

THE  
VILLAGE  GRANDE®  
AT ENGLISH MILL

# Architectural and Exterior Property Rules and Regulations

Revised June 2019

## INTRODUCTION

The Architectural Control Committee (ACC) establishes Rules and Regulations to preserve the character of Village Grande at English Mill as a high quality, planned adult community. The VGEM Homeowners Association's Rules and Regulations, limitations and conditions incorporate those contained in the Declaration of Covenants & Restrictions and Bylaws, recorded by the Atlantic County, NJ clerk's office in Book 12355 CFN#2006057025 on June 8, 2006, as amended by regulations of the Township of Egg Harbor, Atlantic County Utilities Authority (ACUA), Atlantic County Board of Chosen Freeholders, Board of Trustees of VGEM Homeowners Association, Inc. and its Architectural Control Committee. ACC restrictions maintain external architectural consistency, visual and esthetic harmony and soundness of repair to avoid activities deleterious to the aesthetic and property values of the Community.

The duties, powers and authority of the ACC are detailed in Article IX of the Declaration of Covenants and Restrictions of the Village Grande at English Mill Homeowners Association, Inc. and are legally binding upon every homeowner in the community. The ACC's powers include rights to issue Cease and Desist orders and levy fines for violations of the Rules and Regulations. **It is the homeowner's responsibility to thoroughly familiarize himself with the contents of the Rules and Regulations, the Declaration of Covenants and Restrictions and Bylaws.** The Rules and Regulations contained herein are not all-inclusive and are subject to periodic amendments, revision and distribution.

**Nothing shall be done in or to any Home or on, in or to the Common Property which will impair any Home's structural integrity, or which will structurally change any Home. In addition, no Owner shall have the right to paint, decorate or otherwise change the appearance of the exterior of his Home, or any portion of the Common Property without the prior written consent of the Architectural Control Committee. — Article IX, Declaration of Covenants and Restrictions**

The Board of Trustees designated the ACC to review, evaluate and approve all modification requests. All exterior changes, modifications and improvements require the expressed written approval of the ACC prior to starting a project. Changes to previously approved work also must be submitted in writing prior to proceeding. Application forms are available at the clubhouse. Completed application forms must be delivered to the Community Manager who will record the request and forward it to the ACC. Most applications must include plot survey, explicit design details and measured, to-scale drawings. All applications are considered on an individual basis utilizing, but not limited to, lot size, home model and screened porch or sunroom. The ACC reserves the right to apply limitations or restrictions as they deem necessary. **Failure to obtain written approval of an exterior change will result in a fine of \$50.00 per occurrence.**

Questions regarding this document should be addressed to the Community Manager.

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1. **THE COMMON PROPERTY** – The Common Property shall be used only for the furnishing of the services and facilities for which they are reasonably intended and suited and which are incidental to the use and occupancy of the Homes.
2. **OBSTRUCTION AND STORAGE** – There shall be no obstruction anywhere within the Entire Tract, nor shall anything be stored in or upon the Entire Tract unless expressly permitted in writing in advance by the Architectural Control Committee. Residents are permitted to place moving pods, dumpsters or portable toilets in their driveway only for a reasonable amount of time during projects. The ACC must be notified via the Community Manager.
3. **USE OF COMMON PROPERTY** –
  - a. No Owner or Occupant shall build, plant, or maintain any matter or thing upon, in, over or under the Common Property unless approved in advance by the Board of Trustees or its designee.
  - b. Applications to improve or modify the Common Property are subject to the Rules and Regulations adopted by the ACC and the same protective provisions contained within, including Articles 9.03 and 9.05.
  - c. Improvements or modifications may only be made to Common Property adjacent to the Homeowners property and if approved, maintenance of any improvement or modification becomes the sole responsibility of the Homeowner, his heirs or designees and shall be bound in perpetuity to the lot regardless of title transfer. The Common Property itself remains the property of the Village Grande of English Mill irrespective of any approval to improve or modify same.
  - d. The Association reserves the right to require the removal or modification of any project at the expense of the owner.
4. **STRUCTURAL CHANGES AND EXTERIOR MODIFICATIONS** – Nothing shall be done in or to any Home or on, in or to the Common Property, that will impair the structural integrity of any Home or which will structurally change any Home. In addition, no Owner shall have the right to paint, decorate or otherwise change the appearance of the exterior of his Home or any portion of the Common Property without the prior written consent of the Architectural Control Committee.
  - a. **Awnings** – Retractable fabric self-storing awnings are permitted on the rear of the Home over the existing patio. Color, size, and quality of the awning **MUST** be pre-approved in writing. Stripes are allowed, provided they are limited to two or

three colors and complement the trim and siding colors of the home. A material swatch must be submitted with the application.

