

COURTHOUSE GREEN

FIRST HOMES ASSOCIATION

Homeowners Helping Homeowners

RULES AND REGULATIONS

Edition: January 01, 2004

Submitted in accordance with:

Articles of Incorporation

Declaration of Covenants, Conditions and Restrictions

Bylaws

Virginia Property Owner's Association Act, Section 55-513

Newport News City Codes

Courthouse Green First Homes Association

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RULES AND REGULATIONS

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Courthouse Green: Plat Sections

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PlatSection1

Hustings Lane: 405,407,409,411,413,
415,417,419

Old Courthouse Way: 14541, 14543,
14545,14547,14549,14551,
14553, 14555, 14557

Plat Section 2

Advocate Court: 300,301,320,321,
331,341,351,370,371,381,400,
401

Old Courthouse Way: 14556, 14558

Plat Section 3

Circuit Lane: 383,385,387,389,391,
393,394,395,396,397,398,399

Hustings Lane: 400,402,404,406,408,
410,412,414,416

Jury Lane: 392

Old Courthouse Way: 14563, 14565,
14567,14569,14571,14573

Plat Section 4

Bailiff Court: 200,201,220,221,230,
231

Circuit Lane: 369,371,373,375,376,
377,378,379,380,381

Plat Section 5

Deputy Lane: 382,384,386,388,390,
391,392,393,394,395,396,397,
398,399

Old Courthouse Way: 14575

PlatSection 6

Circuit Lane: 296,300,301,302,303,
304,305,306,308
Deputy Lane: 374,377

Plat Section 6A

Deputy Lane: 381,383,385,387,389

Plat Section 7 Courthouse Green Property
Owners Association (CGPOA)

Plat Section 8 'Stoney Creek'

Magistrate Lane: 502,503,504,506,
507,508,509,510,511,512,513,
515,517

General Court: 402,403,404,405

Judges Court: 402,403,404,405

Plat Section 9 'Stoney Creek'

Circuit Lane: 310,312,314,316,318,
320,322,324,332,334,336,338,
340,342,244,346,348,350,352,
354

Parliament Lane: 500,502,504,506,
507,508,509,510,511,512,513,
514,515,516,517,518,519,520,
521

Superior Court: 402,404

Plat Section 10 'Stoney Creek'

Circuit Lane: 307,309,311,313,315,
317,319,321,323,325,327,329,
331,333,335,337,339,341,343,
345,347,349,351

A townhouse subsection of this plat is
Organized under Courthouse Green
Property Owners Association (CGPOA)

Plat Section 11: Courthouse Green Property
Owners Association (CGPOA)

ARTICLE I

RULES AND REGULATIONS

CONSTRUCTION APPROVAL

§01.01

Declaration, Article IX "Architectural Control:

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing, as to harmony of external design and location in relation to surrounding structures and topography, by the Board of Directors of the Association, or by an architectural committee composed of three or more representative appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with: provided, however, that notwithstanding anything contained in this Article to the contrary, the provisions of this Article shall not apply to the initial development of any of the Lots.

§01.02

Changes or Modifications: Changes to the original construction on any privately owned Lot in the Association shall be submitted to the Board of Directors of First Homes or to the Architectural Control Committee of the Board of Directors before commencing any alteration, enlargement, demolition or removal of an improvement on any Lot or parcel that alters the exterior appearance (including paint color) of the improvement. [Also see Bylaws, Article VIII "Powers and Duties of the Board of Directors:, Sec.1.]

§01.03

Application: The owner shall submit in writing to the Board of Directors of First Homes or to the Architectural Control Committee of the Board of Directors a completed application on the form provided by the Board of Directors of First Homes or Architectural Control Committee (the "Application") stating a proposed construction schedule, the specifications of the proposed construction, erection, installation, alteration, enlargement, demolition or removal. Application shall include plans of the project (floor plans, elevations and building sections) listing all materials and construction methods and shall include a Newport News City Building Permit. For vinyl siding, a sample of material and color must be submitted. No "verbal application" shall be permitted.

§01.04

Submitting Application: The Board of Directors of First Homes or Architectural Control Committee shall not be required to review any application unless and until the application has been submitted in completed form with the proposed construction schedules and the plans contain all of the required items; the application shall be submitted at the office of First Homes 400 A Advocate Court, Newport News, Virginia 23608-2953).

§ 01.05

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Notification that Application is Complete: the Board of Directors of First Homes or Architectural Control Committee will notify the owner that it considers the application complete and the date (with 30 days) that a written response will be received by the owner. [*Declaration*, Article IX "Architectural Control"]

§01.06

Restriction: The Board of Directors of First Homes or Architectural Control Committee shall not approve an application for improvement that would violate any portion of the governing documents of First Homes including these *Rules and Regulations* as well as applicable local or state statutes.

§01.07

Notice of Response to Application: The Board of Directors of First Homes or Architectural Control Committee shall notify the owner in writing its response to the submitted application within 30 days of receiving the completed application. No "verbal approval" shall be permitted.

§01.08

No agent of First Homes may stop work or direct a contractor to stop work, but may advise that such work is not in accordance with the Construction Approval.

§01.09

Final Inspection by First Homes shall be requested by the Owner in order to achieve acceptance of the construction, modification or removal as complying with the approved plan.

§01.10

Construction and Demolition Waste: Waste from land clearing, construction, remodeling, demolition and repair operations on house and other structures as well as waste such as roof shingles, carpet and pad is uncollectible for curbside collection and shall be removed from First Homes by the Owner at his own expense.

§01.11

Damage to the Common Area or its landscaping during installation, modification or removal shall be the Owner's responsibility to return to the original condition.

§01.12

Modifications to the exterior appearance of each Lot which do not have prior written approval for the modification by the Board of Directors shall be removed by the owner at the owner's expense so that the unit is restored to its original appearance.

RULES AND REGULATIONS

ORIGINAL CONSTRUCTION

§02.01

Exterior appearance of each Lot including the dwelling in First Homes shall remain as the appearance in the original construction of the dwelling.

ARTICLE III

STANDARDS OF MAINTENANCE

§03.01

Brick and mortar shall remain in “as new” condition without any brick surface being defaced in any manner including missing bricks, broken bricks, marks or cracks.

§03.02

Vinyl shall remain in “as new” condition without any surface being marred or defaced in any manner including dents, bulges, stains, loose elements or markings.

§03.03

Each addition shall be maintained in “as new” condition and each element shall meet the maintenance standards described in particular in this document. Construction Approval is required prior to inception of modification of any exterior change.

ARTICLE IV

TRIM

InCourthouse Green Plat Sections 1,2,3,4,5 and 6

§04.01

“Trim” shall mean the woodwork used in the finish of the brick buildings which may include: the fascia and soffit under the roof line, the window framework and mullions, the gutters and downspouts, the door framework and mullions, gables that are not brick or other exterior ornamentation which is not brick.

§04.02

RULES AND REGULATIONS

Painting shall be completed within thirty days of its inception or by the expiration date of a notice of violation, whichever is earlier.

§04.03

Confine Paint: Paint shall be confined to the trim and shall not be on any other surface of the unit.

§04.04

Type of Paint Martin-Senour Williamsburg® exterior paint shall be the only paint used on the exterior of each unit: the specified color is identified by the color formula number which appears in brackets after the paint name.

§04.05

Responsibility for Fascia and Soffit: In townhouse dwellings the fascia and soffit (boards under the roofline) are the responsibility of the owner of the unit that has the higher roofline.

§04.06

Wood shall be in "as new" condition: sound and without blemishes such as cracking, rotting or chipping.

§04.07

Exterior paint shall be maintained in "as new" condition without peeling, chalking, cracking or fading; at all times the paint color shall match a paint sample of the approved colors.

In Courthouse Green Plat Sections 6A, 8, 9 and 10

§04.08

"Trim: shall mean the vinyl used as edging for the lapped vinyl siding with the lap parallel to the ground. Trim may include edges and corners of the structure, fascia and soffit under the roof line, door framework, window framework and mullions, gutters and downspouts and door framework.

