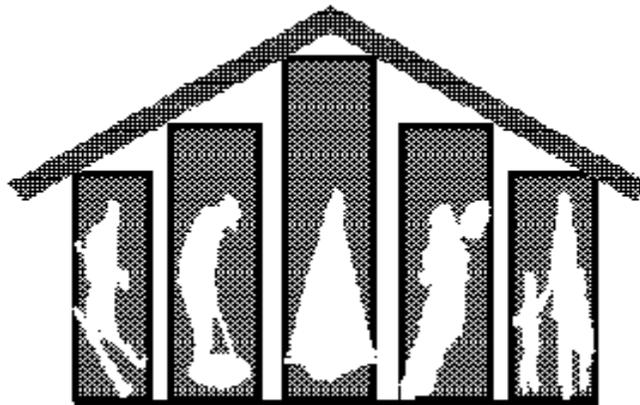


Emerald Green Property Owners Association, Inc.



Building Code

Effective August 27, 2006

Post Office Box 65
139 Old Sackett Road
Rock Hill, New York 12775
info@emerald-green.org
www.emerald-green.org
845-796-2410

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A. PURPOSE AND INTRODUCTION

1. Emerald Green is a planned community. The design objective since the community's inception has been to evolve a residential neighborhood with a cohesive design theme that emphasizes the beauty of the community's natural woodland setting, i.e., custom-built residences that fit into the natural woodland setting that makes Emerald Green an attractive community where people desire to reside and where property values are maintained. The name "Emerald Green" is emblematic of the mixed evergreen and deciduous forest within which the community has been settled, and which is an integral design element intended to be preserved.
2. Some of the goals of the Emerald Green Property Owners' Association, Inc. (the "Association") are to preserve and enhance property values, provide an aesthetically pleasing and compatible residential community, preserve the natural environmental setting, and ensure that the rights of all property owners are considered when any individual Member of the Association ("member") builds on, or improves, an Emerald Green lot.
3. To achieve these goals, the Board of Directors of the Association (the "Board"), under the authority granted by the By-Laws of the Association, has established the Association Building Committee (the "Building Committee") and developed this Building Code (the "Code"), which has been approved by the Members of the Association. Every member should be familiar with, and adhere to, the Code, and should also be aware of the Declaration of Covenants, Easements, Restrictions, Charges and Liens that runs with the land and to which each member is subject.
4. It is the function of the Building Committee to enforce the Code. When appropriate, the Building Committee will provide a written response following the review of Applications for permission to build on or improve parcels, along with the supporting materials detailed below (together "Applications").
5. All Applications will be reviewed by the Building Committee and evaluated for compliance with the Code and the Declaration of Covenants, Easements, Restrictions, Charges and Liens for the subject property, all aspects of aesthetics, and current policy as determined by the Association. The Building Committee is not responsible for the enforcement of municipal or state building codes.
6. Application approvals are valid for a period of nine calendar months. Should construction fail to begin during this period, the approval is no longer valid and the Application must be resubmitted to the Building Committee and conform to then current policy.
7. The Building Committee shall maintain a positive approach throughout the Application review process and strive to maintain a constructive and helpful attitude. While denial of Applications may be necessary, the Building Committee will make every effort to meet with applicants to explain the reasons for denial to avoid misunderstandings of the reasons for the denial. Applications may be denied for purely aesthetic reasons deemed contrary to the best interests of the Association as determined by the Building Committee. A denial of an application may be appealed to the Board pursuant to the provisions of Section L.

8. The Association reserves the right to enter upon or cause any agent designated by it to enter upon any lot at any reasonable time to enforce the rules and regulations herein set forth.
9. Changes to this Code from earlier versions are based on the Association's intent to achieve the objectives set forth above. The Association reserves the right to amend the Code from time to time, with approval of the Members of the Association, to meet these objectives. The Board also reserves the right to approve variances from the Code, when reasonable, pursuant to the provisions of the By-Laws of the Association.
10. Pre-existing conditions that do not conform to a revised Building Code, but that conformed to the Building Code in existence at the time of construction, may remain as is, and may be repaired, replaced or maintained provided such work does not require a Special Permit (see Section C-4).