- b. Doors and Shutters** – Applications to install, replace or paint front doors, storm doors, rear patio doors or shutters must be submitted to the ACC for approval.
    - i. Replacement doors must be compatible in scale, character, and material with the original specifications of the community.
    - ii. Approved paint colors are white, black, Tuxedo Gray, Marooned, Blue Blazer or Jasper.
    - iii. Front or rear storm doors must be white or match color of the front entry door. Front storm doors must be full view and have clear glass. Rear storm doors may be full view or half-panel clear glass.
    - iv. Sliding or French doors may only be installed on the rear of the home.
    - v. Door color and shutter color must be the same.
    - vi. No application or approval is needed to repaint exterior features the same color as part of routine maintenance.
  - c. Driveways** – Applications to replace a driveway must be submitted to the ACC for approval.
    - i. Driveways may be constructed of either concrete or pavers; asphalt is not permitted.
    - ii. All driveways must not show any signs of deterioration. Any deterioration must be repaired by the homeowner.
    - iii. Driveways must be kept weed and grass free at all times.
    - iv. Only pavers are permitted to expand driveway width.
    - v. Owner accepts responsibility for the care and maintenance of any paver installation and understands that if anyone falls due to the installation of pavers, the HOA is not responsible.
    - vi. Association is not responsible for damage to pavers caused by landscape or snow operations.
  - d. Sidewalks and Curbs** – Township ordinances mandate that the maintenance and repair of sidewalks and curbs adjacent to homeowner’s private property is the responsibility of the homeowner.
5. **CLOTHESLINES** – No Owner shall cause or permit any clothesline, poles or clothes trees, clothes, sheets, blankets, or laundry of any kind or other articles to be hung or displayed on the outside of windows or placed on the outside windowsills, walls, patio or turf area of any Home or area of the Common Property.
6. **CLEANLINESS AND EXTERIOR MAINTENANCE** – Owners shall keep their Home in a good

state of preservation and cleanliness. It will be necessary for homeowner to power wash if mildew/dirt is present. Siding must be clean and in good repair by May 15<sup>th</sup> of each year. Fines will be levied for failure to maintain standards.

7. **PATIOS** – The construction of decks is prohibited. Building a patio shall require the prior written approval of the ACC and shall not be used for storage purposes including, but not limited to, major appliances, auto parts, storage containers or bicycles. Use of in-ground barbeques and/or other types of cooking apparatus is prohibited. **Applications for patios must be submitted in writing for approval prior to construction.**
- a. **Patio expansions** must meet all laws and regulations
    - i. Must meet all setback requirements (20' from rear property line, 5 feet from side property lines)
    - ii. May not cause adverse effects on the common or private lawns or irrigation systems. Homeowners will be responsible for any damage that may occur during construction or as a result of construction.
    - iii. May not cause adverse impact on storm water management including rear and side swales. Homeowners will be responsible for any damage that may occur during construction or as a result of construction.
    - iv. Must be contained within the “footprint” of the home.
    - v. Total patio size may not exceed 300 sq. feet
    - vi. Patios may not be constructed from wood.
    - vii. Each application will be reviewed on a case by case basis to ensure all provisions are met.
    - viii. Existing patios that do not conform to the rules above in items a-h are grandfathered in; however, such patios shall not set a precedent for any future patio expansion application.
  - b. **Patio walls** (not to be confused with landscape walls) shall not exceed 18 inches in height from the floor of the patio. Columns and/or lighting fixtures utilized separately or in combination may not exceed 48 inches in height. Pictures of all components used in the patio walls must be included with the application (i.e. pavers, walls, columns, light fixtures, etc.) The constructed patio may not extend beyond the side boundaries of the Home’s building envelope.
  - c. **Planting Beds or stone borders** are permitted around flowerbeds or patio but must be shown on the application for approval. Loose stone borders require plastic, brick, or stone edging.
  - d. **Irrigation System** – Patio alterations may require adjustments to the irrigation system. Only a licensed and insured irrigation contractor may perform this work. A Certificate of Insurance naming the HOA as additional insured must be submitted with your application.