§04.09

Trim shall remain in "as new" condition at all times; and trim shall remain in the color, style and material used in the original construction; replacement shall require Construction Approval prior to inception.

COLORSALLOWED

In Courthouse Green Plat Sections 1,2,3,4,5 and 6

§05.01

Trim of each townhouse unit shall be painted Martin-Senour Williamsburg® exterior paint *Bracken Tenement Biscuit* (W81-1064) except for the doors, storm doors and shutters.

§05.02

Wrapping any portion of the trim of a unit in vinyl shall require Construction Approval prior to inception.

§05.03

Doors, storm doors and shutters shall not be painted “White” and shall not be mill-finished (anodized aluminum); only Martin-Senour Company, Williamsburg® exterior paint in the following colors shall be accepted:

- (a) *George Pitt House Green* (W84-1088)
- (b) *Benjamin Powell House Green* (W85-1089)
- (c) *Burdett’s Ordinary Black Green* (W85-0625)
- (d) *Bracken Tenement Blue Slate* (W83-1065) (e) *Robert Carter Tobacco* (W84-0230)
- (f) *Palace Arms Red* (W1083-Package color)
- (g) *William Finnis House Brown* (W85-0225)

In Courthouse Green Plat Sections 1,2,3,4,and 5

§05.04

Gables constructed of wood on “A” and “F” units and the decorative elements of these gables shall match the trim color Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064) and remain in “as new” condition.

§05.05

Gables constructed of wood on “A” and “F” units shall require Construction Approval to replace this wood with double-4 siding (four-inch exposure of lapped vinyl) with the lap parallel to the ground and matching the trim color Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064); Construction Approval is required prior to inception.

§05.06

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Louvered gable vents on townhouse units "A" and "F" shall remain in "as new" condition and shall match the trim color Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064); louvered gable vent replacement requires Construction Approval prior to inception.

§05.07

Vinyl siding and trim shall always conform in style and color to the original construction; any replacement vinyl siding requires Construction Approval prior to inception.

In Courthouse Green Plat Section 6A (Ryan Homes)

For door, window trim if applicable (not window frame), shutters and overhang border use Martin-Senour Company, Williamsburg® exterior paint in the colors indicated.

Unit	Vinyl Siding	Vinyl Edge	Door, Window Trim & Shutters	Door Frame & Surround	Overhang Border
DL381A	Beige	Gray	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL381B	Light Blue	Beige	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL381C	Lower ½ brick Beige	Brown	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL381D	Beige	Tan	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL381E	(Brick) Rear: Beige	Does not apply	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL381F	Lower ½ brick Light Gray	Beige	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters

Unit	Vinyl Siding	Vinyl Edge	Door, Window Trim & Shutters	Door Frame & Surround	Overhang Border
DL383A	Lower ½ brick Beige	Light Gray	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL383B	Light Blue	Beige	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL383C	(brick) rear: Beige	Light Brown	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL383D	Beige	White	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters

RULES AND REGULATIONS

Unit	Vinyl Siding	Vinyl Edge	Door, Window Trim & Shutters	Door Frame & Surround	Overhang Border
DL385A	Lower ½ brick Blue Slate	Tan	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL385B	Light Blue	Tan	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL385C	(brick) rear: Beige	Tan	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL385D	Beige	Light Gray	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters

Unit	Vinyl Siding	Vinyl Edge	Door, Window Trim & Shutters	Door Frame & Surround	Overhang Border
DL387A	Light Blue	Beige	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL387B	Beige	Tan	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL387C	Lower ½ brick Beige	Tan	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL387D	Beige "Clay"	White	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL387E	(brick) rear: Beige	Beige	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL387F	Lower ½ brick Beige	Beige	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters

Unit	Vinyl Siding	Vinyl Edge	Door, Window Trim & Shutters	Door Frame & Surround	Overhang Border
DL389A	Beige	Gray	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL389B	(brick) rear: Beige	Beige	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL389C	Lower ½ brick White	Brown	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters
DL389D	Beige	Tan	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL389E	(brick) rear: Beige	Does not apply	Choose from § 05.03	Biscuit W81-1064	<i>Does not apply</i>
DL389F	Lower ½ brick Blue	Beige	Choose from § 05.03	Biscuit W81-1064	Match doors & shutters

ARTICLE VI

EXTERIOR DOORS

§06.01

Exterior doors, including patio doors shall be maintained in “as new” condition without any marred surfaces and hung in vertical alignment with the building. [Restrictions of color: see *Rules and Regulations*, Article V.]

§06.02

Entrance doors shall conform in style and color to the original construction: any replacement of exterior doors shall require Construction Approval prior to inception.

§06.03

Entrance-door surround system shall conform in style to the original construction: any replacement of door surround system shall require Construction Approval prior to inception.

§06.04

Exterior doors must be free of obstruction by anything at any time.

In Courthouse Green Plat Sections 1,2,3,4 and 5

§06.05

Rear-entrance doors at the utility room shall be the same style as in the original construction or solid-core doors without decoration or lights. Replacement shall require Construction Approval prior to inception. [Recommendation: rear-entrance doors without glass lights provide greater safety from unwanted entry.]

§06.06

Patio doors shall be standard-style patio doors in a two-panel configuration without grids, sidelights or transoms and shall be of mill-finish (anodized aluminum), white vinyl or Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064); replacement shall require Construction Approval prior to inception.

In Courthouse Green Plat Section 6

RULES AND REGULATIONS

§06.07

Patio doors shall be French-rail style patio doors in a two-panel configuration without sidelights or transoms and shall match Martin-Senour Company, Williamsburg[®] exterior paint *Bracken Tenement Biscuit* (W81-1064) in color; replacement shall require Construction Approval prior to inception.

InCourthouse Green Plat Section 6A [Ryan Homes]

§06.08

Entrance-door surround system shall conform in style to the original construction; shall be painted Martin-Senour Company, Williamsburg[®] exterior paint in color “Bracken Tenement Biscuit: W81-1064; any replacement of door surround system shall require Construction Approval prior to inception.

Unit	Entrance-Door Surround Style	Placement Window Shutters [See § 5 for color]
DL381A	Plain posts and lintel	Upper left and right; lower right
DL381B	Grooved posts, pediment with acorn	Upper left and right; lower right
DL381C	Plain posts & lintel with shutters	Upper left and right; lower right
DL381D	Grooved posts, pediment with acorn	Upper left and right [Bay window lower right]
DL381E	Square posts, square lintel	Upper left and right; lower right
DL381F	Plain posts & lintel with shutters	Upper left and right; lower right

Unit	Entrance-Door Surround Style	Placement Window Shutters [See § 5 for color]
DL383A	Square posts, square lintel	Not original
DL383B	Square posts, square lintel	Upper left and right [Bay window lower right]
DL383C	Square posts, square lintel	Upper left and right; lower right
DL383D	Plain posts and lintel	Upper left and right; lower right

Unit	Entrance-Door Surround Style	Placement Window Shutters [See § 5 for color]
DL385A	Plain posts and lintel	Upper left and right; lower right
DL385B	Plain posts and lintel	Upper left and right; lower right
DL385C	Square posts, square lintel	Upper left and right; lower right
DL385D	Square posts, square lintel	Upper left and right [Bay window lower right]

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Unit	Entrance-Door Surround Style	Placement Window Shutters [See § 5 for color]
DL387A	Square posts,square lintel	Upper left and right; lower right
DL387B	Grooved posts,pediment with acorn	Upper left and right; lower right
DL387C		Upper left and right; lower right
DL387D	Grooved posts, pediment with acorn	Upper left and right <i>[Bay window lower right]</i>
DL387E	Square posts, square lintel	Upper left and right; lower right
DL387F	Plain with shutters	Upper left and right; lower right

Unit	Entrance-Door Surround Style	Placement Window Shutters [See § 5 for color]
DL389A	Plain posts and lintel	Upper left and right; lower right
DL389B	Grooved posts, pediment with acorn	Upper left and right; lower right
DL389C	Plain posts and lintel	Upper left and right; lower right
DL389D	Square posts, square lintel	Upper left and right <i>[Bay window lower right]</i>
DL389E	Grooved posts, pediment with acorn	Upper left and right; lower right
DL389F	Plain posts and lintel	Upper left and right; lower right

InCourthouse Green Plat Section 6,6A, 8,9,10

§06.09

Exterior rear entrance doors shall be the same style as in the original construction; replacement shall require Construction Approval prior to inception.