B. WHAT IS A BUILDING PERMISSION CERTIFICATE AND WHEN IS ONE REQUIRED?

1. A Building Permission Certificate ("Certificate") is required to construct a new private single family residence, including a townhouse, on a lot owned by a member. A Certificate also is required for partial or complete clearing (the removal of trees and or shrubs) of a lot or for changing the existing topography of a lot.
2. A member who is building a dwelling for his/her own use, or is a builder who owns the lot and is building a dwelling for resale under a sales contract or on a speculative basis, shall adhere to the following rules and regulations and submit an Application for a New Dwelling Building Permission Certificate.
3. Applications may be obtained from the Association office. The applicant for a Certificate must be a member in good standing of the Association (as defined in the By-Laws of the Association) at the time of application. Only a person or entity that owns the lot where the work is to be performed may apply for a Certificate.
4. The applicant is responsible for all actions of the builder, and those of any subcontractors, retained to complete construction of the dwelling, landscaping, or related services.
5. Any disciplinary actions imposed by the Association under this Code, or the Association's By-Laws, are directed at the applicant. However, the Association reserves the right to deny a Certificate to an applicant who engages one or more contractors deemed unfit by the Association to work in Emerald Green by virtue of prior violations of this Code.
6. **Important:** A Certificate does not replace any permit that may be needed from the Town of Thompson. A Certificate issued by the Association is in addition to any permit required by the Town of Thompson. No work may be started before the lot owner receives all appropriate Town of Thompson permits and a Certificate approved by the Building Committee.

C. WHAT IS A SPECIAL PERMIT AND WHEN IS ONE REQUIRED?

1. A member who owns a house and desires to make repairs to the exterior of an existing dwelling or structure, or make changes or improvements to a lot with an existing dwelling, shall adhere to the following rules and regulations and submit an Application for a Special Permit.
2. The following examples illustrate improvement projects that require a Special Permit, but in no way should this list be construed to be complete:
 - Removal of a tree or trees (whether dead or alive).
 - Major changes to landscaping, land fill, or changes to existing topography.
 - Exterior painting of an existing dwelling, a deck, or accessory building requires approval of color.
 - Exterior siding: resurfacing (including painting) requires approval of color; replacement requires approval of material and color.
 - Installation, replacement, or changes to:
 - Driveways or walkways.
 - Fences (see Section J-9) or retaining walls.
 - Front entrance steps.
 - Decks, porches and patios.
 - Boat docks; excluding seasonal installation and removal. (Permanent docks are not permitted.)
 - Pools, exterior spas, or hot tubs.
 - Roof replacement, including, but not limited to, shingle replacement and installation or replacements of skylights.
 - Window or gutter replacements.
 - Fuel tank installation: propane or fuel oil (excluding 20 lb. barbecue tank). (See Section K.)
 - Chimneys.
 - Accessory buildings such as sheds, gazebos, etc.

- New structure additions to an existing home or structure on the premises.
 - Authorization to perform work covered by a Certificate or Special Permit outside of the allowed construction hours under this Code.
3. Applications may be obtained from the Association office. The applicant for a Special Permit must be a member in good standing of the Association (as defined in the By-Laws of the Association) at the time of application. Only a person or entity that owns the home where the work is to be performed may apply for a Special Permit.
 4. Any pre-existing condition that does not conform to the current Building Code may be repaired, replaced or maintained, and remain essentially as it was, provided such work does not require a Special Permit. Should such repair, replacement or maintenance require a Special Permit, all provisions of this Code shall apply, including approval of the Building Committee. This includes, but is not limited to, aesthetic considerations such as painting or replacing windows, gutters, or siding.
 5. Townhouses - All modifications, changes, improvements and repairs, including but not limited to painting and staining, of all or any portion of the exterior of a townhouse located in Emerald Green shall require a Special Permit prior to commencement of each modification, change, improvement or repair.

With respect to the Townhouses, the Building Committee shall consider, when reviewing applications affecting any unit, the aesthetic impact on the attached unit or units.

6. The member is responsible for all actions of his or her contractor(s).
7. Any disciplinary actions imposed by the Association under this Code, or the Association's By-Laws, are directed at the applicant. However, the Association reserves the right to deny Special Permits to applicants who engage one or more contractors deemed unfit by the Association to work in Emerald Green by virtue of prior violations of this Code.
8. If a member is in doubt as to whether a Special Permit is required, he or she should contact the Association office and, if appropriate, discuss the matter with a representative of the Building Committee.
9. **Important:** A Special Permit does not replace any permit that may be needed from the Town of Thompson. A Special Permit issued by the Association is in addition to any permit required by the Town of Thompson. No work may be started before the homeowner receives all appropriate Town of Thompson permits and a Special Permit approved by the Building Committee.

