



## **Rules & Regulations**

**Amended December 2014**

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These rules & regulations supersede any other distribution to all Unit Owners and may be modified, added to or adjusted according to the needs of the community with approval by the Board of Directors pursuant to the By-laws established for the Cross Creek HOA, Inc.

**Association Manager:**  
**Clover Management, Inc.**  
348 Harris Hill Road, Williamsville, NY 14221  
1-888-462-5687

## LETTER OF INTRODUCTION

TO: Each unit owner (and tenant, where applicable) of the Cross Creek Homeowner's Association, Inc.

This booklet is being issued to update and replace any previous Rules and Regulations that you may have received. Its purpose is to remind all residents that the Homeowner's Association of Cross Creek has established uniform rules for all members. These rules are set forth in the Legal Documents that were provided to you at the time you purchased your unit. This quick-reference guide serves to supplement and provide clarification for commonly asked questions. This guide does not replace the Legal Documents. Any inconsistencies between this guide and the Legal Documents shall be resolved in favor of the Legal Documents.

**ALL OWNERS WHO LEASE THEIR UNITS ARE REQUESTED TO PROVIDE THEIR TENANTS WITH A COPY OF THIS BOOKLET WHICH CAN BE COPIED. ALL TENANTS SHOULD READ THE BOOKLET AND THEY, AS WELL AS THE OWNERS, ARE EXPECTED TO ABIDE BY THE RULES.**

It is imperative that each resident at Cross Creek understands and takes personal responsibility for enforcing these simple rules and regulations. Maintaining the value of our homes can only be done by keeping our own area attractive and safe for ourselves and our neighbors.

The Board realizes that some existing rules may have been overlooked and/or misunderstood in the past. This is an effort to correct some of those problems. It is the obligation of the Board to develop and enforce regulations for the protection of the property here at Cross Creek. In the process, the Board also strives to ensure the safety, comfort, and security of each resident.

We must have your cooperation and understanding and ask that you familiarize yourself with the "Legal Documents." Only through your cooperation and compliance will these rules be successful in accomplishing their stated purpose. They will strive to make Cross Creek a place to be proud to call home!

Thank you.

Your Board of Directors  
CROSS CREEK HOA, INC.

## ***1. MONTHLY ASSESSMENTS***

The Cross Creek HOA, Inc. Board of Directors, through its association manager, Clover Management, Inc., provides each unit owner with payment coupons for monthly assessment payments. The unit owner is responsible for paying the monthly assessment on schedule.

All assessments are due and payable on or before the first of each month. All assessments are mailed to Cross Creek HOA, Inc., 348 Harris Hill Road, Williamsville, NY 14221. It is important you remember that post dated checks are not acceptable; legally the bank cannot hold them so we ask that you refrain from using this practice. Please include a coupon with each check you mail so that payments can be properly credited to your account.

Assessments should be sent in when indicated to avoid the late charge. Late charges are added to each account on the 11<sup>th</sup> of the month. The late charge at Cross Creek is \$21.90.

If assessments remain unpaid, the Board is authorized to proceed with legal action at which time all legal/collection fees are the responsibility of the delinquent unit owner.

## ***2. SAFETY & SECURITY***

The Board urges everyone to take proper precautions to protect people and property. Front doors and sliding doors on units and garage doors and garage man-doors should be kept locked at all times. Dead bolt locks can offer even greater security.

It is advisable to keep your automobile locked at all times.

When light bulbs burn out in front door lights, they should be replaced immediately by the unit owner. Although the Association may repair exterior light fixtures, it is up to the owner to keep the bulb working in each fixture.

The Sheriff's Department advises that you should not attempt to question intruders or to investigate suspicious activities, including people or vehicles driving along Dessie Heights. Call the Monroe County Sheriff's office directly at (585) 359-7100 to report unusual activity.

The Board of Directors is not responsible for the loss or damage of any property, notwithstanding loss or damage that may occur through the negligence of employees of the Board of Directors or managing agent.

Owners and tenants shall not permit or keep on their lots any chemicals, inflammable, combustible, or explosive material, or other dangerous substances.

No owners, contractors, or invitees shall for any reason enter the roof of any unit or building without the prior written consent of the Board of Directors.

### ***3. VEHICLES & PARKING***

There is a maximum of two parking spots available for a home owner: in the garage, or in the driveway directly in front of your garage. Parking on the street is permitted only between the months of April – October. No parallel parking is allowed in front of any building at any time to allow for emergency access. No parking on the lawn is permitted.