InCourthouse Green Plat Sections 8,9,10

§06.10

Garage doors shall be the same style and color as in the original construction; replacement shall require Construction Approval prior to inception.

ARTICLE VII

STORM DOORS

[For color choices, see *Rules and Regulations*, Article V.]

§07.01

Storm doors are not part of the original construction. Installation or replacement of storm doors requires Construction Approval prior to inception.

§07.02

Color: Storm doors shall match the Martin-Senour Company, Williamsburg® exterior paint in the same color selected for the doors and shutters.

§07.03

If bronze (brown) storm doors are used, the doors, storm doors and shutters shall be painted with Martin-Senour Company, Williamsburg® exterior paint *William Finnis House Brown* (W85-0225).

§07.04

Maintenance of Storm doors and storm door frames shall remain in “as new” condition and hung in vertical alignment with the door frame; storm doors shall be equipped with operable dampers to assure that the door is closed when not in use.

§07.05

Style of Storm doors shall be cross-buck, half-view, three-quarter view or full-view; no Mediterranean storm doors or security doors will be accepted.

In Courthouse Green Plat Section 6

§07.06

Storm door shall be bronze in color to match the window trim used in the original construction or shall match the Martin-Senour Company, Williamsburg® exterior paint in the same color selected for the doors and shutters.

In Courthouse Green Plat Sections 6A, 8, 9 and 10

§07.07

Storm doors shall match the color of the entrance door and shutters.

ARTICLE VIII

WINDOWS

§08.01

Windows including replacement windows shall be fully operable and all elements shall be in “as new” condition.

§08.02

Window panes shall be clear glass in “as new” condition without any broken, painted, tinted or marred panes.

§08.03

Style: Windows shall be “6 over 6” double-hung sashes to match the original construction; decorative windows in townhouse units “C” and “D” shall remain as the style of the original construction.

§08.04

Security Bars: No bars including security bars shall be allowed at any window.

§08.05

Replacement of any window shall require Construction Approval prior to inception.

§08.06

Windows shall be free of obstruction by landscaping, patio furniture or any other object.

§08.07

Decorative window panels shall be maintained in “as new” condition and shall be the same color as the trim.

In Courthouse Green Plat Sections 1,2,3,4 and 5

§08.08

Storm windows and Screens: Windows shall be covered with either (1) full screens or (2) combination windows that have three sections: two storm windows and a half-screen. They will either be mill-finished (anodized aluminum), white vinyl or painted Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064) ; they shall be fully operational without any elements missing or broken; they shall be properly aligned to the window frame; and they shall be maintained in “as new” condition.

§08.09

Dormer window-panes and window framework on townhouse units shall be maintained as in the original construction, in “as new” condition and painted Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064).

§08.10

Replacement of the wooden portion of the dormer windows with vinyl siding shall be constructed from vinyl sheets without any overlap or clapboard style; Construction Approval prior to inception is required.

§08.11

Replacement windows with full or half screens shall be maintained as in “as new” condition; replacement windows require Construction Approval prior to inception and shall match Martin-Senour Company, Williamsburg® exterior paint in the color *Bracken Tenement Biscuit* (W81-1064).

InCourthouse Green Plat Section 6

§08.12

Windows mullions and frames shall be maintained “Bronze” in color as used in the original construction.

§08.13

Windows shall be in working order without any missing or inoperable parts and maintained in “as new” condition.

InCourthouse Green Plat Section 6A, 8,9 and 10

§08.14

Window mullions and frames shall be maintained in the “White” color and match the style used in the original construction.

RULES AND REGULATIONS

§ 08.15

Windows shall be in working order without any missing or inoperable parts and maintained in “as new” condition.

ARTICLE IX

WINDOW TREATMENTS

§09.01

Protruding: No curtains or other interior window treatments shall be allowed to protrude outside of the window at any time.

§09.02

Window treatments visible from the exterior shall be in “as new” condition.

§09.03

Exterior Appearance: All window treatments visible from the exterior shall be covered on the interior only by curtains, draperies, blinds, shades or vertical blinds which present a neutral color such as white or almond to the exterior of the unit; no other window coverings such as sheets, towels or blankets will be allowed.

§09.04

Coverings: No plastic coverings or reflective material shall be permitted at any door or window at any time; no windows shall appear tinted.

§09.05

Signs: No advertising, posters, signs or lettering shall be visible from the outside of the unit.

§09.06

Appliances: Air conditioners, fans, vents, ventilators and other such devices shall not be visible from the exterior of the dwelling; each exception shall require a specific waiver by the Board of Directors.

RULES AND REGULATIONS

ARTICLE X

SHUTTERS

§10.1

Shutters shall remain in “as new” condition without any missing or broken elements, shall be open-louver in style, shall match the color selected for doors and shutters and shall be hung in vertical alignment with the window as in the original construction.

§10.02

Size: All shutters on a unit shall be either twelve inches in width or all shutters on a unit shall be fifteen inches in width; all shutters on a unit shall have a length to extend from the top of the window frame to the bottom of the window frame. If a decorative window-panel is present, the length of the shutter shall extend from the top of the window frame to the bottom of the decorative window pane.

§10.03

Townhouse Placement: Each townhouse unit shall be equipped with shutters on the windows facing the street and on the windows facing the parking areas, townhouse units “A” and “F” shall have additional shutters on the side of the unit with the front door.

§10.04

Single-Family Homes: Each single-family home in Stoney Creek (Courthouse Green plat sections 8,9 and 10) shall be equipped with shutters on the windows facing the street.

In Courthouse Green Plat Section 6A

§10.05

Placement: Shutters shall be located according to the charts in Rules and Regulations, § 06.08.

ARTICLE XI

GUTTERS AND DOWNSPOUTS

§11.01

Each unit shall be equipped with gutters and downspouts as in the original construction; the downspouts shall be placed at the corner of the unit; no center application of downspouts will be accepted.

§ 11.02

Rain diverters shall not be accepted.

§11.03

Gutters and downspouts shall be maintained without rusting, sagging, overflowing and shall be maintained free from debris at all times.

InCourthouse Green Plat Sections 1, 2, 3, 4, 5 and 6

§11.04

Gutters which are common to townhouse units "C" and "D" units may be divided with separate downspouts; the downspouts shall be placed at the corner of the unit; no center application of downspouts will be accepted.

ARTICLE XII

EXTERIOR LIGHT FIXTURES

§12.01

Exterior light fixtures shall be present at each dwelling by the front and rear entrances and at the garage entrance as provided in the original construction.

§12.02

Exterior light fixtures shall be in working order without missing elements; clearly aligned with the vertical lines of the building; and must meet the City Code of Newport News, Virginia.

§12.03

Style and Color: Colonial or carriage-type exterior lamps only shall be approved; all exterior light fixtures must be black or brass in finish.

§12.04

Exterior light bulbs may include bug light, photo-sensitive light and movement-sensitive light bulbs; colored light bulbs are not permitted.

RULES AND REGULATIONS

§ 12.05

Lamp-post lighting is optional; all lamp-posts must be black in color and of the standard length and diameter; the lamp must be colonial in style and black in color; the lamp post must be vertically aligned with the vertical lines of the dwelling; lamp-post lighting requires Construction Approval prior to inception.

§12.06

Security lights including light sensitive features and including motion sensitive features shall not be installed as a replacement for any exterior light fixture used in the original construction; installation in addition to the original exterior light fixtures require Construction Approval prior to inception.

§12.07

Restriction: No exterior light shall shine directly into any neighbor's window.