D. WHAT IS REQUIRED TO GET A BUILDING PERMISSION CERTIFICATE?

1. Any proposed dwelling construction requires the submission of a completed, signed and dated Application for a New Dwelling Building Permission Certificate (the "Application")

along with payment of the appropriate fee. No structure, fixture, driveway or building of any sort shall be erected or constructed on, or moved to, any lot until a complete set of construction and landscaping plans and specifications, as applicable, has been submitted to and approved in writing by the Building Committee. Plans will not be reviewed without the completed Application and fee.

2. For the Building Committee to review the Application, the applicant must submit the following:
 - a. Two completed and signed copies of the Application, and a \$300 Application Review fee.
 - b. Three copies of a site specific, complete set of working plans, certified by a licensed Professional Engineer or Architect. Two copies of the working plans shall be retained by the Association for its files, and the other copy returned to the property owner or builder signed by a Building Committee representative, noting approval or rejection. Working plans must include the following:
 - 1) Front and rear elevations of the proposed dwelling.
 - 2) Cross-section showing road, first floor, footing and lake elevations (where property is lakefront). This includes a representation of the grading surrounding the house to the finished road grade fronting the house and the foundation depth as it relates to the actual profile of the ground. Sewer invert elevation at the point of lateral entry must be included.
 - 3) Floor plans for each floor, basement, and foundation.
 - 4) Plot plan prepared by a Licensed Engineer or Land Surveyor showing all existing and proposed structures to be located on the lot, including decks and stairs, and the high water elevation and location of the lake, if applicable.
 - 5) Site Plan (1/8 inch = 1 foot), including:
 - a) Certified site survey with property lines.
 - b) Elevations of property corners, center of building, culvert inlet and outlet, edge of roadway and finished floor elevations.
 - c) Tree survey showing location of trees six inches or larger in diameter. Trees proposed to be removed are to be indicated with an X.
 - d) Setback lines, and dimensions from building corners to property lines, including decks, together with an indication of the setback requirements of the Town of Thompson.
 - e) Building outline including front and rear corners of adjacent buildings.

- f) Driveways, parking areas, walks, patios, etc.
 - g) Drainage and grading plan with the existing contours indicated by solid lines. For sites where the finished floor elevation is less than three feet above center elevation of lot, the drainage pattern may be indicated by arrows to show that the final grading will not direct drainage onto adjacent properties. Particular attention should be given to minimize drainage into a lake. It is the responsibility of the property owner to ensure that drainage is in accord with the approved plans.
 - h) Location and identification of special features such as drainage ditches, easements, bulkheads and retaining walls, whether existing or natural.
- 6) Sediment and erosion control plan. The plan should address remediation of runoff from the site during construction, including the effects of grading the lot or pacing fill on the site, to prevent sedimentation from being deposited in the Town's drainage system or from entering any lake owned by the Association. The plan should show the proposed location of media (for example, straw bales and slit fences) to accomplish this purpose.
 - 7) Description of foundation covering material to be used, and color. Foundations exposed in excess of 18 inches above finished grade must be covered with the same material used to finish the house, or other approved material. Painting of a new foundation is not acceptable.
 - 8) Samples of exterior siding material and color, trim and door color, and roof material and color.
- c. Landscaping Plan (see Section H).
 - d. A signed Drainage and Tree Compliance Agreement.
 - e. A copy of the Town of Thompson Building Permit or the application for such a permit. (A Certificate will not be issued until the Town of Thompson Building Permit is issued.)
3. Utility Requirements:
 - a. Water supply and sewage disposal services shall be obtained solely from Emerald Green Lake Louise Marie Water Company and the Town of Thompson Sewer Department, respectively, or their successors or assigns. Individual wells for domestic water supply and individual septic systems with wastewater drain fields are not permitted. Approval of a Certificate is dependent upon confirmation from the Town of Thompson Sewer Department and the Emerald Green Lake Louise Marie Water Company that sewer and water service capacity is available to service the residence.
 - b. All electric, telephone, cable, TV, water and sewer lines shall be underground and exit in the street in front of the lot.

