

# TALL PINES VILLAGE

## RULES AND REGULATIONS

The following are the Rules and Regulations for Tall Pines Village at 7700 DeVaul Road, Kirkville, New York, as set forth by Tall Pines-Kirkville LLC.

The purpose of these Rules and Regulations is to provide the home owners and their families with a pleasant, wholesome environment in which to live. Adherence to these rules and regulations will also help assure other Village residents of the same peace and tranquility.

These rules and regulations are to be effective from this day forward and until such time as they may be amended. Any further amendments will be provided to the home owners in writing and will allow sufficient time for compliance.

All previous statements of rules and regulations or policy are null and void.

### **I. REGISTRATION, RENT**

- A. All homes in Tall Pines Village must be duly registered and accepted by the village management prior to moving a home in, or in the case of a pre-owned home, prior to the new buyers closing on the sale.
- B. All prospective tenants must complete an application form available from the park manager. No individual will be permitted to move in to the park without management approval.
- C. Lot rent is due and payable on the first of each month. Any payments received after the tenth (10<sup>th</sup>) of the month will be assessed a 5% late fee charge. Any check returned from your financial institution for any reason will be assessed a \$20.00 fee.

### **II. OCCUPANTS – VISITORS**

#### **Occupants**

- A. The names of all occupants of each home must be listed on the Registration Form signed at initial occupancy. **The Park Office must be notified of any changes.**
- B. The ages of all occupants under the age of 18 years old must also be listed on the Registration Form.
- C. Occupants of the home who are not listed will be considered visitors.

## **Visitors**

- A. Visitors are allowed on a temporary basis, long term visitors must be Registered at the Park Office by the home owner.
- B. Visitors are expected to comply with Village Rules and Regulations.
- C. Management may, at its own discretion, limit the number of visitors at any given time or limit the length of stay.
- D. Visitors who do not abide by the Rules & Regulations set forth here may be required to leave the Village at once.

## **III. SUB LETTING**

### **Statute: NYS Real Property Law Section 233 (t)**

Anyone wishing to sublet must first get park management's written permission to sublet. Tenant must provide park management with sub letter's name and address, the terms of the sublease, tenant's new address during the term of the sublease and a copy of the sublease, with sub lessee's signature on it consenting to and acknowledging the sublease. Park management reserves the right to approve the sub letter.

If park management requires additional information regarding the sub letter, Management will ask for same within ten (10) days of receipt of request to sublet. After park management receives the additional information, Management will, within thirty (3) days, notify tenant of approval or disapproval of sub letter. If disapproved, management will state the reasons why in writing.

## **IV. SALE OF MOBILE HOME**

### **Statute: NYS Real Property Law Section 233 (i)**

IN the event Tenant wishes to sell the mobile home, tenant must give park management twenty (20) days' notice, in writing, of intent to sell. If the home is to remain in the park, Tenant must submit to park management the name of the prospective purchaser(s) so that park management may exercise its right to approve or disapprove of the new Tenant. If park management disapproves the new Tenant, it will do so in writing, stating the reasons why.

Owners of manufactured homes in Tall Pines Village have the right to sell their home provided that:

- A. The present home owner is current on lot rents due Tall Pines-Lakehaven Assoc., LLC. **Before** the home can be removed, all rents and other charges must be paid in full. There will be no refunds allowed for any unused time during the month of removal.
- B. Prospective buyers are fully advised that Tall Pines Village management must approve their application to lease, **before** the sale is consummated.

In the event the prospective buyer intends to remove the home from Tall Pines Village, both the buyer and the seller must meet with the management before the sale is finalized.

The seller assumes all responsibility for the orderly removal of the home and guarantees his/her intentions to pay for any and all damages which may result from such a departure including but not limited to damage to roads, signs, shrubs, service connections, etc.

- C. Prospective buyers of a pre-owned home in Tall Pines Village once approved, must sign a Registration Form and acknowledge receipt of and a willingness to comply with the rules and regulations.
- D. Home owners may employ the service of any Licensed Real Estate Agent To assist in selling the home. Real Estate Agents planning to offer a home for sale in Tall Pines Village must:
  - 1. Contact the Park Office **before** beginning any sales activity.
  - 2. Abide by all Tall Pines-Lakehaven Assoc., LLC Rules and Regulations and accept the responsibility of conveying these to any and all prospective buyers.
  - 3. Limit the use of "For Sale" signs to one, placed either on the front lawn or the front of the mobile home.
  - 4. Failure of the Real Estate Agent to contact the Park Office prior to attempting to sell the home will be interpreted to mean that once sold, the home will be removed from Tall Pines Village within thirty (30) days.