- e. **Furniture** – Outdoor furniture is restricted to porches and patios. All furniture must be secured when not in use. Outdoor furniture must not obstruct landscape maintenance.
  - f. **Deck Boxes** - Patio deck box or seats (used for storing patio essentials such as chair pads, furniture covers, patio tablecloths, etc.) may not exceed 24 inches high by 54 inches wide by 30 inches in depth.
  - g. **Patio Pergolas** - Construction of a pergola on the patio shall require the prior written approval of the ACC and is subject to the following restrictions:
    - i. Pergola may only be installed over patio areas.
    - ii. Pergola must be self-supporting and may not be enclosed on any side or have a covered roof.
    - iii. Pergola color must match the Home’s exterior trim color. Application must specify the Pergola color and exterior trim color.
    - iv. NO attachments of any kind may be placed on the pergola including, but not limited to: climbing plants, vines, etc.; hanging baskets, lighting systems of any kind, fans, or lattice or lattice-like structures.
8. **LIGHTING** – No Owner shall install any floodlights on the exterior of a Home, patio or flower bed without prior written consent of the ACC.
- a. **Exterior Home Lighting Changes** must be approved prior to installation. Front fixtures must be comparable in size and design to original developer-installed fixtures similar to those pictured below and may not exceed 21-inches in height from ascending tip to descending tip. Fixtures must be either brass, white, matte black or bronze patina in color. They may not disturb or cause any concern to other homeowners. Replacement fixtures may contain a motion sensor, or dusk to dawn attachment. **A picture of the proposed replacement fixture, and detailed dimensions, must accompany the application for approval.** Lights must be aimed toward the homeowner’s home.



- b. **Low Voltage Accent Lighting/Solar Lights** are permitted in the front landscape beds only.
- c. **Floods Lights may only be installed on the back of the home and** shall not disturb or interfere with the comfort of the neighbors’ living space, nor be aimed

at adjacent properties.

- d. **Party Lights** may be used for special occasions but must be removed immediately following the event.
9. **GARAGE DOORS** – Garage doors shall be kept closed at all times when a vehicle or person is not entering or leaving the garage. Short-panel window inserts may replace the solid upper panel of garage doors upon prior written request to the ACC. Application must include window style to be installed and is restricted to the five styles shown below. Window selection must be compatible with style of windows in the Home. Only garage door's first (upper) panel may be approved for replacement with window panels.



SP 20 – Stockton



SP 21 - Prairie



SP 23 - Cascade



SP 27 – Sunray



SP C – CL

10. **WINDOW TREATMENTS** – Draperies, blinds, shades or curtains must be installed by each Owner on all windows of his Home and must be maintained in said windows at all times.
11. **SIGNS AND DECOR** – No sign or signs shall be placed on any part of the Entire Tract advertising the Property for sale, rent or lease, or for any other purposes whatsoever except as provided in this Declaration or as permitted by law. No sign of any type visible from the exterior of the Home shall be placed on the window surface of any Home, except for a security alarm company decal. “Open House” signs are permitted on the day of the event on the homeowner's property.
- a. **House Displays and Signs** – Decorative plaques or signs not exceeding 12” x 18” in the front or maximum of 36” x 36” in the rear of the Home are permitted. No message may be offensive to the Community or any of its residents.
- b. **Holiday Decorations** - Holiday decorations may be affixed to windows or the outside of the Home, mailbox, trees and/or shrubbery. Installation and activation of holiday decorations may not take place sooner than one (1) month prior to the holiday and MUST be removed no later than three (3) weeks following the holiday. Seasonal decorations may be displayed throughout the appropriate season (Spring, Summer, Fall, Winter).
- c. **Flags** – One American Flag plus one sports flag or one holiday flag may be flown from a flagpole bracket attached to the Home. The maximum size of the flag must not exceed 3 feet by 5 feet. In-ground poles are prohibited. Small

decorative American flags may be placed in the landscape beds.