- c. All exterior metering devices shall be placed on the rear or side exterior wall of the dwelling.
 - d. Sewer invert elevations should be obtained from the Town of Thompson. These invert elevations should be used as a guide to enable the applicant to properly locate the dwelling on the lot to provide for gravity flow of sewage from the finished floor elevation to the sewer line where possible.
 - e. The applicant shall be solely responsible, without any responsibility on the part of the Association, for damage to sewer and water services, or damage caused by lack of services being available to the property line, once clearing operations have commenced on the lot.
 - f. Prior to building, contractors or their subcontractors who wish to make any repairs involving curb stops shall notify the Town of Thompson Sewer Department and/or Emerald Green Lake Louise Marie Water Company prior to commencing work on such repairs.
 - g. Installation of heating fuel tanks, such as propane and fuel oil, must be installed in accordance to Association guidelines. (See Section K.)
4. The Association shall have the right to reject (or request modification of) such submission if the Association determines that the plans for the dwelling are in conflict with the general quality or appearance of construction within the Subdivision, pose a threat of reducing property values of existing homes, or have excessively small floor areas as compared to homes in the Subdivision.
 5. Approval may be revoked by the Board in the event the construction does not comply with the approved set of plans and specifications, in the event of a misrepresentation on the documents submitted for approval, or in the event the lot owner ceases to be a member in good standing of the Association.
 6. No structure shall be erected on any lot that does not comply with the Building Code unless prior written approval of a variance has been obtained from the Association (and from the Town of Thompson, if applicable). (See Section L.)
 7. On-Site Stake-Out - After all conditions for final review by the Building Committee are met including, but not limited to, fees paid and deposits made, and before lot clearing can commence, a stake-out of the building, driveways, and yard must be installed and approved by an inspection performed by a representative of the Building Committee. For stake-out review, the property lines and foundation perimeter must be marked on the site by a series of stakes (a minimum of three feet exposed) connected by string. Trees to remain are to be flagged with ribbon. In no case shall any tree removal or site clearing commence before the Building Committee issues a Certificate.
 8. The Building Committee will use its best efforts to respond to applications within 21 calendar days of receipt of a complete application for a Certificate.

9. Authorization from the Building Committee to initiate work on a project is only granted by the issuance of a Certificate signed by an authorized representative of the Association. No verbal statements of approval are sufficient to enable work to commence.

E. WHAT IS REQUIRED TO GET A SPECIAL PERMIT?

1. Any change, repair or improvement described in Section C requires the submission of a completed, signed and dated Application for a Special Permit (the “Application”) along with payment of the appropriate fee. No such change, repair or improvement on any lot shall be made until a complete set of documentation, as described below, has been submitted to and approved in writing by the Building Committee. Plans will not be reviewed without the completed Application and fee.
2. For the Building Committee to review the Application, the applicant must submit the following:
 - a. A completed and signed Application.
 - b. Plans, drawings or other supporting documentation, as outlined below:

Type of Project:	Documentation Required:
Major landscaping changes, land fill, or changes of existing topography	Landscaping Plan (see Section H); Drainage Plan
Removal of trees	Identification of trees to be removed
Additions to existing homes	Site and Building Plans; Landscaping Plan*; Drainage Plan
Installation, replacement or changes to a deck, porch, or patio	Site and Building Plans; Landscaping Plan*
Front entrance step replacement	Description of materials and color sample
Addition of a dock (see Section G-5)	Scale drawing
New fence (see Section J-9) or retaining wall	Site Plan; scale drawing; description of materials and color sample
New driveway or walkway	Site Plan; Drainage Plan; scale drawing; description of materials and color sample
Resurfacing or repairing driveway, walkway, fence or retaining wall	Description of materials and color sample
Pool	Site Plan; Landscaping Plan; Drainage Plan
Exterior spa or hot tub	Site Plan; scale drawing
Roof replacement	Description of materials and color sample
Fuel tank installation (see Section K)	Site Plan; scale drawing
Window or gutter replacement	Description of materials and color sample
Chimneys	Scale drawing; description of materials
Accessory buildings	Site and Building Plans; Landscaping Plan*
Exterior siding	Description of materials and color sample

Exterior painting	Color samples for walls and trim
All other	To be discussed with the Building Committee prior to submission of an Application

*May not be required if existing landscaping is essentially unchanged by the addition.

- c. Payment of the fee as described in Section F.
 - d. A copy of the Town of Thompson Building Permit or the application for such a permit, if required. (A Certificate will not be issued until the Town of Thompson Building Permit is issued.)
3. The Association shall have the right to reject (or request modification of) such submission if the Association determines that the plans are in conflict with the general quality or appearance of construction within the Subdivision or pose a threat of reducing property values of existing homes.
 4. Approval may be revoked by the Board in the event the work does not comply with the approved set of plans and specifications, in the event of a misrepresentation on the documents submitted for approval, or in the event the home owner ceases to be a member in good standing of the Association.
 5. No change, repair or improvement shall be made on any lot that does not comply with the Building Code unless prior written approval of a variance has been obtained from the Association (and from the Town of Thompson, if applicable). (See Section L.)
 6. The Building Committee will use its best efforts to respond to applications within 14 calendar days of receipt of a complete application for a Special Permit.
 7. Authorization from the Building Committee to initiate work on a project is only granted by the issuance of a Special Permit signed by an authorized representative of the Association. No verbal statements of approval are sufficient to enable work to commence.