ARTICLE XIII

STREET NUMBERS WITH UNIT LETTERS

§13.01

Display of the sign for designated street number with unit letter shall not be obscured in any way at any time.

InCourthouse Green Plat Section 1, 2, 3, 4, 5 and 6

§13.02

Each unit shall have the sign for designated street number with unit letter displayed on the parking-lot side of the building; replacement signs for designated street number with unit letter must be requested for the Board of Directors; the owner will be assessed the cost of the replacement sign and installation. No other street number and unit letter sign shall be displayed.

InCourthouse Green Plat Section 6A

§13.03

Designated street number and unit letter sign shall be displayed over the front door of each unit or beside the front door of each unit; replacement signs for designated street number with unit letter must be requested from the Board of Directors; the owner will be assessed the cost of the replacement sign and installation; no other street number and unit letter sign shall be displayed.

In Courthouse Green Plat Sections 8, 9 and 10

§13.04

Dwellings in “Stoney Creek” shall have designated street numbers displayed at the entrance side of the dwelling as in the original construction.

ARTICLE XIV

ROOFS, VENTILATORS, ANTENNAE

§14.01

Roofs whether part of the original construction or as a modification to the original construction shall remain in “as new” condition with the existing shingles removed prior to installation of a new layer of shingles.

§14.02

Roofing shingles shall be asphalt type; all roofs on a building shall be uniform in style and color. [Class “A” roofing is recommended.]

§14.03

Roofing shingles on a building shall match.

In Courthouse Green Plat Sections 1, 2, 3, 4 and 5

§14.04

Color: Roofing shingles shall be the same style and color used in the original construction. [Original roof: Color “Moir Black” / Manufacturer “CertainTeed”.]

In Courthouse Green Plat Sections 6 and 6A

§14.05

Color: Roofing shingles shall be the same style and color used in the original construction. [Original roof: Color “Cedar Brown” / Manufacturer “CertainTeed”.]

In Courthouse Green Plat Sections 8, 9 and 10

§14.06

Color: Roofing shingles shall be the same style and color used in the original construction.

§14.07

Attic ventilators and fans shall be maintained in an “as new” condition; they shall not have additional covers that are visible on the exterior. Construction Approval is required prior to inception of this modification to original construction.

§14.08

Attic ventilators and fans shall be installed on the back side of the roof; and shall be painted flat black; nonvisible rust is permitted. Construction Approval is required prior to inception of this modification.

§14.09

Turbine attic ventilators and fans may be installed on the back side of the roof with enough height to meet the manufacturer’s specifications. Construction Approval is required prior to inception of this modification to the exterior appearance of the dwelling.

§14.10

Outdoor aerial antennae of any kind shall not be permitted.

§14.11

Other Antenna: Direct Broadcast Satellites (DBS), multichannel multipoint distribution or wireless cable (MMDS) and television broadcast station (TBVS) shall not exceed one meter (39 inches) in diameter or diagonal measurement and shall be placed in locations that are not visible from the street if this placement will permit reception of an acceptable quality signal. [Reference: Telecommunications Act of 1996 and its amendments.] Any wiring shall be installed in such manner that the same is minimally visible such as: wiring follows under the edge of the roof-line, or a corner of the dwelling. No wiring shall be draped over the roof, draped horizontally across the exterior of the dwelling or draped vertically on the exterior of the dwelling. All wiring must be attached in a manner to provide maximum safety and maintain minimum visibility. Construction Approval is required prior to inception of this modification to the exterior appearance of the dwelling.

§14.12

All underground wiring and cables other than service entrance cable shall be installed at a minimum depth of 12 inches below the finished grade; all installations to residential premises shall be by concealed wiring or cable and shall be installed in such manner that the same shall not be visible; no exposed cables or wiring shall be permitted; no splices shall be allowed from the breaker panel to the fixture being wired in underground wiring other than the service entrance cable (N.E.C. Article 300); and all wiring shall be grounded (N.E.C. Article 250).

RULES AND REGULATIONS

ARTICLE XV

CHIMNEYS

§15.01

Installation of chimneys shall conform to the Newport News City Codes and Newport News Fire Codes; the owner shall provide to First Homes the certificate from the Newport News Building Department to certify compliance with City Building Codes; Construction Approval is required prior to inception of the medication to the exterior appearance of the dwelling.

§15.02

Maintenance: Chimneys shall be cleaned and maintained to provide maximum protection against fire.

In Courthouse Green Plat Sections 1, 2, 3, 4, 5, 6 and 6A

§15.03

Color: Chimneys shall be painted flat-black. Any portion of the chimney that is brick shall remain without painting and without being defaced in any manner including missing bricks, broken bricks, marks or cracks.

In Courthouse Green Plat Sections 8, 9 and 10

§15.04

Chimneys shall remain in design, style and color as in the original construction.

ARTICLE XVI

FENCES

§16.01

Infringement: Any fence installed to infringe the property of a neighboring property or Lot may be subject to legal remedies by the owner suffering the infringement in addition to corrective action available to the Association.

§ 16.02

Maintenance: Fencing shall be maintained “as new” condition at all times with all of the fence being on one style and color; no missing, rotting, warping or broken elements are allowed; the fence must not lean either in or out of plumb; the bottom fence boards shall be one-half to one inch above the ground; the gate shall be in plumb with the fence and shall be fully operable; all posts not encased in concrete shall be termite treated; [Recommendation: the fences shall be weather treated.]

§16.03

Style: All boards, posts, rails (or stringers) and gate on the fence shall be of wood and in the same style and shape; the posts and rails shall be faced toward the private Lot; at no time shall vinyl, PVC, wire or anchor-type fencing be permitted.

§16.04

Styles Previously Approved:

- A. Dog ear
- B. Blunted French gothic and dog ear
- C. Colonial gothic and blank
- D. Point and blank
- E. Dog ear and blank
- F. Hi-Lo French gothic picket
- G. French gothic and blank
- H. Colonial gothic picket
- I. Pointed picket

§16.05

Color: The fence shall remain “Natural” in color with the entire fence being the same color.

§16.06

Fence construction and replacements shall require Construction Approval prior to inception.

Note: All fences shall conform to the Newport News City Code, Section 13-237 through Section 13-244.

Note: Many prefabricated stockade fence sections do not meet the 25 PSF wind load as described in Newport News City Code, Section 13-239 “Wind Resistance”.

§16.07

Alignment of height: The fence shall be aligned by height to the building so that the top of the fence is in a straight line.

RULES AND REGULATIONS

§16.08

Gate: The dimensions of the gate are not to exceed 3 feet 6 inches wide and are not to exceed the height of the fence; hinges and mountings shall be of sufficient strength to support the gate; wrought iron is recommended; the gate shall be closed at all times when it is not being used by the owner or someone to whom the owner has delegated the use of his Lot.

§16.09

Construction and Demolition Waste: See *Rules and Regulations*, Article I, Section 01.10.

§16.10

Damage to the common Area: See *Rules and Regulations*, Article I, Section 01.11.

InCourthouse Green Plat Sections 1, 2, 3, 4 and 5

NOTE: At townhouse units “A” and “F” the survey of the Lot shows that the parking-lot side of the building is the “front”, the entrance is on the “side”, and the patio doors and utility room open at the “rear” of the dwelling.

§ 16.11

Location: The fence shall neither protrude into nor be located on the Common Area; the fence shall follow the property line of the Lot; fencing shall be only at the rear of a dwelling and at no time shall it be at the entrance side.

Six-foot privacy fences on adjoining property lines of units

§ 16.12

Townhouse units “A”, “B”, “C”, “D”, “E”, and “F” shall construct a six-foot privacy fence on the property line separating adjoining Lots from the rear of the dwelling to the rear property line of the Lot without extending this six-foot privacy fence into the Common Area; this privacy fence is a mutual responsibility for repair, maintenance and replacement by the owners of the adjoining units.