Guest parking areas, located throughout the property ***ARE FOR THE EXCLUSIVE USE OF SHORT TERM GUESTS ONLY – NOT FOR RESIDENT USE.*** Owner vehicles found parked in the guest parking areas can be towed away by the Association with all costs for this action being borne by the unit owner.

The Board also has the authority to fine unit owners for consistent use of the guest parking spaces. These fines, typically in the amount of \$25.00 per day are charged to the account of the unit owner and must be settled either upon resolution of the parking problem or at time of sale of the unit. Unpaid fines do become a lien against the property.

Should you be expecting a large group of guests, it would be advisable to inform your neighbors that additional vehicles will be near the unit in guest parking spaces or on the street for a period of time. Neighborliness goes a long way!

Parking at Cross Creek is restricted to unit owners, residents and their invited guests. Should you see that other vehicles are being parked on the premises, please notify the Sheriff's Department.

#### **No oversized, Commercial, Recreational, or unlicensed Vehicles, Camper Bodies, Boats, Trailers, Motorcycles or Scooters.**

Unless used in the maintenance of the Property, or unless garaged or otherwise consented to by the Board of Directors of the Association, the following shall not be permitted on the Property:

- Vans or pick up trucks exceeding ½ ton.
- Oversized vehicles (vehicles which cannot be garaged on the property.)
- Commercial vehicles (vehicles displaying commercial advertising) Whether or not a vehicle is deemed a commercial vehicle will be decided in the sole discretion of the Board of Directors.
- Recreational vehicles.
- Unlicensed or unregistered motor vehicles of any type.
- Camper bodies.
- Boats, jet-skis, or trailers.

#### **No Operation of Snowmobiles, Motorcycles, All Terrain Vehicles or Similar Motor Vehicles.**

The operation of snowmobiles, motorcycles, all terrain vehicles, etc is prohibited within the Property unless authorized by the Association's Board of Directors.

#### ***4. NEIGHBORLINESS***

Inasmuch as residents live in attached units and in concentrated land space, we should all be especially conscious of our neighbors comfort. By extending to each other simple courtesies we can make living at Cross Creek pleasant and enjoyable and at the same time, prevent and overcome some of the conflicts that have been reported in the past.

Because we live in attached units, there can be transmission of noise. Residents are asked to keep the sound of their radios, stereos, and television sets at a level that will not disturb their neighbors. Noise from other machines should be kept at low levels as well to avoid loud sound transfer between units.

Resident should be sensitive to disturbances caused by other activities in their units, such as slamming doors unnecessarily hard, parties, stomping on cellar and first-second story staircases and other activities that can result in sound transfer into adjoining units. Outdoor noise should also be kept to minimum levels to prevent disturbing neighbors and surrounding community. Automobile horns are to be used only when necessary for the safe operation of vehicles.

#### ***5. PETS***

Residents shall be permitted to keep two (2) dogs, or two (2) cats, or one (1) dog and one (1) cat. Dog owners should prevent their dogs from creating a disturbance or from littering the premises. Dogs should not be allowed to bark or cry for unreasonable periods of time or at hours that will disturb other residents. Nor should dogs be left unattended outdoors or in garages for long periods of time, leading to their creating noise. Dogs should not be allowed to run loose on the property or to relieve themselves in the common area. All pets must be cleaned up after immediately after defecation.

Owners keeping domestic animals shall abide by municipal sanitary regulations and shall be responsible for any inconveniences or damage caused by such animals. The Town of Henrietta has a leash law that is enforced by dog patrols. Animals allowed to run loose may be captured by the Town Dog Warden and their owners made to pay fines to retrieve them. Unattended dogs on the property should be reported to the Sheriff's Department.

Only pets registered with the Association are permitted in a unit (dogs must additionally adhere to Henrietta law requiring registration with the town). It will be assumed that dogs not registered with the Association are not registered with the town and will be reported accordingly. The town has established penalties for non-registration. All pets must comply with town, county and state immunization mandates.

1. Two (2) dogs or, two (2) cats or one (1) dog and one (1) cat per unit.
2. All dog owners must not allow excessive barking whether the dog is inside or outside the unit.
3. All pets, including cats, must be leashed when let outside and never left unattended. When walking leashed pets (be it one or two), owners must be able to maintain control of their pet/pets at all times. No tethering of pets is allowed.
4. Pet owners must remove defecation immediately. Any damage to the property will be the homeowner's responsibility to have repaired.
5. The following breeds are not allowed as pets at Cross Creek: Rottweiler, Doberman, Pit Bull, and Akita.

6. Non-resident unit owners, whose tenant wishes to have a pet, must make sure the tenant is compliant with the Pet Rules and Regulations. If this does not happen, the unit owner, not the tenant will be fined.
7. A monetary fine will be imposed if the above rules are broken.