12. **ANTENNAS and SATELLITE DISHES** – No Owner or tenant thereof shall erect or maintain an exterior antenna on any Home within the Entire Tract unless approved by the ACC. A. Satellite dishes are permitted if no larger than 39 inches in diameter or diagonal measurement but require ACC’s prior written approval.
- a. Satellite dishes must be installed in the rear of the Home below the roof line and may not exceed the height of the roof peak.
  - b. Location of the satellite dish must not interfere with the enjoyment of adjoining property Owners.
  - c. The homeowner must indemnify the Association and its members from any personal injury and property loss or damage caused by the installation, maintenance or use of a satellite dish.
13. **MAILBOXES** - Mailboxes must be maintained in a clean and attractive manner, properly aligned, and firmly secured in the ground.
- a. Flags may not be broken, missing, or faded.
  - b. Replacement mailboxes may only be white and the same size, shape and design as the original.
  - c. If covered, the cover may not be faded or torn.
  - d. Address numbers must be black, at least 2.5” in height and visible on both sides of the post.
  - e. **Curbside Planting** – No planting is permitted on, around or above the mailbox or curbside trees.
14. **FENCES** – No fences or sheds of any kind shall be constructed or placed ANYWHERE on the Entire Tract. Invisible Fences may be permitted upon application to the ACC. Application will require an irrigation inspection and appropriate fees. Fence must be in rear of home and at least one foot from property line. The HOA is not responsible for damage to the invisible fence wiring as a result of normal lawn maintenance such as mowing, thatching and core aeration.
15. **LANDSCAPING/HARDSCAPING** - The maintenance, watering and weeding of all plant beds and trees on the homeowner’s property is the homeowner’s responsibility and not part of the Common Area irrigation and maintenance. Mulch beds, sidewalk joints, and driveways must be weed free at all times. Fines may be levied for failure to adequately maintain plant beds and trees.

The replacements or addition of shrubs, bushes, and flowers inside existing beds with plants of similar size and growth habit shall not require approval of the ACC.



The use of invasive plants such as zoysia grass and bamboo are prohibited.

- Planting or construction is prohibited within 2 feet of a swale center
  - Planting of fruits and vegetables is prohibited
  - Artificial Flowers or Artificial Plants are prohibited.
  - Dead plants must be removed from pots and hanging baskets.
- a. **Extending Flower Beds and Landscape Walls** - No Owner, tenant, lessee or private contractor shall change the size, composition and configuration of flower beds, nor erect landscape walls or borders without prior written approval of a Landscape Plan and Modification Application by the Architectural Control Committee. Applications are available at the Clubhouse. Failure to obtain approval prior to the start of construction will result in fines and orders to demolish and remove all non-conforming construction at Owner's expense.
- b. **Size of Flower Beds, Landscape Walls, Shrubs and Trees** shall be limited by lot size and configuration; location of swales and sprinklers; mowing requirements; snow removal; and selection of species whose root systems and mature size will not endanger structural integrity of any Home, underground utilities or irrigation system. Spread of shrubs and evergreen trees in lawn areas may not exceed 6 feet in diameter at maturity. Expansion of any type beyond 36" from a foundation is discouraged due to the need to maintain proper water drainage. (See recommended list).
- c. **Installing hardscaping (including brick, pavers, concrete and other impervious materials) in front of the property** – Owners may install hardscaping and additional impervious materials adjacent to walkways and driveways so as not to exceed 180 square feet in total excluding the square footage of the existing driveway and walkway).
- i. Width of pavers along a driveway may not exceed 24" on the side that extends past the footprint of the house. On the other side, the hardscaping must taper down to a maximum width of 36" where it meets the sidewalk.
  - ii. All applications shall be limited by lot size and configuration, location of swales and sprinklers, mowing requirements, and snow removal and shall be considered on an individual basis.
  - iii. Project must meet all applicable laws and regulations.
- d. **Private Irrigation Systems** - Applications to install private irrigation systems or drip lines must be submitted in writing for approval prior to installation.