§16.13

Townhouse units “A” and “F” may construct a fence on the property line separating the rear of the entrance-side of the unit from the Common Area; the edge of the fence shall abut the corner of the entrance side of the unit, follow the property line of the Lot to abut the property line of the Common Area; at no time shall any fence extend to cover the entrance side of the dwelling. [Also see *Rules and Regulations*, Article XVI, § 16.17.]

Fences at the rear of the Lot

§16.14

Option A: A six-foot privacy fence is required if the dwelling and Lot are used to store items, to have a shed, to display a clothes line or drying clothes, or to have an animal on the Lot. Construction Approval is required prior to installation or replacement.

§16.15

Option B: A four-foot fence may be installed; Construction Approval is required prior to installation or replacement.

§16.16

Option C: No fence is required if the rear patio and rear private yard contain no items other than a grill and patio-style table with chairs and the private yard is landscaped in a pleasing manner to present a neat and orderly appearance with no bare ground visible.

§ 16.17

Option D: Townhouse units "A" or "F" may construct a six-foot privacy-fence; the edge of the fence shall at the corner of the entrance side, follow the property line of the Lot to from the corner of the entrance side to the corner of the Lot that abuts the rear property line of the Lot; then construct a four-foot fence across the rear property-line of the Lot *provided that* all of the fence shall be of one style and color. Construction Approval is required prior to inception or replacement.

In Courthouse Green Plat Sections 6 and 6A

Six-foot privacy fences on adjoining property lines of Lots

§ 16.18

As in the original construction, all townhouses must maintain a six-foot privacy fence on the property line from the rear of the dwelling to the rear property line of the Lot without extending this six-foot privacy fence into the Common Area; this six-foot privacy fence is a mutual responsibility for repair, maintenance and replacement by the owners of the adjoining units.

§16.19

As in the original construction, all townhouses must maintain a six-foot privacy fence on the rear property line of the Lot separating the Lot from the Common Area without extending this six-foot privacy fence into the Common Area.

RULES AND REGULATIONS

In Courthouse Green Plat Sections 8, 9 and 10: Zero Property-line Houses

§16.20

Nofences were part of original construction; fences are not required unless the dwelling and Lot are used either to store items, display a clothes line or drying clothes, or if an animal is maintained on the Lot. [See *Rules and Regulations*, Article XIX, Section 19.06.]

§16.21

Construction Approval is required for each fence constructed or replaced on the Lot. Each application for Construction Approval must include a copy of the survey of the Lot showing the property line for the Lot.

§16.22

Nofence will be approved unless the fence will abut the dwelling at the rear corners without extending to the sides of the dwelling or the front of the dwelling and must show that the fence will follow the property line of the rear of the Lot without extending into a neighbor's Lot or into the Common Area. The fence may extend to enclose the five-foot "easement for maintenance", however others shall have the **right** to have access to that five-foot easement at any time and without limitation.

§16.23

A six-foot privacy fence is required if the dwelling and Lot are used to store items, to have a shed, to display a clothes line or drying clothes, or to have an animal on the Lot. Construction Approval is required prior to installation or replacement.

ARTICLE XVII

ADDITIONS, ENCLOSURES AND SHEDS

§17.01

Additions or Modifications to the original construction, including patio, porch, enclosure and storage shed require Construction Approval prior to inception or prior to replacement.

§17.02

Designs submitted to the Board of Directors shall be consistent with the style and material used in the original construction of the units; the roof of any addition must meet all specified unit roof rules and regulations; no canvas, plastic, fiberglass or other patio covers shall be accepted; the pitch of roof shall match that of the roof on the unit the paint color shall be consistent with the color scheme selected for the unit from the choices allowed.

RULES AND REGULATIONS

§17.03

Each addition including patio extension, porch and enclosure shall be maintained in “as new” condition and in accordance with the Construction Approval.

Storage Sheds

§17.04

Each shed shall be maintained in “as new” condition and in accordance with the Construction Approval or with the original construction; the roof on each shed shall meet all specifications for unit roofs.

§17.05

One storage shed is allowed on one Lot.

§17.06

The storage shed must be free-standing and separate from the fence, constructed of wood (no aluminum is allowed) and in size to greater than ten-feet in length and eight-feet in width with a center height of ten-feet; the roof shall match the roof of the dwelling in material, style and color; the sides of the storage sheds shall match either *Bracken Tenement Biscuit* (W81-1064) or the “Natural” color of the fence. [Exception: *Rules and Regulations*, § 17.09.]

§17.07

Door of the storage shed must be closed when it is not being used for the entrance or egress of persons.

§17.08

Restriction: The storage shed shall be enclosed with a six-foot privacy-fence on the homeowner’s premises. [See *Rules and Regulations*, Article XVI “Fences”.]

In Courthouse Green Plat Section 6 and 6A

§17.09

The storage shed shall match the original construction. One storage shed is divided to serve two units; the roof shall match the roof of the designated dwelling in material, style and color; the sides of the storage sheds shall match *Bracken Tenement Biscuit* (W81-1064).

Deputy Lane 383-A, 383-B, 383-C, 383-D, 385-A, 385-B, 385-C, 385-D and
Deputy Lane 389-A, 389-B, 389-C, 389-D, 389-E, 389-F

RULES AND REGULATIONS

§ 17.10

The storage shed shall match the original construction: one storage shed shall be divided to serve two units; the storage shed shall be enclosed on the sides with vinyl siding; the vinyl siding on the half of a shed designated for the use of a dwelling shall match the vinyl siding of that unit in style and color; the roof shingles shall match the roof of the dwelling.

ARTICLE XVIII

DECORATIONS; DISPLAY OF A FLAG

§18.01

Holiday decorations, including religious decorations, visible from the exterior of a unit shall be displayed only between Thanksgiving Day in November and January 15. Decorations shall not impede the entrance or egress of a dwelling, shall not obscure a window or the house number sign or unit letter at any time and in a manner and that shall not infringe upon the dwelling or Lot of any neighbor.

§18.02

Personal decorations for any other occasion, including banners and that are visible from the exterior of a unit shall be displayed for no more than a two-week period. Decorations shall not impede the entrance or egress of a dwelling, shall not obscure a window or the house number sign or unit letter at any time and in a manner and that shall not infringe upon the dwelling or Lot of any neighbor.

§18.03

Display of a flag shall be limited to the flag of the United States of America shall be in accordance with United States Executive Order 10834 with dimensions not to exceed a hoist (width) of 2.37 feet and a fly (length) of 4.50 feet with the poles attached to the building in a manner that shall not impede the entrance or egress of the dwelling, shall not obscure a window or the house number sign or unit letter at any time and in a manner and that shall not infringe upon the dwelling or Lot of any neighbor.

§18.04

Signs: "No sign of any kind shall be displayed to the public view on any Lot, except one professional real estate sign of not more than six square feet, advertising a Lot and any Dwelling constructed thereon, for sale or for rent." *Declaration*, Article VI, Section 7.

ARTICLE XIX

TIDINESS

§19.01

The Association may enter upon any Lot or Parcel after five-days' notice to the owner of the lot or Parcel for the purpose of mowing, removing, clearing, cutting or pruning underbrush, weeds or other unsightly growth, dispensing pesticides, herbicides and fertilizer and grass seed, removing trash and taking such other action as the Association may consider necessary to correct any condition which detracts from the overall beauty of the properties or which may constitute a hazard or nuisance. The cost incurred by the Association in taking such action (including any overhead costs associated therewith) shall constitute a special assessment on the Lot or Parcel and shall be collectible in the manner provided for the payment of assessments. (*Bylaws, Article IV*)

§19.02

Debris, litter, rubbish and leaves or other trash from nature shall be allowed on the exterior of any Lot whether this debris is on the front patio, the rear patio or on the grounds that are part of the private dwelling and including the parking spaces on the common area assigned for that unit. [Newport News City Code Section 13-320 through Section 13-325; and Section 19-4]

§19.03

No containers such as trash cans and recycling bins for the deposit of debris or litter or rubbish shall be in public view on any Lot at any time. [Newport News City Code Section 19-11]

§19.04

Debris, litter, rubbish or waste of any kind shall be deposited at any place other than in dumpster, in Newport News City recycle-bins or on city streets Newport News City bulk waste pick-up.