## ***6. REFUSE COLLECTION AND STORAGE OF TRASH AND RECYCLING CONTAINERS***

Garbage should be kept in secure containers or plastic bags at all times. Because of the attraction of rodents, animals and insects, garbage should be securely stored until trash collection on Thursday mornings. Trash and recycle containers shall not be stored on the outside of a unit at any time. Such containers must be stored in the garage. Owners are responsible for placing their trash out for pick up each week and returning empty cans to their garages that same day. Trash should not be placed out for pick up prior to 6:00 p.m. Wednesday evening. On weeks where a holiday falls, the pickup will be on Thursday.

**Large/oversized waste will not be picked up unless prior arrangements are made.** If you have a large/oversized item, you need to schedule pickup with Waste Management directly. They can be reached at (800) 333-6590 and you can pay for the pickup with a debit/credit card.

## ***7. LANDSCAPING AND COMMON GARDENS***

No lawn or garden ornaments of any kind are allowed at any time. Seasonal flags or windsocks are acceptable with Board approval.

**Landscaping.** Shrubbery in the front beds must be limited to no more than three (3) feet high if in the form of a hedge, or four (4) feet if on the side of the Unit. Any change in the grade of a lot more than six inches from that existing at the time of purchase by the Unit Owner is also prohibited without prior Architectural Committee and Board approval. Landscaping shall be permitted in the common areas adjacent to a Unit only with the prior approval of the Architectural Committee and the submission of a full landscape plan for review. Shrubs may not be removed or replaced without submitting an Architectural Change form and prior approval from the Board of Directors. All new planting beds approved and installed within the common areas shall have black edging to protect against edge trimming conducted by the landscape company.

**Maintenance of Front and Rear Beds.** Front and rear beds are to be maintained by the individual Unit Owner. If necessary, the Board has the right to have any bed area maintained if the unit owner does not, with costs being charged to the Unit Owner.

**Watering of Lawn Areas.** All owners are encouraged to water lawns on a regular basis to assist the Association in maintaining the lawn throughout the Property.

**Hose Reels.** No hose reels are to be attached to siding, fences or brick on the Units. Hoses are to be stored inside garages during winter months.

**Architectural Approval Required.** Architectural Committee Approval is required for all changes that are visible from the exterior of any Unit including, but not limited to, planting/garden beds.

**Extermination.** All Unit Owners are responsible for the extermination of all bees, ants, wasps, etc. that invade their Property. The Association is only responsible for the removal of larger animals (rabbits, raccoons, skunks, etc.) when found in a common area or at or near a unit where peril is eminent from its presence.

## ***8. SERVICES PROVIDED BY THE ASSOCIATION***

The Association maintains, repairs and replaces, as necessary, Association property including the private roadways, lawn areas, signs and common sewer lines that service two or more units. Maintenance includes repair and replacement of the exterior portions of the units, including but not limited to the roof, siding, gutters, downspouts, painting exterior trim. The Association shall repair and replace fences initially installed by the Developer, and maintain, repair and replace all walkways and front porches, but shall not repair or replace stairs at the rear of the units. *NOTE: WINDOWS, WINDOW FRAMES, GARAGE DOORS, GARAGE DOOR FRAMES, ALL GLASS AND FOUNDATIONS ARE THE RESPONSIBILITY OF THE UNIT OWNER.*

Plumbing in units shall not be used for any purpose other than those for which they were designed, nor shall any sweepings, trash, rags or other articles be disposed of in any plumbing. Damage resulting from misuse of plumbing shall be repaired and paid for by the unit owner.

The Association's contractor removes snow from parking areas and walkways when snow measures 3" or more. Keep in mind that vehicles parked in the driveways can hinder the efforts of snow removal.

Insurance to include fire and casualty insurance on the units, and casualty and liability insurance on the association property.

The Board of Directors or its designee shall have the right of access to any townhome for the purpose of making inspections, repairs, replacements, or improvements, or to remedy a situation which would result in damage to other portions of the townhome cluster. This may include, but is not limited to, extermination of vermin, insects, or other pests.

## ***9. EXTERIORS***

**Exterior Walls:** Unit Owners and/or tenants are not allowed to alter the siding and/or brick on the building or garages. This includes:

- ❖ *NO NAILS*
- ❖ *NO SCREWS*
- ❖ *NO PLANT HANGERS*
- ❖ *NO SIGNS*
- ❖ *NO UTILITY INSTALLATION*

Without Board approval, nothing can be placed into the siding and/or brick at any time. Failure to comply with this rule will result in fines being assessed.