- i. Irrigation installations must meet all laws and regulations
  - ii. May not cause adverse effects on the common or private lawns or irrigation systems. Homeowners will be responsible for any damage that may occur during installation or as a result of installation
  - iii. May not cause adverse impact on storm water management including rear and side swales. Homeowners will be responsible for any damage that may occur during installation or as a result of installation.
  - iv. Each application will be reviewed on a case by case basis to ensure all provisions are met.
- e. **Common Irrigation System** – Landscape alterations may require adjustments to the irrigation system. Common irrigation heads must be located outside of garden beds and intended to water the turf areas only. Only a licensed and insured irrigation contractor may perform this work. A Certificate of Insurance naming the HOA as additional insured must be submitted with your application.
- f. **Mulch** - Mulch may be shredded hard-wood or cedar. Mulch must be maintained to a thickness of 2” to eliminate unsightly soil erosion or weed invasion. Mulch beds must be replenished and weed –free by June 1st of each year. Rubber mulch is not permitted. Homeowners that do not maintain their mulch beds on the sides of their homes risk having their siding damaged during mowing and other landscape projects. Action may not be taken against the landscaper in such situations. It is the homeowners’ responsibility to maintain the mulch beds, as they act as a buffer to protect the home.
- g. **Stone** - Homeowners may replace mulch with stone (commonly called River Rock or Coventry Rock) only if an application is submitted to the ACC and approved. Stones must be 1” to 6” in diameter and contained by a border with a minimum height of six inches (6”). Borders may not be composed of metal.
- h. **Landscape Walls** - (not to be confused with Patio Walls discussed under 9.01 N) Landscape walls near an irrigation head **may not be higher than 6 inches** and curved walls, pavers and plantings may not block any irrigation head or impede irrigation coverage. The system must be able to water the original target area without use of risers to elevate the head height. Landscape walls not located near an irrigation head shall be limited to 12 inches in height, including the cap, and must be of maintenance-free material. Use of wood is prohibited. Homeowners should be aware that the planting beds established by the developer cannot automatically be used as the outline for landscape walls.
- i. **Trees** - Replacement or removal of trees requires an application. It is

recommended that a mulched tree ring is maintained around all in-turf trees. Damage to in-turf trees from landscape operations will not be the responsibility of the contractor if there is not a mulched tree ring around the tree. A copy of suggested replacement trees may be obtained from the office. No Owner, tenant or lessee shall remove any plantings installed by the Developer within the Common Property. Mature, in-turf trees should be limbed seven feet up from the ground so as not to interfere with landscape operations.

- j. **Curb trees** – The maintenance of curb trees is the homeowner’s responsibility. Mature curb trees should be limbed seven feet up from the ground. The ACC must be notified if a homeowner intends to remove, or remove and replace, a curb tree. If the homeowner removes the tree the mulch must also be removed, and the area seeded or sodded.
- k. **Utility Landscape Buffers** - Homeowners may plant around any Utility Vaults and Boxes on their property, however, N.J. State regulations give Utility Companies the right to remove any plantings that interfere with the operation and safety of their equipment or impede access to service their equipment and underground lines without compensation to homeowners. A landscaping application is required by the ACC to ensure that the proposed planting conforms to other landscaping requirements and will leave access to the equipment. Plants that remain low and are tolerant to foot traffic must be selected, since the utility workers may clear or trample plants when performing maintenance. Homeowners or their contractors must be extremely careful that their plantings do not affect any underground utility equipment.
- l. **Ornaments, Garden Décor, and Shepherd Hooks** are restricted to within the mulch beds and limited to a maximum of two within a single bed.
- m. **Hanging Flower Baskets** - Hanging Flower Baskets may be hung from overhead structures, under eaves of the house or porch, or on shepherd’s hooks, with a maximum of three per home
- n. **Bird Feeders and Birdhouses** – Bird feeders and birdhouses are permitted only in the rear of the home, providing they don’t create a nuisance. Bird feeders and birdhouses may not be ATTACHED TO or HUNG FROM the Home or the street tree. Ground feeding of any species of bird or animal is prohibited.
- o. **Arbors, Lattice Fencing and Trellises** are prohibited.