F. FEES

1. Special Permit fees are based on the nature of the work to be performed. The categories of work and the corresponding fees payable to EGPOA are as follows.

CATEGORY OF WORK	APPLICATION FEE
Category A	\$100.00
<u>Addition, or major renovation, to dwelling.</u> This includes any work that increases the square footage of the dwelling.	
Category B	\$50.00
<u>Addition of external structure, or major landscaping.</u> This includes an addition of accessory storage buildings,	

decks, porches, patios, docks, pools, or exterior spas or hot tubs; changes of grade or excavation; installation of new driveways, walkways, retaining walls, or fences.	
Category C	\$0
<u>Maintenance or repair of an existing structure or landscaping.</u> This includes resurfacing or repairing driveways, roofs, walkways, retaining walls, fences, windows, siding, paint and chimneys. New work must conform to the footprint of the existing structure or feature, although colors or materials may be altered without charge. Also includes installation of fuel tanks and removal of trees/shrubs.	

2. There is a \$300 Application Review fee payable to EGPOA that must accompany the Application for New Dwelling Building Permission Certificate.

G. CONSTRUCTION AND IMPROVEMENT REQUIREMENTS

1. Any structure constructed on any lot shall be completed within twelve months from the date of commencement of construction thereof, unless such time is extended by the Association. Any work completed pursuant to a Special Permit shall be completed within six months from the date of commencement of such work, unless such time is extended by the Association.
2. The property owner shall be responsible for the maintenance of the construction site in a neat and orderly manner.
3. General Dwelling Requirements:
 - a. This Building Code, the Emerald Green Declaration of Covenants, Easements, Restrictions, Charges and Liens applicable to property within the Emerald Green Subdivision, and the Zoning Ordinance of the Town of Thompson differ in a number of areas. In all events, the most restrictive requirement applies.
 - b. All requirements of the Emerald Green Declaration of Covenants, Easements, Restrictions, Charges and Liens, whether referred to or not in this Code, shall apply and be fully observed.
 - c. Described below are specific regulations:

1. MINIMUM HABITABLE FLOOR AREA

Each dwelling must have at least 1,600 square feet of habitable floor area, which is above ground floor areas or areas having direct ground level access to the exterior of the dwelling, not including basements or garages. The footprint of the dwelling is to

be no less than 1,150 square feet. Finished height of walls on the main floors is to be no less than 8 feet high.

2. MINIMUM LOT AREA

No lot shall be less than the original plot plan of the filed subdivision.

3. TOWNHOUSES

Townhouses are permitted only on those lots already subdivided for the purpose of constructing townhouses.

4. DRIVEWAYS

Two or more driveway entrances and/or exits (such as a circular driveway) are not allowed on any lot unless the dwelling setback is greater than 60 feet from the front property line.

5. BUILDING AND PROPERTY AESTHETICS

The outside of the dwelling must be properly decorated. Natural material or finished masonry, such as brick or cultured stone, is encouraged. Earth tones are required. White facades are prohibited; however, white trim (including window frames, doors [including garage doors] and railings) is permissible. Dwellings on adjacent lots must not be identical and shall vary in either style or model. Where like models are on adjacent lots, variations in color, materials, porches, windows, and/or setbacks shall be sufficient to provide visual variation.

It is the policy of the Association that dwellings should blend into their surroundings; they should not stand out or contrast with their surroundings.

The Board, under the authority granted by the By-laws of the Association, has established the Aesthetics and Environmental Committee (“AEC”) for the purpose of developing (subject to the approval of the Board) additional aesthetics regulations relating to the ongoing maintenance of properties.

4. Site Maintenance:

- a. No excavation shall be made on any lot except for the purpose of building thereon and not until the time when building operations are commenced. No earth or sand shall be removed from any lot except as an incidental part of such an excavation. No trees can be removed or excavations begun at any time on any lot other than as specified in the approved Landscaping Plan for that site (see Section H).
- b. Where the grade is raised around existing trees and shrubs, those trees and shrubs must be welled in accordance with accepted standards.