No owner or licensee shall install electrical, antennae, satellites, or any wiring for the same, without the prior written consent of the Board of Directors.

**Storm & Screen Doors.** Storm/screen doors are prohibited unless approved by the Architectural Committee.

**Garage Doors.** Garage doors are to be kept closed at all times except for purposes of ingress and egress. Owners are responsible for garage door maintenance and replacement.

### **Decks and Patios.**

- No hanging of any towels, clothing, etc. shall be permitted over the edge of the railing of any deck.
- Only outdoor furniture, a grill (electric), and flower pots shall be allowed on the decks and patios.
- It is recommended that decks be sealed or stained every other year.
- There are to be no pools, baby pools, or similar items placed on any deck, patio, or common area. All children's toys are to be stored indoors when play is finished and not stored outdoors at any time.
- The installation of deck gates is prohibited, unless authority for such installation is approved by the Board of Directors upon written request made by the individual unit owner.

**Porches, sidewalks and entrances** must not be obstructed or encumbered or used for any other purpose than ingress and egress to and from the homes. Patio furniture is allowed but not trash, garbage containers nor tools.



**Signs.** No sign, advertisement, notice, for sale sign or other lettering shall be exhibited, inscribed, painted or affixed by any resident on the exterior of any home or building, hung from any windows or place in windowsill, without the prior consent of the Board of Directors.

**Protrusions.** No awnings, aerials, machines or other projections shall be attached to the outside walls of the building, and no blinds, shades or screen shall be attached to, hung or used on the exterior of any window or door without the prior consent of the Board of Directors.

**Fans and Air Conditioners.** No fans or air conditioners are allowed in windows or window areas, and no air conditioning units are allowed to be installed through the sides of a building.

**No Clotheslines.** No outdoor drying or airing of any clothing or bedding shall be permitted within the Property at any time.

**Cleaning.** Each Owner shall keep his or her home in a good state of preservation and cleanliness. Keeping refuse or garbage outside a garbage can or bag or anywhere but the garage is prohibited. No hanging, cleaning, or beating rugs and/or garments is permitted.

#### ***10. USE OF COMMON AREAS***

The common area of the property shall not be obstructed, littered, or misused in any manner. No balls shall be batted or otherwise struck on any portion of the property. No basketball backboard or net should be attached to garage or unit, no games, Frisbee, catch, etc. All other recreational use is subject to prior written authorization of the Board.

Employees of owners may not gather or lounge in the common areas of the grounds.

No changes shall be made to any common element without prior written consent of the Board.

All damage to common elements caused by moving or carrying objects shall be the responsibility of, and paid for by, the unit owner or person in charge of such objects.

#### ***11. RESIDENTIAL USE ONLY***

The Property shall be used only for residential purposes and purposes incidental and accessory there to.

#### ***12. SINGLE FAMILY RESIDENCE***

Each Unit may be used only for the purpose of a single family residence. For the purpose of these Rules and Regulations, "single-family: shall not extend beyond the children of the Unit Owner or his or her spouse or life partner.

### ***13. NO COMMERCIAL OR PROFESSIONAL ACTIVITY***

No wholesale or retail business, including any salon, studio, laboratory, home industry or medical or dental office, shall be conducted in or on any Lot or other portion of the Property without the consent of the Board of Directors, except the conducting of business by telephone. This restriction is not intended to preclude the operation of an in-home office for purposes other than those set forth above.

### ***14. LEASE OF UNITS***

No unit may be leased for any purpose other than a single-family residence with no more than two (2) persons being permitted to occupy each bedroom. Any other areas, spaces or rooms of the Unit (e.g. basement, living room, etc.) may not be used as a bedroom for the purposes of determining the number of person permitted to occupy a unit. (for example, a 2-bedroom Unit may be lease to no more than (4) four occupants all of whom must be a part of a “single family” as defined in these Rules and Regulations.)

No lease of a Unit shall be for an initial Term of less than one (1) year. Owners shall be required to utilize the approved Master Lease Form for Cross Creek HOA, Inc. and provide Tenant and Vehicle information to the Board of Directors.

### ***15. VACATION NOTIFICATION***

Owners are urged to notify the managing agent when leaving home for an extended period of time advising them of a telephone number and person to call for a key to gain entry to your unit in the event of an emergency.

### ***16. COMPLAINTS***

All complaints regarding service or operations at the property shall be made in writing to the Board to Directors or to the managing agent.

### ***17. VIOLATION OF THE RULES***

Any violation of the rules and regulations may result in fines being assessed to the unit owner.