**Failure to obtain written ACC approval before making exterior changes to your home will**

**require a post-application fine of \$50.00 to be attached to the Landscape Modification application.**

16. **SOLAR PANEL SYSTEMS** - A roof-mounted Solar Photovoltaic (PV) System (a.k.a. solar panels) is permitted but requires prior written approval of the ACC. Installation other than on the Homeowner's roof is strictly prohibited.

Applications are available at the Clubhouse and must include detailed scaled construction drawings showing location, size, color, and rating efficiency of solar electric modules, exterior conduits and other exterior system components. **Once approved, deviation from construction drawing specifications will result in fines and orders to remove non-conforming construction at the Owner's expense.**

Capability of the roof structure to support the Solar PV System load and lift must be certified by a licensed architect or structural engineer. System must be designed and installed by a professional, licensed contractor. Photographs, manufacturer's description of the system and color selections must accompany the application.

Solar PV System's array must be flush mounted, and all components must integrate with the Home's exterior design. Color of the system components should conform to the roof shingle color to the extent practical (i.e., black frames on dark colored shingles, silver frames on light colored shingles).

Exterior conduits must be hidden from sight, either in the attic, garage, basement or under eaves, and color-coded to match roof shingles, eaves, or siding where not reasonably possible to conceal them. The DC/AC disconnect boxes, inverter, main electrical panel alterations and other exterior components (excluding solar panels) must be concealed/color-coded to blend with the structure.

Homeowner must indemnify the Association and its members from any personal injury, liability, property loss or damage caused by the installation, maintenance or use of a solar energy system. The Owner also must provide for the safety, maintenance, repair or replacement of the solar system to the satisfaction of the Association. The Owner, his tenants or lessees must keep solar panels free of dried leaves and combustible debris.

Prior ACC approval is required to obtain an Egg Harbor Township building permit. Installation is subject to approval of a Township inspector. To avoid unnecessary

expense, Homeowners should not apply for a permit until application is approved by the ACC.

17. **EMERGENCY POWER GENERATORS** - Natural-gas-powered generators to supply electricity to critical areas of the home in the event of an electrical power failure are permitted on restricted portions of lots but require prior written approval of the ACC. Installation may not be possible on all lots due to location of swales and irrigation system as well as lot size and configuration.

Applications are available at the Clubhouse and must include scaled construction drawings showing location, size and rating efficiency of the generator and exterior system components. **Deviation from approved specifications will result in fines and orders to remove non-conforming construction at the Owner's expense.**

ACC approval is required to obtain the necessary Egg Harbor Township Zoning, Construction, Electrical, Plumbing and Fire Protection permits. To avoid unnecessary expense, homeowners should not apply for the five Township permits until the application is reviewed and approved by the ACC. Completed installation is subject to approval of Township inspectors. Copy of all permits and inspection certificates must be filed with the ACC via the Community Manager. Homeowner must indemnify the Association and its members from any personal injury, liability, property loss or damage caused by installation, maintenance or use of an emergency power generator. Owner, his tenant or lessee must provide for the generator's safety, maintenance or replacement to the Association's satisfaction.

**Portable Generators - A portable gasoline-fired generator to supply electricity to critical areas of the home in the event of an electrical power failure is prohibited from operating inside a garage to avoid poisonous carbon monoxide exhaust gas from infiltrating the house even with the garage doors open.**

Unlike natural-gas-fired generators, portable gasoline-powered generators are not meant to be used 24-hours-a-day for 2 or 3 days, but are designed for contractors' use for limited periods of time when on a job site. **Gasoline-powered generators should not be operated while sleeping, unless required by critical medical equipment, and must never be left operating while a resident is away from the house.**

Gasoline-powered generators must be located outdoors and are **prohibited from operating on swales**. Portable generators shall be operated at least 5 feet from a

house and 3 feet from any sparking device, unless greater distances are required by the manufacturer's operating manual or Egg Harbor Township Ordinance, if applicable.

All connections must comply with the National Electric Code. If connected directly to the Home's main circuit panel, Homeowner, his tenant or lessee must hire a licensed electrician to install a UL-listed interlocking plate, a double-pole breaker sized to the generator's output, and a twist-lock 4-prong receptacle. An improperly connected generator can result in dangerous back feed of electricity.