- c. A drainage and grading plan is required before a Certificate will be issued. The Building Committee reserves the right to require the construction of a drainage belt in circumference of all of or any portion of the proposed dwelling or lot.
- d. No excavation work beyond the property line shall be permitted without the express written permission of the Association, the Town of Thompson, and adjoining Lot owners, where applicable.
- e. All work to be performed under the authority of a Certificate or Special Permit must be done on weekdays between the hours of 7:30 a.m. and 6:00 pm, or on Saturdays between the hours of 9:00 a.m. and 4:00 p.m. There shall be no work done on the following holidays: New Years Day, Good Friday, Easter Sunday, Passover (first two days), Memorial Day, July 4th, Labor Day, Rosh Hashanah (two days), Yom Kippur, Thanksgiving Day, Hanukkah (first day), and Christmas day.

If an Applicant desires to have work performed during any excluded hours a Special Permit is required. The Special Permit, if issued, must be kept on the construction site and shown, upon request, to representatives of the Association.

- f. Building permits from the Town of Thompson and the Certificate or Special Permit must be displayed, side-by-side, in a prominent location on the lot until the Town of Thompson has issued a Certificate of Occupancy or Completion, if necessary, and, in the case of new construction, the Association has satisfactorily completed its pre-occupancy inspection. If work performed pursuant to a Special Permit is completed and a Certificate of Completion is not required from the Town of Thompson, the permits shall be displayed until the work is completed.

5. Lakes and Docks:

- a. The Association owns Lake Louise Marie, Treasure Lake and Davies Lake. If a lot abuts or borders on any of these lakes, the lot, notwithstanding any description in the deed to the purchaser to the contrary, shall not include any of the land that is normally flowed on or covered by said waters and it is not intended that the deed evidencing such conveyance shall include any riparian rights in and to said water, or the shore line below the high water mark.
- b. No lot owner may fill any body of water without the express written approval of the Association and the New York State Department of Environmental Conservation and, where applicable, the U. S. Army Corps of Engineers. An application to fill any portion of a lake will only be considered where lots are less than 100 feet in depth, and it is absolutely essential for the use of the property.
- c. No piers, docks or mooring facilities shall be installed, erected or maintained until the plans and specifications for the same have been approved in writing pursuant to a Special Permit.

- d. Only one dock shall be permitted per single-family lot. Installation of permanent docks or floating docks that are not attached to the land are prohibited. No other devices (for example, rafts) may be installed or attached to the lot.
- e. Removable docks attached to the land may not exceed 20 feet in length from the land as extended into the lake and may not exceed 200 square feet in total surface area.

H. LANDSCAPING PLAN

1. As described in Section A of the Code, the natural woodland and lakeside setting is integral to the Emerald Green community and is to be preserved to the maximum extent. The woodland community consists of a mix of deciduous and coniferous (hemlock and pine) tree species. It is an objective of the Association to continue this mix, principally by preserving the natural vegetation on individual lots outside the proposed areas of disturbance. The Landscaping Plan should emphasize the use of native, indigenous specimens. The establishment of large manicured lawns, requiring high water consumption, is discouraged.
2. A Landscaping Plan is required to be submitted with the Application for a Certificate.
3. A Landscaping Plan may be required in connection with an Application for a Special Permit (see Section E).
4. The Building Committee will review the Landscaping Plan for adequacy based on conformity with the surrounding area. Unsatisfactory plans will be rejected.
5. The applicant should endeavor to substantially complete landscaping in accordance with the approved Landscaping Plan contemporaneously with completion of the dwelling. In any event, the applicant must substantially complete such landscaping within nine months of issuance of the Certificate of Occupancy, unless such time is extended by the Association.
6. Landscaping Plan Guidelines:
 - a. All lawns must be properly graded, and covered with top soil and seed or sod.
 - b. Each Landscaping Plan should consider the following guidelines:
 - 1) Preserve existing shrub-level vegetation whenever possible. Pruning and clean up of existing shrubs is permissible.
 - 2) Enhance the beauty of the property and residence while providing continuity between the dwelling and surrounding vegetation. Plant selections should be deer tolerant insofar as possible.
 - 3) Minimize the visual intrusion of the built environment by mitigating areas disturbed or destroyed during construction.

- 4) Preservation of the tree canopy shall be a priority for all approved Landscaping Plans. As a general rule, existing trees of six inches diameter or larger should be preserved.
 - 5) When tree removal is unavoidable, replacement is desirable.
- c. All existing and proposed site features such as roads, walks, walls, bulkheads, docks, etc should be graphically noted on the Landscaping Plan.
 - d. All surfacing materials are to be clearly noted on the Landscaping Plan (as to whether they are stone, grass, planting beds, etc).
 - e. The Landscaping Plan should indicate whether an irrigation system is to be installed.
 - f. The Landscaping Plan should include a depiction of exterior lighting, if any.

