work prior to the ACC's approval, the following will occur:

- At the Board's discretion, the homeowner will be required to stop work on the project and may be directed to return the Lot or property to its condition prior to the commencement of the work. Any expenses incurred as a result will be the responsibility of the homeowner.
- Recognizing the importance of the integrity of the architectural review process, the Board will impose an automatic \$1000 fine upon the offending homeowner for failure to adhere to the provisions of this section.

Attachment 1

SWANSWAY HOMEOWNERS ASSOCIATION
HOMEOWNER CONCERN FORM

Date:

From:

To: The Board of Directors of the Swansway Homeowners Association

Description of Concern (cite references to the Covenants or Rules and Regulation):

Steps You Have Taken To Address The Concern With The Offending Homeowner:

Your Proposed Action To Address The Concern:

Attachment 2

Initial Communication to Offending Homeowner

The following text will be sent via email to the offending homeowner:

It has been brought to the attention of the SHA Board that a Rules and Regulations violation has occurred. This violation requires your response within the next 5 days addressing the violation and your timeline for a remedy. Although the Board has the discretion to levy “monetary fines”, it is not the Board’s desire to do so if this violation is addressed and resolved to all the parties’ satisfaction within the next 10 days. Please direct your response listing your action and timeline for compliance to the Secretary of the Board.

Attachment 3

Follow Up Communication to Offending Homeowner

The following text will be sent via email to the offending homeowner if no response to the Initial Communication has been received:

The Board has previously contacted you regarding a SHA Rules and Regulations violation. We asked for your response within 5 days, but we have yet to hear back. Unless we receive your immediate response, we will take appropriate steps to resolve the violation. Any costs incurred will be your responsibility. The Board may also levy a fine.

Attachment 4

SWANSWAY HOMEOWNERS ASSOCIATION ARCHITECTURAL CONTROL PROCEDURES

Background - The SWANSWAY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Covenants") create an Architectural Control Committee (the "Committee") charged with the responsibility of approving all plans for specified construction and other activities of homeowners before commencement of such activities. The Covenants state:

"No building, sign, fence, wall or any other structure, including but not limited to grading and swimming pools, shall be commenced, erected or maintained upon any or all of the real estate" in the development, "nor shall any change or alteration thereon, be made until the plans and specifications, including but not limited to architectural and engineering, showing the nature, kind, shape, height, materials, color and location of the same, shall have been submitted to and approved in writing by" the Committee.

The Committee is to review the plans as to "harmony of external design and location in relation to the surrounding structures and topography, and as to aesthetics and effect on the balance of" the development.

Procedures - In order to facilitate homeowners' compliance with the Covenants regarding architectural control, the Board of Directors has adopted the following procedures.

1. Whenever any homeowner plans to erect a building, fence or addition to the homeowner's Property, or to commence any of the activities subject to review as set forth in the Covenants, that homeowner should request in writing a review of the planned project by the Committee. Whenever there is any question as to whether or not any planned activity is subject to review by the Committee, the homeowner should discuss the planned activity with the Committee prior to commencing the project. Exhibit I sets forth the suggested form of request for review. Requests for review should be submitted to the Secretary of the Board.
2. The Committee will meet with the homeowner and review the homeowner's plans and specifications for the project. The Committee may require architectural drawings, and grading and engineering plans as required to make an informed judgement. It is understood that the Committee intends to submit grading and engineering plans to a licensed engineer to determine that the plans conform to those of the development. Any fees incurred in this process are the responsibility of the homeowner submitting the plans for approval.
3. The Committee will inform the homeowner of its decision in writing. If any project is rejected as a result of deficiencies noted by an outside expert, such as the licensed engineer, the Committee will attempt to specify the deficiencies to the extent necessary for the homeowner to alter the submitted plans and specifications and remove the noted

deficiencies. After modification of plans and specifications, the homeowner may resubmit for review.

4. If the Committee approves the project, the homeowner may proceed with the work. If the Committee rejects the project, the homeowner may appeal the decision to the Board of Directors. The Board of Directors will review the project, meet with the homeowner if requested, and then inform the homeowner of its decision in writing. The Board of Directors' decision shall be final.

EXHIBIT I

SWANSWAY HOMEOWNERS ASSOCIATION REQUEST
FOR ARCHITECTURAL CONTROL REVIEW

Date:

To: The Architectural Control Committee of the Swansway Homeowners Association

From: Name of Homeowner

Address:

Planned start date: Homeowners should allow up to 30 days for this process. The Committee believes it is reasonable to believe most projects could be reviewed during this time frame. However, the Committee reserves the right to take as much time as is reasonably necessary to perform its review and to protect the rights of all homeowners.

Description of Project: Include a brief description of the planned project. For example; construction of swimming pool, pool house and surrounding fence

Attachments: The homeowner should list any documents submitted in support of the project with the initial request. Submitting documents, such as blueprints or drawings, is not required at this time, but doing so may speed the review process. If no documents are submitted with the request for review, the Committee will specify in writing any documents it deems necessary for review.

SWANSWAY HOMEOWNERS ASSOCIATION REQUEST
FOR ARCHITECTURAL CONTROL REVIEW

Date:

To: The Architectural Control Committee of the Swansway Homeowners Association

From:

Address:

Planned Start Date:

Description of Project:

For painting, please provide manufacturer and name or number of all colors you are proposing.
Also provide a sample sheet for all colors.

Attachments:

Approved by Committee

Date

Upon approval, a signed copy will be returned to the homeowner