## **V. CARE OF GROUNDS**

### **Snow Removal**

Tall Pines Village will plow and sand all roads to the best of its ability to make travel within the park as safe as possible.

Residents will plow their own driveways. They shall also maintain a clear path to all doors, utilities, electric meter, etc.

Damages incurred because of snow plowing of the roads or driveways are the responsibility of the homeowner.

### **Lot Maintenance**

Home owners are responsible for the upkeep of their individual home sites.

- A. In order to keep up with Village standards, all superfluous materials must be removed or stored out of sight.
- B. Firewood must be staked behind the house.
- C. Play Gyms, toys, kiddie pools, etc., must be kept in an orderly manner preferably behind or to the side of the home.
- D. Lawns: All lawns including any ditch area must be mowed and trimmed at least once a week during the high growing season. At other times, lawns and ditches must be kept mowed to an attractive height. Failure to mow and trim will be cause for Tall Pines employees to do it. (\$20.00 fee each time the lawn is mowed and a \$20.00 fee each time it is trimmed). This will be billed to the homeowner, payable each month when the lot rent is due.
  - 1. Homeowners may contract with lawn maintenance services or they may use lawn fertilizer and weed killers themselves, taking all safety precautions necessary.
  - 2. Home owners are expected to rake and dispose of heavy leaf accumulation in the fall of the year.
  - 3. Ornamental shrubberies and trees beyond what may have been Provided with the home are permitted. Only shrubs and trees which are dead may be removed without management's permission. Large trees which may have died must not be cut down until adequate safety measures have been taken and Tall Pines management has granted its permission.
  - 4. Under ordinary circumstances there should be no need to dig holes in lawns. Should this inadvertently happen, the home owner is responsible for filling the hole and reseeding the lawn.

5. Flower and vegetable gardens are permitted so long as the size of such gardens does not exceed reasonable residential limits. (If there is a question, seek management's permission before digging).
- E. **Vacant Lots:** These are not to be disturbed. The dumping of grass, clippings, leaves and other green material is strictly forbidden as is dumping of any other debris.
  - F. **Clotheslines:** The umbrella type (folding) clotheslines are the only lines permitted. These should be placed behind the home and kept folded when not in use.
  - G. **Swimming Pools:** **Are not** permitted in Tall Pines Village except for Children's' temporary pools which do not exceed 18" in depth.
  - H. **Signs:** Are not permitted anywhere on the home or on the home site, except for a 'For Sale' sign, as specified in Section IV, d (3).
  - I. **Home Site Inspections:** Tall Pines Village management reserves the right To inspect any site or the extension of any home during daylight hours to confirm compliance with Rules and Regulations. Should the site be out of compliance, Tall Pines Village may at its own discretion perform the necessary service and bill the home owner.
  - J. **Satellite Dishes:** Satellite dishes are allowed only if directly mounted on the mobile home. No free-standing dishes are allowed.

## VI. **UTILITIES**

In Tall Pines Village, two of the most costly expenses are the water and sewer bills. Because it is impractical to have each lot metered separately, management must require that all residents follow certain rules concerning water usage and sewer use.

- A. **Water Lines:** Plumbing must be left in good repair to avoid creating Health hazards and to avoid unnecessary water waste. Leaky faucets, running toilets, or malfunctioning faucets, unless still under warranty, must be repaired as quickly as possible by the owner. Problems with homes under warranty should be reported to Tall Pines management at once. Other water leaks outside of the home not caused by the home owners neglect or abuse will be repaired at Tall Pines Village expense.  
Tall Pines Village management reserves the right to monitor water usage at each home. In the event that minor leaks are detected, the home owner will be duly notified and allowed a reasonable time to make the necessary

repairs. If major leaks are discovered, Tall Pines Village reserves the right to shut off the water supply to the home until the problem is solved.

- B. Lawn Watering – Car Washing:** Careless waste of water can become a threat to all residents. Therefore, watering of lawns and gardens, or washing of cars must be limited to one half hour per day. Please disconnect your hose when not in use.
- C. Water Line Freezing:** Each home is responsible for providing adequate protection from freezing of the water lines beneath his/her home. Most homes are equipped with thermostatically controlled heat tapes. It is important that these tapes be checked for efficiency periodically especially before and during the winter season. Pipe freeze up and heat tape repair can be quite costly and are the sole responsibility of the home owner.
- D. Laundry:** The laundering of clothes etc., must be limited to items belonging to the home occupants.
- E. Sewer System:** The Sewer system at Tall Pines Village can process Normal sewage, but cannot accept sanitary napkins, paper towels, disposable diapers, etc. Flushing garbage, fat or other non-soluble substances in the toilet or in any drain is strictly forbidden. These and similar practices can cause a serious backup and clogging which would threaten the well-being of all residents. Modern detection methods do reveal the source of sewer problems, right down to the individual home involved.

