

**RULES AND REGULATIONS
FOR THE GOVERNANCE
OF THE PROJECT KNOWN AS
KENSINGTON/HUNTINGTON SUBDIVISION**

RECITALS

A. On December 18, 1997, certain real property located in the City of Troy, Miami County, Ohio was submitted to the provisions of the Kensington/Huntington Subdivision Declaration of Subdivision Establishing Covenants, Conditions, and Restrictions (the Declaration), which Declaration was filed for record on December 19, 1997 at Volume 683, Page 241 of the Deed Records of Miami County, Ohio. Said Declaration has been amended from time to time.

B. Section 14.3 of the Declaration states:

The Association may adopt and enforce reasonable rules and regulations pertaining to the construction on, and use of the Lots in the Subdivision, which shall be binding on the Owners of Lots in the Subdivision in the same manner as this Declaration.

C. At the same time as the execution and filing of the Declaration there was adopted a Code of Regulations of Kensington/Huntington Homeowner's Association, Inc. Such Code of Regulations was filed for record on December 19, 1997 as Exhibit D to the Declaration and can be found at Volume 683, Page 264 of the Deed Records of Miami County, Ohio.

D. Section 7.1 of the Code of Regulations provides in part that:

All of the power and authority of the Association shall be exercised by its Board of Trustees and not by the Members of the Association, except in those limited situations in which the law of Ohio, the Declaration, or the Articles of Incorporation require that some specific action be authorized or taken by a vote of the Members. The authority and power of the Board of Trustees shall include, but shall not be limited to, the power to:

. . .

(c) Administer the covenants, conditions, and restrictions established by the Declaration, and to exercise for the Association all powers, duties, and authority vested in or delegated to this Association. . . .

E. The Board of Trustees has adopted Rules and Regulations pertaining to the construction on, and use of the Lots in the Subdivision, which are as follows:

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1. Windmills, wind turbines or other wind devices for the generation of electricity are not permitted.
2. Portable children's wading pools shall have a depth (sidewall height) of less than 19" and an area of less than 49 square feet. No other above ground pools are permitted.
3. Vegetable and herb gardens shall be located behind the residence and placed in a manner that they will not be visible when looking along the sides of the residence. All plant materials are to be removed and trimmed at the end of the growing season.
4. Trees, shrubs, flowers, all gardens, and grasses are to be trimmed, pruned and maintained in a manner consistent with a residential setting.
5. Mailboxes and light posts are to be well maintained free of peeling paint, shall be structurally sound and kept in good repair, and free from an obvious tilt.
6. Driveways and sidewalks are to be well maintained and kept free of automotive fluid stains exceeding 100 square inches.
7. Up to 1/2 cord of firewood may be stored on a lot but must be neatly stacked behind the residence and not more than 5 feet from the residence, so as to not be visible from the street. Kindling which cannot be stacked must be stored in a container of 30 gallons or less along the side of the stacked firewood. The stacked wood may be covered with a tarp of color consistent to the wood or residence and secured to prevent flapping with 10" or less hangover.
8. Homeowners shall not permit lawns or other vegetative materials to extend over the sidewalk more than 3". Regular trimming and edging are encouraged and sidewalks shall be swept or blown free of grass clippings and debris .
9. A single compost area, not to exceed 4' in length and 3-1/2' in depth and 3-1/2' in height is permissible provided that the area/bin/heap is behind the residence and is not visible when looking down the sides of the residence and meets setback and easement requirements of the Subdivision and the City of Troy. In compliance with Section 7.31 of the Declaration, the compost area is to be maintained so as to prevent creation of noxious or offensive odors or nuisances.
10. Pet owners are encouraged to pick up animal waste from their pets in order to comply with Section 7.31 of the Declaration. Pet owners are to keep their pets on their own property and not let them roam the Subdivision.