§19.05

Each item in the Common Area shall be treated as if it was the property of First Homes and the Association will not be liable for disposal of such items.

§19.06

No clothes lines, laundry, clothing, rugs or other such articles shall be visible at any time on the Lot or the fence of the Lot.

§19.07

The front patio shall be maintained in a tidy condition and shall not be used for the storage of any items including recycling bins; at no time shall any article be allowed to block the entry.

RULES AND REGULATIONS

§19.08

The front patio of townhouse units "B", "C", "D" and "E" shall have only patio-style table or patio-style chairs; at no time shall patio-style furniture be allowed to block the entry or obscure a window.

§19.09

The front patio of townhouse units "A" and "F" is not allowed any types of furniture including a chair; at no time shall any article be allowed to block the entry or obscure any window.

§19.10

No rear patio shall be used for the storage of items (including portable basketball hoops) that extend above the fence line; a rear patio without a fence shall not be used for the storage of any items and only patio-style furniture or a grill are allowed.

ARTICLE XX

LANDSCAPING

§20.1

The Association may enter upon any Lot or Parcel after five-days' notice to the owner of the lot or Parcel for the purpose of mowing, removing, clearing, cutting or pruning underbrush, weeds or other unsightly growth, dispensing pesticides, herbicides and fertilizer and grass seed, removing trash and taking such other action as the Association may consider necessary to correct any condition which detracts from the overall beauty of the properties or which may constitute a hazard or nuisance. The cost incurred by the Association in taking such action (including any overhead costs associated therewith) shall constitute a special assessment on the Lot or Parcel and shall be collectible in the manner provided for the payment of assessments. (*Bylaws, Article IV*)

§20.02

Required. Each unit must have the portions of the Lot not occupied by the building landscaped in a pleasing manner to present a neat and orderly appearance and to allow no bare ground to be visible.

§20.03

Types of trees and shrubs. No tree and no large shrub shall be on private Lots except for crepe myrtle, dogwood, river birch or other small ornamental tree or ornamental shrub; no fruit trees are permitted.

§20.04

Landscape edging. Landscape edging on the entrance-side of any unit shall not be higher than twelve inches; any landscaping edging shall be maintained in "as new" condition and shall be in plumb.

§20.05

Insects and disease. Landscaping shall be free of harmful insects, disease, and weeds at all times; any dead plants must be removed.

§20.06

Obstructions. Landscaping shall not obscure the entrance of the unit, the windows of the unit or the sign for designated street number with unit letter.

§20.07

Confinement: Ivy or other vines which are allowed to grow on the exterior of the dwelling including additions or modifications to the dwelling or Lot shall be confined to the walls and at no time shall be allowed to extend to the trim, the gutters, the roofing, the entrances, the windows or the patios.

§20.08

Ground-cover height. Ground-cover including grass on a private Lot shall not exceed five inches in height at any time. [Newport News City Code Section 13-259: "The codes compliance administrator is authorized to have the cutting or removal performed by city forces or by contract; and the actual cost of such cutting, plus a charge for administrative costs of seventy-five dollars shall be charged to such person to whom the notice was directed."]

§20.09

Ground-cover condition. Ground cover including mulch, stone, timbers, wood chips and plants shall be kept free of weeds, litter, rubbish and debris at all times.

§20.10

Tree branches. Tree branches less than seven feet off the ground shall not extend over any part of the common area including the sidewalks at any time.

§20.11

Windows. Landscaping including shrubs, vines and other plants shall not be higher than the lower window-sill; landscaping shall not obscure any portion of any window.

§20.12

Damage to common area. Any landscaping that causes damage to the common area or to improvements in the common area including sidewalks, streets and sewer line shall be removed at the owner's expense and the damage shall be repaired by the Association at the owner's expense.

§20.13

Confined to lot. No landscaping shall be done in any part of the common area without prior written approval by the Board of Directors; any landscaping in the common area may be trimmed, pruned or removed by the Board of Directors at any time.

ARTICLE XXI

ANIMALS

§21.01

Noobnoxious or offensive activity shall be conducted or permitted on any of the Lots and nothing shall be done there on which may be or become an annoyance or a nuisance to the neighborhood.

[Declaration, Article IV, §, 4]

§21.02

Noises from Animals. No dog shall be allowed to continuously bark and seriously disturb the reasonable enjoyment, sleep, rest and comfort of persons of normal nervous sensibilities and ordinary tastes, habits and modes of living. [Newport News City Code Section 6-9 and Section 28-35]

§21.03

Confinement of Animal. Each dog shall be kept on the privately owned Lot behind a six-foot privacy fence or within the dwelling

§21.04

Removal of Excrement-Private Lot. Each Privately owned Lot shall be maintained in a clean condition including the removal of the excrement daily; the odor of excrement shall not be noxious to anyone in the Association. [Newport News City Code Section 6-25 and Section 6-25.1]

§21.05

Removal of Excrement-Common Area. Each person owning, keeping or having custody or control of a dog shall remove immediately the dog's excrement from any public property or private property including the common area. [Newport News City Code Section 6-25.2]

§21.06

Prohibited In Common Area. No animal shall be allowed to run or to go at large beyond the confines of the privately owned Lot whether or not such dog is licensed or not licensed. [Newport News City Code Section 6-25] No person shall permit any female dog in heat to go at large in the common area, in the streets or allow such female dog to remain on the privately owned Lot to the annoyance of the neighborhood. [Newport News City Code Section 6-29]

RULES AND REGULATIONS

§21.07

License and Vaccination Displayed. No dog or cat over the age of four months and no ferret over the age of three months shall be permitted in the common area at any time unless the dog or cat is licensed by the City [Newport News City Code Section 6-33] with the license tag securely fastened to a substantial collar by the owner or custodian and worn by such dog or cat [Newport News City Code Section 6-88]; no dog or cat over the age of four months and no ferret over the age of three months shall be permitted in the common area at any time unless the dog, cat or ferret has been vaccinated with a vaccine licensed by the U.S. Department of Agriculture (USDA) as recommended in the Compendium of Animal Rabies Vaccines, prepared by the National Association of State Public Health Veterinarians and with the suitable and distinctive color tag affixed to the dog's, cat's or ferret's collar and worn at all times when the dog, cat or ferret is in the common area. [Newport News City Code Section 6-40 and Section 6-88]

§21.08

Leash Required. No animal shall be allowed to be in the common area at any time unless that animal is on a leash, cord or chain not exceeding eight feet in length and held by the owner or keeper. [Newport News City Code Section 6]

§21.09

Humane Treatment. Each owner or keeper shall have the duty to provide his or her companion animals adequate feed and water, adequate shelter, adequate space in the primary enclosure, veterinary care when needed to prevent suffering and humane care and treatment. [Newport News City Code Section 6-62]

§21.10

Limit on Companion Animals. Dogs, cats and other household pets may be kept on any privately owned Lot provided they are not kept, bred or maintained for any commercial purpose. [Declaration, Article VI, Section 6]

§21.11

Female dogs in heat. No person shall permit any female dog in heat to go at large in the streets or allow such female dog to remain on his premises to the annoyance of the neighborhood. [Newport News City Code Section 6-29]

ARTICLE XXII

NOISE

RULES AND REGULATIONS

§ 22.01

Noperson shall make, cause to be made or permit to be made sound from any sound production or sound-reproduction system or device shall not be heard outside of the unit or shall not be heard outside ofthe vehicle. [Newport News City Code Section 28-36]

§22.02

Noperson shall make, cause to be made or permit to be made sound from any sound production or sound-reproduction system or device shall not be heard in the common area at any time.

§22.03

No person shall make, cause to be made or permit to be made sound from any other person, animal, vehicle or sound production or sound-reproduction system or device on a privately owned Lot from 10:00 PM through 7:00 AM to allow others peace and quiet in their own premises.