Home owners who are responsible for sewer problems because of a failure To adhere to the above named requirements will be subject to all costs necessary **to** repair or replace the affected portions of sewer pipes. Please report any clogged or disconnected sewer lines to Tall Pines Village management at once. Tall Pines Village assumes the responsibility for the repair of any water or sewer line which may be faulty below ground level unless such a problem has developed because of home owner (family and guests) negligence.
- F. Fuel Tanks:** Heating oil, propane and other fuel tanks shall be installed in accordance with applicable state and local codes and, in any case, shall be installed a minimum of five (5') feet horizontal distance from the furnace and shall be installed in the rear of the home. A lot shall have a single tank which is designed for us as a home heating fuel tank. Converted 55 gallon oil drums are strictly forbidden.
- G. Electrical Services:** Home owners should know how to shut off

electrical service to their homes from inside and outside the home in the case of an emergency. Attaching any device or wires to the electrical entry is extremely dangerous and is strictly forbidden. Any repairs which may become necessary to the meter box, wiring from the meter box to the home or inside the home are the home owner's responsibility. Any and all repairs, replacements or additions to the homes electrical system must be performed by a licensed electrician in compliance with all applicable state and local codes. Home owners are advised to take all necessary precautions before and during an electrical storm for the safety of the residents and to protect electrical equipment such as TV sets, sound systems, microwave ovens, etc.

## **VII. PETS**

- A. Dogs:** One dog, 25 lbs. or less, per household is allowed in Tall Pines Village. The dog, when not in the home, must be on a leash, **not** tied outside. **Dogs must be registered on the Registration Form.** All Dogs must be licensed and have current rabies shot. Dogs cannot be allowed to roam free. Dogs can be walked so long as they are on a leash. The person walking the dog must pick up any dropping the dog makes. Dogs cannot be allowed to bark or howl at will. Any dog found running free will be considered a stray and subject to being picked up by the Dog Warden. Any dog left in the heat of summer or cold of winter without proper cover will also be turned over to the Dog Warden.
- B. Cats:** House cats only are permitted at Tall Pines Village. Cats which roam from the owner's property habitually will be considered strays and will be subject to being picked up by the **SPCA.**
- C. Other House Pets:** Other house pets which do not disturb other residents such as tropical fish or goldfish, caged birds, etc. are allowed.

**Recourse for Troubling Animals:** Residents who are experiencing disturbances because of animals and who have been unsuccessful in getting the problems solved by peacefully seeking the pet owner's cooperation, should contact the Park Office of the Animal Control officer directly.

## **VIII. MOTOR VEHICLES**

Unregistered **or** uninspected motor vehicles of any size or type are not permitted in Tall Pines Village. Residents with an uninspected or unregistered vehicle will be given a three (3) day notice. At the end of the three (3) days Tall Pines Village will have the vehicle towed away, at the home owner's expense.

- A.** Each home is limited to two (2) registered vehicles in drivable condition. They both must be registered on the lease form.

- B. Motor vehicles must be parked in the owner's driveway, not on the grass. May park on the streets for a short time so long as traffic is not obstructed or a safety hazard is created. Under no circumstances may a motor vehicle be parked on the streets overnight. All motor vehicles are required to have mufflers to eliminate loud noises. There will be no parking on one-way streets. Guests may use the front parking lot for temporary parking.
- C. Tenants are allowed to perform minor repairs and adjustments, including oil changes, on their own vehicles only. Major repairs to vehicles are not allowed anywhere in Tall Pines Village.
- D. There shall be no motor vehicle of any type stored on the tenants premises which are not readily drivable and operable.
- E. **All-terrain – Recreational Vehicles and Snowmobiles:** May be owned by residents but may **not** be driven in the park.
- F. **Motorcycles – Motorbikes:** Which are registered for highway use are allowed on the Village. But must be driven by a licensed driver in a safe and responsible manner that minimizes noise. These vehicles are restricted to driving only directly to and from the owner's home.
- G. **Speed Limits:** For the safety of all residents and visitors to Tall Pines Village, the village speed limit is ten (10) MPH.