I. PROGRESS INSPECTIONS AND PRE-OCCUPANCY INSPECTION

- 1. The progress of construction will be monitored to ensure compliance with the project’s design as approved by the Building Committee. The Association shall have unrestricted access to all building sites for its representatives for purposes of conducting progress or final pre-occupancy inspections and ensuring compliance with this Code.
- 2. No member shall be permitted to occupy a dwelling, on a temporary or permanent basis, until the dwelling has been completed according to the approved plans and specifications, a Certificate of Occupancy has been issued by the Town of Thompson, and pre-occupancy approval has been obtained from the Building Committee or its authorized representative. Occupancy shall not remove the obligation of the owner to complete the landscaping according to the Landscaping Plan and within deadlines stated in Section H-5.
- 3. All requests for an inspection of any type should be made by calling the Association office. A minimum of five business days’ advance notice is required.

J. PROPERTY MAINTENANCE

- 1. Every member shall maintain the lot owned in neat condition and free of any structure or nuisance prohibited by this Code or by the Declaration of Covenants, Easements, Restrictions, Charges and Liens, and the Association may clear any lot of said objectionable structures and conditions without liability for damage for such action and charge reasonable costs of such work to the member.
- 2. No culvert or drainage ditch may be either temporarily or permanently blocked. Prior to any construction, appropriate controls shall be installed to ensure that the drainage swale between the street and the lot is not blocked.

3. Except for building materials during the course of construction or repair of any improvement, no lumber, metals, bulk materials, rubbish, refuse, garbage or other waste material shall be kept, stored or allowed to accumulate outdoors on a lot except with the prior written consent of the Association. At all other times such rubbish, refuse, garbage or other waste material shall be left in garbage cans. Garbage cans that remain outside the dwelling shall be kept in an enclosure of sufficient size to hold at least two cans, which enclosure shall be of the type that can be completely closed.
4. During construction or repair, a refuse receptacle shall be maintained at the building site for the deposit of refuse and construction debris. This receptacle shall be emptied on a regular basis and must not overflow. Tree stumps or superfluous construction materials shall be piled up neatly within the boundaries of the construction site and said materials shall be covered up whenever possible to avoid blowing away. Construction materials and refuse receptacles shall not protrude onto a neighboring lot, right-of-way or road.
5. All homes shall have the correct address prominently displayed on the house or at the end of the driveway, such that the address is visible from the center of the street.
6. No commercial or recreational vehicles, camper trailers, boats and trailers may be stored outdoors and no extensive work on any motor vehicle, boat or machine of any kind shall be performed outdoors on any lot without the prior written consent of the Association, unless otherwise prohibited by applicable zoning regulations.
7. No poles, clothes lines or other devices or contrivances for the hanging or drying of laundry shall be placed, erected or maintained outside the dwelling on or about any portion of any lot.
8. No tent, trailer, out-building, mobile home or other temporary structure of any kind shall be erected on or moved to any lot.
9. No fence shall be erected or constructed on any lot without the prior written approval of the Building Committee pursuant to a Special Permit. Any such fence shall be located within the rear yard of the lot, shall be set back at least 15 feet from any side lot line and 15 feet from the rear lot line, shall not exceed 4 feet in height on the side that faces the street, and shall be screened on all sides by evergreens or other year-round screening. In the case of a fence surrounding a pool, such fence shall comply with the rules and regulations of the Town of Thompson and should comply with, as nearly as feasible, with the requirements in the previous sentence.
10. No sign or other advertising media be erected, maintained or allowed on any lot or any building thereon whereby any profession, trade, business or commercial venture of any kind is advertised, except that a sign not to exceed two feet by three feet (2' x 3') in dimension may be displayed on the property during construction or major renovation with the name, address and telephone number of the builder or contractor. Such sign may be displayed on the building site only until construction or renovation is completed. No other signs of any type, including "For Rent" or "For Sale" signs, shall be erected or maintained on the premises without the express written consent of the Association.

