

## RULES AND REGULATIONS FOR HERITAGE TRAILS

The Declaration of Residential Covenants and Conditions and Restrictions for Heritage Trails (the "Declaration") sets forth a variety of "design review, environmental and use restrictions" throughout said document. However, Article III of the Declaration allows for the Board of Directors to adopt Rules and Regulations from time to time to help the Board to carry out the intents and purposes of the Declaration.

Following are the current Rules and Regulations for various areas that the Declaration states are governed by these current Rules and Regulations:

**Fences:** In addition to the various restrictions set forth in Section 6.9, the following restrictions shall apply:

1. **Perimeter Fence Along Highway 364.** Lots that abut the right-of-way for Highway 364 may include a solid privacy fence, six (6') feet high, of vinyl clad material, located on the rear lot line abutting said Highway. Said fence shall be maintained by the individual Lot Owner at his own expense. No Owner shall remove or alter fence except in accordance with these Guidelines.
2. **Specifications.** Except as provided in Section 1 above, any Lot Owner may enclose the rear yard of his/her Lot with fencing that meets the following specifications:
  - a. **Location:** from the corners of the rear elevation of the Dwelling to and along the perimeter side and rear lot lines. Fences on Corner Lots cannot cross the front building line as depicted on the Plats.
  - b. **Materials:** vinyl clad, "wrought iron-style" (i.e., typically aluminum) material. No wood, chain link or chicken wire shall be permitted.
  - c. **Type:** picket or wrought-iron. Solid fences are only permitted as a perimeter fence in accordance with Section 1 above.
  - d. **Air Space:** All fences shall have a minimum of 35% "air space" (except solid fences allowed under Section 1 above). "Percent of Air Space" shall be the amount of air between pickets compared to the total combined area of air space and pickets (i.e., a fence with 3" wide pickets and 2" of air space between pickets shall have 40% air space). For the purposes of this computation, the area of any horizontal rails and the extra width of any posts shall be ignored.
  - e. **Heights:** Fences with 35% to 65% air space shall not exceed 48" in height. Fences with greater than 65% air space shall not exceed 60" in height. (The "height" of a fence shall be measured from the ground to the higher of the top rail or the tallest picket, recognizing that fence posts and pool locks may extend beyond this highest point.)
3. **Swimming Pool Fences.** Any fence required by St. Charles County to enclose a swimming pool on a Lot shall also comply with the minimum specifications set forth in Section 2 above.
4. **Invisible Fences.** Any Lot Owner having a permitted dog or cat may install an invisible (electronic) fence so as to "enclose" any portion of their Lot they so desire.
5. **Variances.** Any Lot Owner may apply to the Association Board for a variance of the specifications, for good cause shown. The Board, in its sole discretion, may approve or deny such application as authorized in the Heritage Declaration of Trust and Restrictions.

### **Satellite Dishes:**

1. **Video and Audio Signal Devices:** No Owner may install any satellite dish, antenna and similar device (collectively, "Device") for only the *transmission* of television, radio, satellite or other signals of any kind, except that the Declaration and Association shall have the right, without obligation, to erect or install and maintain a central antenna system consisting of *transmission* Devices or *reception* Devices for the benefit of the Owners or a group of Owners. Each Owner may install: (a) a Device designated to *receive only or receive/transmit* direct broadcast satellite

services which is one meter or less in diameter; (b) a Device designed to receive video programming services via multi-point distribution services which is one meter or less in diameter or diagonal measurement; or (c) a Device designed to receive television broadcast signals, which is one meter or less in diameter or diagonal measurement, provided that in all events, any such permitted Device is placed in the least conspicuous location on the Lot or Dwelling at which an acceptable quality signal can be received and is not visible from the street, or neighboring Dwellings or is reasonably screened from the view of the street or neighboring Dwellings, unless such screening unreasonably interferes with the use of such permitted Device.

2. **Variations.** Any Lot Owner may apply to the Association Board for a variance of the guidelines, for good cause shown. The Board, in its sole discretion, may approve or deny such application as authorized in the Heritage Declaration of Trust and Restrictions.

**Flag Poles:** No additional restrictions, other than those set forth in Section 6.10, have been established for the use of flag poles at this time.

**Heritage Community Standards:** No additional standards, other than those set forth in Article VII, have been set at this time.

**Storage of Personal Property and Vehicles:** No additional restrictions, other than those set forth in Section 9.21, have been established for the storage of personal property at this time.

**Landscaping Restrictions:** In addition to the restrictions set forth in Section 9.22, all homeowners shall keep all landscaping neatly trimmed, in a healthy condition and shall immediately remove any dead plants.

These Rules and Regulations supercede the Fence Guidelines and Satellite Dish Guidelines for Heritage Trail that were Exhibits I and J, respectively, to the Amended Development Agreement for Heritage Trails and all other prior Rules and Regulations adopted by the Board as they might relate to Heritage Trails.

The above Rules and Regulations have been enacted as of this 15<sup>th</sup> day of April 2004 and shall remain in effect for the Heritage Trails subdivision until and unless they are later modified by the Board.

BOARD OF DIRECTORS

  
  
  


  
  
  