**THIS SPEED LIMIT IS STRICTLY ENFORCED AND EXCEEDING THE SPEED LIMIT MAY BE GROUNDS FOR EVICTION!**

Residents are responsible for their own observance of the speed limit and also for all members of the family, and guests. Residents have an obligation to report speeding to the office as it occurs. It is helpful to Tall Pines management to have as much information on the violator and his/her vehicle as can be observed.

- H. **Damages:** Caused to any Tall Pines Village or tenants premises by leaking Gasoline, oil, etc., or by a vehicular mishap is the responsibility of the resident causing such damage and must be paid for accordingly.
- I. **Delivery Vehicles:** Tall Pines Village management specifically reserves the right to restrict the operation of all delivery vehicles or other vehicular traffic within the Village. In the interest of safety and to preserve grounds and roadways, vehicles which do not strictly adhere to speed limits and other regulations of the Village will bar from entering.

**IX. HOME OCCUPATIONS – BUSINESSES**



- A. While Tall Pines Village is designed primarily as a residential community and business enterprises are not allowed, certain non-troublesome business activities may be permitted. Management reserves the right to approve or deny permission to conduct such business in the home. Management's approval to conduct any business from a home in Tall Pines Village must be given before any venture is started. All home business activity must be registered with Tall Pines Village office.
- B. **Babysitting and Childcare:** Babysitting or day care of children who are not residents of Tall Pines Village are prohibited without prior permission of management which reserves the right at its own discretion to grant or deny such permission.

**X. CONDUCT OF RESIDENTS**

- A. **Compliance with Laws:** Homeowners, their household members and guest Are expected to comply with all local, state and federal laws. The owner of the home is rules and regulations by tenants, co-tenants or guests. Non-compliance of the rules and regulations by tenants, co-tenants or guests is grounds for eviction from the park.
- B. **Noise:** Loud parties, loud musical instruments, radios, TVs or any other Offensive noise is prohibited. Noises of any kind within the Village which in any way disturb the peace and tranquility of the residents is strictly forbidden.
- C. **Alcoholic Beverages:** Consumption of alcohol inside a resident's home is a Personal matter and will be unabridged unless such drinking results in the disruption of the peace and tranquility of any Village resident. Consumption of alcoholic beverages elsewhere in the Village is strictly prohibited.
- D. **Disorderly Conduct:** Such a shouting, fighting, etc., will be reported to the New York State Police **immediately**.
- E. **Children:** Children are not allowed to play on Village roads, near any service facility, mail box stations, etc. Children must be restrained from playing on other resident's property unless they have specific permission to do so from the affected home owner. Parents and guardians will be held responsible for any acts of vandalism as well as for the behavior of their children.
- F. **Property:** Residents are responsible for their own property whether on their own lot or elsewhere in the Village. Management assumes no responsibility for lost, stolen, or damaged property of residents. If a resident, his/her household members, a guest or is responsible for damage to village or another homeowners property, by any means, the resident causing the damage

will be held responsible for the costs necessary to repair or replace the property damaged. Such costs will be payable within ten (10) days after demanded, to the Tall Pines Village office

## **X. CONDITION OF HOMES IN THE PARK**

This section of the rules is designed to ensure the safety of residents of the Village. The safety and condition of your home is important to your neighbors. The following standards are applicable at all times to all homes in the Village. These rules will be invoked whenever management has reason to believe that an unsafe condition may exist. In order to ensure that homes have been maintained in a safe condition and that any home and any additions of alterations meet these standards. Management may inspect the home to determine if these standards are being met. Owners of homes which fail to meet the standards contained herein will be given reasonable opportunity to correct any standards; management may require that the home be removed for the Village. Tall Pines Village management takes no responsibility for the safety of any home or of its occupants nor do we certify that a home has met these standards.

- G. Exterior Coating or Siding:** The original or replacement siding must be in a safe and secure condition, without holes, rust or substantial dents, scrapes, patching or fading.
- H. Windows – Doors:** Windows, storm windows, screens and exterior doors must be fully operable and must not be in a deteriorated condition. There must be at least one (1) egress window or door in each bedroom. Each such window shall have minimum clear opening of at least five (5) square feet, the smallest dimension of which shall be not less than twenty two inches (22”), and the bottom of which shall be not more than thirty-six inches (36”) from the floor. There shall be at least two exterior doors in the home, and each shall have an exterior light adjacent to it and stairs.
- I. Plumbing, Heating and Electrical Systems:** The plumbing system must be properly functioning with no leaks and must be designed and installed to accommodate the pressure of the water supply system to which it is attached. Any additions of alterations to the original factory-installed plumbing system must be of durable material, free from defective workmanship and so designed and constructed as to perform satisfactorily with reasonable life expectancy. The component part of the heating system, especially the stack, tank-to-burner connections, flu, chimney and heat compartment, must be fully and safely operable. Any additions or alterations to the original factory-installed heating system must be of durable material and free from defective workmanship. They must be designed, constructed and installed in a manner appropriate to their use. The location, installation, and condition of fuel tanks must comply with applicable local and state standards. All wood stove installations including stove, flu pipe and chimney must be inspected by a local or state