§22.04

No person shall make, cause to be made or permit to be made sound by any other person, animal vehicle or sound production or sound-reproduction system or device in the Common Area within the distance of three-hundred (300) feet of every dwelling.

ARTICLE XXIII

OPERATION OF A BUSINESS

§23.01

No business or profession of any kind or nature shall be carried on or practiced in any on a privately owned Lot or dwelling or in the common area without the express written consent of the Board of Directors; this includes child day-care and vending of any kind or nature. [Declaration, Article VI, Section 4]

§23.02

Yard sales or Tag Sales: Any yard sale or tag sale shall be conducted within the limitations provided for inthe Newport News City Code Section 37-1; and the City Permit shall be displayed at all times]

§23.03

Any yard sale or tag sale shall not be conducted without the express written permission of the Board of Directors prior to inception. [Declaration, Article VI, Section 4]

RULES AND REGULATIONS

§23.04

Any yard sale or tag sale shall not limit the entrance of egress of any resident to his or her unit; shall not allow the use of any designated parking spaces other than those marked for visitors; shall not allow variance from the parking rules and regulations in the Association; shall not allow variance from the rules and regulations controlling sound from sound systems and devices; and shall not allow litter, trash, debris, rubbish or other remain on the privately owned Lot or on the common area.

ARTICLE XXIV

DUMPSTERS AND TRASH DISPOSAL

[See also *Rules and Regulations*, Article XIX "Tidiness", § 19.03 and § 19.04]

§24.01

Trash or refuse which is not recyclable shall be collected in plastic garbage bags that are closed and then deposited in the dumpsters provided throughout the common area; it is not permitted to place any substance other than garbage, trash or refuse collected in plastic garbage bags in the dumpsters at any time. [Newport News City Code Section 19-4]

§24.02

Bulk waste shall be placed on the City street as near the curb as possible and well away from vehicles, poles, mailboxes or any other permanently fixed object. [Newport News City Code Section 19-7]

§24.03

Bulk waste (such as appliances, sofas, mattresses, tree limbs, shrubbery, etc.) shall be placed neatly on the curb of a City street on earlier than 3:00 PM the day preceding the scheduled weekly bulk waste collection and no later than 7:00 AM on the date of collection. [Newport News City Code Section 19-9(b)] **Note:** At this printing, the date of collection is Thursday. Bulk waste shall not be placed for collection before 3:00 PM on Wednesday and no later than 7:00 AM on Thursday.

§24.04

No person shall discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two-cubic feet of clear space which is airtight without first removing the door or hinges from such icebox, refrigerator, container, device or equipment. [Newport News City Code Section 28-37(a)]

§24.05

Bagged refuse will not be collected on bulk-waste or automated-collection routes and shall be removed by the owner at his own expense. [Newport News City Code Section 19-7]

RULES AND REGULATIONS

§24.06

Woody waste shall be set apart from other refuse and bulk waste at curbside; no woody waste greater than eight-feet in length and six-inches in diameter, nor any woody waste contaminated with soil, refuse or other yard wastes such as grass and debris commonly thrown away in the course of maintaining yards and gardens shall be placed at curbside or collected by the city. [Newport News City Code Section 19-9(c)]

§24.07

Recyclables shall be placed in a city-authorized recycling container and placed curbside for collection; bottles, jars and cans shall be rinsed free of putrescible material; bottles and jars shall have lids removed; newspapers shall be clean and dry and placed in accordance with Newport News City Code Section 19-4(a); corrugated boxes shall be flattened and placed under the recycling container. [Newport News City Code Section 19-9(b)]

§24.08

Container. Each person shall the city-provided recycling container and trash container at the residence to which the container is assigned; and the owner of the Lot shall be liable for the replacement of the container. [Newport News City Code Section 19-8]

§24.09

Dumpsters in the Common Area shall not be used for the posting of notices of any kind at any time.

ARTICLE XXV

COMMON AREA, STREETS AND PARKING SPACES

§25.01

Definition. The common area including the private streets and designated parking spaces shall mean the entire properties of the Association except the privately owned Lots which are recorded in the Clerk's Office of the Hustings Court of the City of Newport News.

§25.02

Use Restriction. The common area including the designated parking spaces is posted at the entrance as "Private Property", "No Trespassing" and "No Soliciting" by action of the Board of Directors and in accordance with the Newport News City Codes; the common area is only for the private use of the owners of Lots in the Association.

RULES AND REGULATIONS

§ 25.03

Delegation of Use. No person other than the owner of record may have the use of the common area including the private streets and the designated parking spaces without notifying the Board of Directors of his or her *express written delegation* of his rights of enjoyment of the common area and facilities to members of his family or his tenants who reside on the premises. [Declaration, Article IV; Bylaws, Article IV]

§25.04

The Association shall have the right to promulgate rules and regulations reasonably and uniformly limiting the use of such easement [to the Common Area] to the end that no Member, in the exercise of his right of easement, shall unreasonably infringe on the right of other Members. [Declaration, Article IV, §1(a), in part.]

§25.05

No obnoxious or offensive activity shall be conducted or permitted in the common area and nothing shall be done thereon which may be or become an annoyance or a nuisance to the neighborhood. [Newport News City Code Section 28-35]

ARTICLE XXVI

COMMON AREA-VEHICLE RESTRICTIONS

§25.01

Locating a towed vehicle. If vehicle is towed, Mid-Atlantic Towing (12 Forest Dr, Newport News, VA) may be call at 757-406-9400 or the *Newport News Police Department* (non-emergency telephone number) will have information about the vehicle location and charges for recovery.

§25.02

Expenses incurred in towing. Any expenses incurred in towing a vehicle either with notice or without notice are expenses incurred by the owner; First Homes shall not be responsible for any expenses which result from the enforcement of the Rules and Regulations.

§26.03

Parking spaces. Designated parking spaces are marked by lines or markings painted or placed on the parking lots and the reserved use of the parking spaces will be marked by decals as either for the sole use of each residential unit (two spaces are reserved) or for the sole use of visitors.

RULES AND REGULATIONS

§26.04

Request for an exception. Application for an exception to any section of the Rules and Regulations must have a written application filed with the Board of Directors and the express written permission of the Board of Directors before the exception is authorized.

§26.05

Responsibility for compliance. The owner of each dwelling shall be responsible for the compliance of the owner and shall be responsible for the compliance of any on with the *express written delegation* of the owner's rights of enjoyment of the common area, any guests or invitees.

§26.06

"No Parking" or "Tow Zones". No vehicle shall be stopped at any time (a) adjacent to any curb which is painted yellow, (b) adjacent to any dumpster access pad, (c) behind any designated parking space whether or not it is occupied, (d) in a manner which blocks the flow of traffic or restricts the movement of another vehicles, (e) in a designated 'no parking' or 'tow zone' (f) or adjacent to yellow lines or curbs; *enforcement includes towing without notice.*

§26.07

Confinement to streets and parking spaces. No motor vehicle shall be drive, parked or stopped on a private Lot unless a driveway was provided in the original construction; no motor vehicle shall be driven, parked or stopped in any portion of the common area except for the streets and designated parking areas.

§26.08

Designated parking spaces for units. Neither the owner nor any one with *express written delegation* of the owner's rights of enjoyment of the common area and facilities shall use any parking spaces designated for another unit at any time; *enforcement includes towing without notice.*

§26.09

Designated parking spaces for visitors. Residents shall not use any parking spaces designated for visitors. *Enforcement includes towing without notice.* Homeowner's please share this information with your residents.

§26.10

Confinement to a single parking space. Each vehicle shall be parked entirely within an appropriate and designated parking space within the lines or markings for the parking space; no other parking is permitted.

§26.11

One vehicle in one parking space. No more than one vehicle shall occupy any designated parking space at one time; enforcement includes towing without notice.

§26.12

Tidiness. Each owner shall be responsible for maintaining the two parking spaces designated for the use of his or her unit free from any trash, debris, litter or vehicle fluids. [See Rules and Regulations, Article XIX "Tidiness".]