18. **RESTRICTIONS on ALTERATIONS** - No Owner (other than the Developer) may make structural additions, alterations or improvements in or to his Home or upon or to the Common Property or impair any easement of record or referred to in this Declaration without prior written consent of the Architectural Control Committee. No additional changes are permitted to the Home unless permitted by Township of Egg Harbor zoning ordinance.

**Applications** - Homeowner shall apply to the Architectural Control Committee for any proposed change to their lot or exterior of their dwelling unit. Homeowner will receive written notification of the application status from the Community Manager within 75 days of submission. Application approval is valid for six months or as otherwise specified in the approval. Homeowner must obtain all permits required by any Township, County, State or Federal government entity prior to starting construction or demolition.

If an application is rejected, a written reply shall be sent to the homeowner. All changes and modifications require the expressed written approval of the ACC prior to the start of any project. **Failure to obtain approval prior to the start of a project and any deviation from approved plans will result in fines and orders to demolish and remove non-conforming construction at the Owner's expense.**

Proposed changes or deviations from an approved application also must be approved in writing prior to proceeding.

The Owner shall notify the Community Manager of the completed construction and readiness for a final inspection by the ACC to prove conformity with the previously approved application and any subsequently approved modifications.

**Building Permits** - Prior approval of the ACC is required to obtain Township approval and the issuance of an Egg Harbor Township building permit. Completed construction is subject to approval of a Township inspector. To avoid

unnecessary expense, homeowners should not apply for a building permit or zoning variance until their application is first reviewed and approved by the ACC. Once a permit is obtained a copy must be submitted to the ACC via the Community Manager.

19. **RULES, REGULATIONS, VIOLATIONS AND FINES** - The Board of Trustees is hereby empowered to promulgate, adopt and publish such Rules and Regulations as may be necessary to carry out the intent of restrictions established in Sections 9.01 to 9.04 of the Declaration of Covenants of the ACC Rules and Regulations and shall have the right to bring law suits suffered by the Association and the Architectural Control Committee as a result of such action to enforce the Rules and Regulations so established. Without limiting the foregoing, to the extent that New Jersey law may permit, the Architectural Control Committee or the Board of Trustees, whichever is applicable, shall further have the right to levy fines for violations of the Governing Documents, provided that the fine for a single violation may not exceed \$50.00.

In the event a homeowner receives a notice of violation, that Homeowner shall have 10 days from the date of notice to cease and desist or remediate the violation(s). Each day or occurrence that the violation continues is considered a separate violation subject to fine. Any fine so levied shall be considered as a Remedial Common Expense Assessment to be levied against the Owner, and collection may be enforced by the Board of Trustees in the same manner as the Board is entitled to enforce collection of other Common Expense Assessments.

## 20. **GENERAL PROVISIONS**

- a. **VALIDITY** - The invalidity of any provision of the Architectural Control Committee Rules and Regulations or By-Laws of the Association shall not be deemed to impair or affect the validity or enforceability of the remainder of the Rules and Regulations or By-Laws and all other provisions of these Rules and Regulations and By-Laws shall continue in full force as if such invalid provisions had never been included.
- b. **WAIVER** - No provision contained in the Architectural Control Committee's Rules and Regulations shall be deemed to have been abrogated or waived by reason of any failure to enforce same, irrespective of the number of violations or breaches which may occur.
- c. **GENDER and NUMBER** - The use of the masculine gender in these Rules and Regulations shall be deemed to refer to the feminine gender and the use of the singular shall be deemed to refer to the plural, and vice versa, whenever the

context so requires.

- d. **CONFLICT** - In the event that any provision of the Architectural Control Committee's Rules and Regulations conflicts with any mandatory provision of any applicable Federal, State, County or Township statute, regulation, resolution, Ordinance or other judicial, legislative or executive "law," the terms of such statute, regulation, Ordinance or other law shall govern.

In the event that any terms and conditions set forth in the foregoing Architectural Control Committee's Rules and Regulations differ from those set forth in the Declaration of Covenants & Restrictions and Bylaws, the Declaration of Covenants & Restrictions and Bylaws shall govern, in that order.



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