fire official and be certified to management by such official in writing as being in compliance with applicable state and local safety standards. The electrical service and wiring must be in accordance with specifications of the edition of the National Electrical Code in effect at the date of manufacture of the home, if built on or after June 15, 1976, to the specifications of the HUD Code in effect at the date of the manufacture of the home. There must be no electrical shortages, or other unsafe conditions and any aluminum wiring must be installed in accordance with present standards of the National Electrical Code, or for homes built on or after June 15, 1976, to the HUD Code. All fixtures must be safe and suitable for which they are used. The service entrance must be adequate for the electrical load imposed by the manufactured home and for any additions, given its number of occupants and the type and number of electrical appliances. Management, in its sole discretion, may require the home owner or occupant to obtain written certification from an appropriately licensed tradesperson that the plumbing, heating and electrical systems are safe and fully operable and meet or exceed all applicable state or local standards.

**J. Skirting Requirements:** Skirting is required around all homes. Skirting must not display any deterioration and must enclose the area between the home and the ground. If the skirting is replaced on existing homes, the new skirting must be approved by the management. Skirting shall be installed in accordance with the manufacturer's installation instructions. It shall be secured as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave

**K. Steps, Handrails, Porches, Decks, Windbreaks or Other Additions** All must be constructed in accordance with applicable local building codes. Prior to construction, the homeowner must consult with management and must receive written approval from management of the design, color, materials and location of said construction. Existing steps, handrails, porches, decks, windbreaks or other additions to the home and exterior structure and storage sheds must not be in a deteriorated state of condition and must be properly constructed and safe for all proper purposes. Storage sheds may not exceed 10 X 12 feet, must be painted or stained and their height may not exceed that of the home on the same lot. Only one storage shed is permitted on one lot. In no case may particle board, chip board, tar paper or plastic be used as an exterior finish or cover to any home or accessory structure. Metal sheds that rust are not acceptable. Texture III is acceptable as is vinyl siding.

Decks may be any color of the person's choice but should try to blend into the home and neighborhood, usually natural, redwood, cream, white or color of home. Loud and exotic colors are not to be used. Plans for decks must be submitted to the manager's office for approval. Then, a permit must be obtained from the Town of Sullivan Code Enforcement Office.

- L. **Smoke Detectors** All homes in the Village must have at least two (2) smoke detectors installed on or near the ceiling areas within of giving access to each bedroom. The make and model of the smoke detector must be one which has been approved by the State Fire Marshall and is UL (Underwriters Laboratory) listed.
  
- M. **Other Aspects of the Structural Safety of Soundness of the Home:** The Manufactured home must be mechanically sound and structurally safe. There must be no weakness of defects in the manufactured home affecting the health or safety or the potential health or safety of its occupants and their guests.

**XI. WAIVER OF JURY TRIAL**

Tenant waives a jury trial in any Court proceeding involving the tenant.

**Dated: February 1, 1998**

**Effective Date: May 1, 1998**

**TALL PINES – KIRKVILLE, LLC  
1080 PITTSFORD VICTOR RD, SUITE 202  
PITTSFORD, NEW YORK 14534**

**Addendum to Rules and Regulations. Effective, May 1, 1998:**

**A) Fences shall be stockade or picket and shall remain natural, stained or painted the color of the home, not the shutters and shall be no more than four (4') feet high. Management must be consulted before installation of said fence.**

**B) All future complaints with the exception of complaints regarding unduly loud noise or music, must be submitted in writing, to the manager's office. The Complainant should be aware that, upon demand by the complainer, his or her name must be divulged to the complainer.**

**C) For identification purposes for Niagara Mohawk, NYNEX, Fire Department, etc.,all mobile homes in Tall Pines Village must have their lot numbers displayed on the homes in numbers large enough to be visible from the road and placed in a conspicuous location so as to be easily seen from the road**

**Dated: February 1, 1998**

**Effective: May 1, 1998**