§26.13

Vehicle Maintenance. No vehicle shall remain in the private streets or designated parking spaces in the common area during maintenance action whether the maintenance is performed on the private streets or performed on the sewer lines; the Association will distribute notices twenty-four hours prior to any planned maintenance action; *enforcement includes towing without notice.*

§26.14

Types of vehicle: No motor vehicle shall be operated or parked on private streets, visitor spaces or designated parking spaces other than a passenger automobile licensed as a privately owned vehicle, a panel truck or pickup truck that is a three-quarter ton or less and licensed as a privately owned vehicle; no vehicle shall exceed eight feet in total height; no vehicle shall exceed twenty feet in length. [Newport News City Code Section 26-126.1]

§26.15

Motorized vehicles. A motorized vehicle shall be operated, stopped or parked *only* in the private streets and designated parking spaces; additional restrictions stated in the Rules and Regulations apply; *enforcement includes towing without notice.*

§26.16

Maintenance or repair of vehicles. No one shall use any part of the common area including the private streets and designated parking space for maintenance or repair of vehicles at any time; this prohibition includes any individual, any machine shop, any automobile dealer and any automobile service establishment; enforcement includes towing without notice. [Newport News City Code Section 29-109 and Section 26-111]

§26.17

Vehicles used for advertising. No vehicle at any time shall display advertising of any kind including the sale of articles and including the sale of the vehicle itself. [Newport News City Code Section 26-110]

§ 26.18

Abandoned vehicle. Inoperable, abandoned or junk vehicles are not permitted at any time to be in the common area including the private streets and designated parking space; the Association shall presume that a vehicle is inoperable if the vehicle has flat tires, missing wheels, extensive damage or any other external sign of inoperable condition and left unattended on Association property for more than forty-eight hours; the Association shall presume that a motor vehicle is abandoned if it lacks current license plates, current county or city or town license or sticker or valid state safety inspection certificate or sticker and it has been in a specific location for four days without being moved. [Newport News City Code Section 26-197]

§ 26.19

Non-motorized vehicle. No non-motorized vehicle including a boat or any other water-craft, trailer or camper shall be permitted at any time in the common area including the private streets and designated parking spaces.

ARTICLE XXVII

BICYCLES OR MOPEDS

§ 27.01

Bicycles or mopeds shall not be operated in the common area except for the private streets.

§ 27.02

Restrictions for the use of bicycles or mopeds on the City of Newport News apply to the property of the Association:

- A. Every bicycle or moped operated between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp on the front and a red reflector on the rear [Newport News City Code Section 10-18]
- B. Every bicycle or moped shall be equipped with a horn or bell in good working order [Newport News City Code Section 10-19]
- C. Every bicycle or moped shall be equipped with a brake [Newport News City Code Section 10-20]
- D. No person under the age of sixteen years shall be permitted to operate a moped [Newport News City Code Section 10-23]
- E. No bicycle or moped shall be used to carry more persons at one time than the number of seats contained thereon [Newport News City Code Section 10-25]

SKATEBOARDS, SCOOTERS AND ATV'S

§28.01

No skateboards shall be operated on the common area including the private streets, the designated parking spaces and the sidewalks.

§28.02

Scooter, roller skates, in-line skates, roller blades, 'big wheels', tricycles and any other such device shall be operated only with direct parental supervision to protect the child or children from harm and to protect the property of other persons from being harmed.

§28.03

Ramps are not permitted at any time whether the ramp is used for skateboards, bicycles or any other such device [Newport News City Code Section 412.1]

§28.04

No dirt bikes, trail bikes, ATV's and other similar vehicles shall be operated in any area of the Association at any time. [Newport News City Code Section 46.2-915.1]

ARTICLE XXIX

SPEED LIMITS

§29.01

The speed limit of 15 miles per hour is posted for the private streets; this speed limit will be strictly enforced.

§29.02

Speed bumps on the private streets in the Association have a posted speed limit of ten miles per hour; this speed limit will be strictly enforced.

§29.03

The speed limit of 25 miles per hour is posted for the City streets in the Association; this speed limit will be strictly enforced by the Newport News Police Department.

RECREATION

§30.01

The recreation area is posted: (i) designated for the use of residents twelve-years of age and younger; (ii) children must be supervised by an adult at all times and use the recreation area at their own risk; (iii) closed from dusk until dawn; (iv) no animals are permitted; (v) no alcoholic beverages are permitted; (vi) no loitering and no trespassing.

§30.02

The portion of the common area designated as the recreation area shall be the only portion of the common area used for formally organized sports or informally organized sports which include the use of a ball or any other object which is a projectile to protect the property of the owners, the residents and the Association.

§30.03

Use of private streets and parking areas is limited to vehicular traffic only; no recreation, play, visiting or gatherings shall occur in the private street.

Reference: Newport News City Code Section 38.13 "Playing on through streets": "No person shall play on a through street in the city".

Reference: Newport News City Code Section 38-6 "Obstruction by loitering or gathering of person": "(a) It shall be unlawful for any person to loiter or needlessly be and remain upon the streets or sidewalks of the city, thereby obstructing pedestrian or vehicular traffic. (b) It shall be unlawful for any person to cause to gather in crowds or for persons to gather in crowds, upon the streets or sidewalks of the city, so as to obstruct the free and unimpeded use of the streets and sidewalks for travelers or pedestrians upon such streets or sidewalks."

§ 30.04

No swimming pools or wading pools or other containers which gather liquid shall be located in the Common Area at any time; swimming pools, wading pools, fish ponds on privately owned Lots shall be located behind a fence which meets or exceeds Newport News City Code.

§30.05

The curfew for certain minors in the City of Newport News shall apply to the common area of the Association. [Newport News City Code Section 28-4]

§ 30.06

No person beyond the seventh grade of school or over twelve years of age shall engage in the activity commonly known as 'trick or treat' or any other activity of similar character or nature under any name whatsoever; no person shall engage in playing 'trick or treat' or any other activity of similar character or nature under any name whatsoever after 8:00 PM; no accompanying parent or guardian shall wear a mask of any type. [Newport News City Code Section 28-5]

§ 30.07

The use of the common area for any purpose other than allowed by the CGFHA Declaration, Article IV, Section 1(a) and not described by the CGFHA Rules and Regulations must have the written approval of the Board of Directors before its inception.

§ 30.08

Any person who shall cause or permit the existence of any public nuisance not otherwise provided for in these provisions shall be subject to action to maintain the peace, quiet or comfort of the neighboring inhabitants. [Newport News City Code Section 28-35 and CGFHA Declaration, Article VI, Section 4]

§ 30.09

No person, organization or business shall solicit, distribute handbills, distribute flyers or distribute any other advertisement in the Association. [Newport News City Code Section 36-3]

ARTICLE XXXI

SEWER BLOCKAGE

§ 31.01

Vehicles that block Association access to the sewer lines in the case of a sewer blockage or sewer overflow must be moved immediately or these vehicles shall be moved without notice.

§ 31.02

Sewer blockage or overflow shall be reported to the Association; the Association will be responsible for correction of continued overflow if the problem is found to be in the sewer lines in the common area; owners are responsible for correction if the problem is in the sewer line from the dwelling to the common area.

§ 31.03

Cleanup of the private streets and the designated parking spaces after a sewer overflow shall be the responsibility of the owner for whom the parking spaces have been designated.

ENFORCEMENT

§32.01

Any Member shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of the Declaration. Failure by any Member to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. [Declaration, Article VIII, § 1.]

§32.02

Virginia Property Owners' Association Act of 1989 and its amendments have been incorporated in *Bylaws*, Article IV, § 2.

§32.03

Enforcement by First Homes includes all remedies allowed under law including the provisions of Virginia Property Owners' Association Act Section 55-513, which includes the power to:

- A. Suspend a member's right to use facilities or services including the parking spaces designated for his dwelling;
- B. Assess charges against any member for which the member or his family members, tenants, guests or other invitees are responsible:
 - 1. At the rate of \$50.00 for each single offense
 - 2. At the rate of \$10.00 per day for each offense of a continuing nature.