11. Basketball backboards or other sports equipment may not be installed or placed within 20 feet of any property line.
12. No burning may take place without permission of the Building Committee and the Rock Hill Fire Department, from which a permit must be obtained and submitted to the Association. There must be a person present at all times during burning. All fires must be within a metal container and must be extinguished by 4:00 P.M. No burning shall take place on Fridays, Saturdays, Sundays and holidays. The Association may extinguish any fires that are not extinguished completely after 4:00 P.M. The minimum charge will be \$100.00 and all further construction work will be suspended until the bill has been paid in full.

K. PROPANE & FUEL OIL TANK REGULATIONS (EXCLUDES 20 LB LP BARBECUE TANKS)

1. No cylinder, tank, bottle, receptacle or other container for the storing, keeping or using therein or therefrom any propane, natural or any other fuel, gas or oil or any kind or nature shall be placed upon any lot without the prior written consent of the Association, except for liquid propane barbecue tanks no greater than 20 pounds. Any tank installed above ground shall be enclosed from view with material such as wood lattice or shrubbery.
2. An application for a Special Permit must be submitted to the Building Committee prior to installing any fuel tank in Emerald Green. The Application must include the size, make and model (include a copy of literature showing specifications, if available) and a schematic (drawn to a scale of 1/8 inch equals one foot) depicting the location of the tank in relation to the building, windows, doors, and property lot lines.
3. Liquid Propane Storage Tanks
 - a. No tank shall be greater than 500 gallons.
 - b. New dwelling units being constructed must install all tanks greater than 125 gallons underground. The tank must be installed at least ten feet from building or property lines.
 - c. Any tank installed above ground must be enclosed with a material such as lattice (tightly woven) with shrubbery placed around the areas visible from the street or lake. Lattice can be eliminated if sufficient shrubbery is installed to completely camouflage the tank.
 - d. Underground containers must be installed and inspected by an employee of an established LP gas distributor, who has skills in the handling of LP-Gas. Underground LP-Gas systems must be designed and installed in accordance with the provisions of NFPA 58 Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA 54 National Fuel Gas Code and all applicable state and local codes and regulations covering these installations.
4. Fuel Oil Tanks
 - a. Underground Installation:

- 1) No underground tank shall be greater than 1,000 gallons.
 - 2) All underground tanks must be double walled and constructed of steel and/or fiberglass.
 - 3) There shall be a leak sensor installed on the tank, with an electronic monitoring panel within the premises.
 - a) The panel must be incorporated into the existing monitored alarm system so activation if and when a leak occurs, alerts the Security Company.
 - b) Homes not having a monitored alarm system must install an exterior bell or siren to alert neighbors if a leak occurs.
 - 4) Leak detector systems must be tested yearly to determine that they are operative. A permanent historical log must be maintained documenting the date of the test and results obtained. A copy of such log shall be provided to the Building Committee when requested.
- b. Interior Premises Installation (Basement or Garage):
- 1) No interior tank shall be greater than 500 gallons.
 - 2) Storage tanks must be either double walled or a single wall tank contained within a separate containment tank.
 - 3) A double walled tank must have either an optical leak indicator or electronic audible alarm.
 - 4) A single wall tank must be contained within steel or approved polyethylene container designed to hold 110% of the oil tank capacity. This should be retrofitted with an electronic leak detector.

L. BUILDING CODE VARIANCES

1. An applicant who has been denied a Certificate or Special Permit may appeal to the Board for a reversal of, or modification to, the decision of the Building Committee. Such appeals must be made in person at a regularly scheduled Board meeting, or a special meeting as may be called at the discretion of the President of the Association. The Board may affirm the decision of the Building Committee, suggest an alternate approach to the project, or, in special circumstances, grant a variance from this Code.
2. The procedure for obtaining a variance is as follows:

- a. A written request from the applicant is submitted describing why the variance is necessary. Supporting details, such as plans, elevations, and drainage drawings, as applicable, should be provided with the request.
 - b. The Association will contact the owners of all properties abutting or facing the lot in question to determine if they have any objections to the variance.
 - c. The Building Committee will review all submitted material and make a preliminary recommendation to the Board.
 - d. The applicant will be invited to a Board meeting to state the reasons for requesting the variance and to answer questions from the Board.
 - e. The Board will vote on the matter in accordance with the By-Laws of the Association.
 - f. The applicant will be notified in writing of the Board's determination.
3. No work that requires a Certificate or Special Permit may be done while an appeal is pending on the application for the Certificate or Special Permit.

M. VIOLATIONS

1. Violation or breach of this Code or any part thereof shall give the Association the right to assess fines for such violations or breaches, in accordance with the By-Laws and other rules and regulations of the Association.
2. In the event of a serious violation or breach, the Association may issue a Stop Work Order to prevent further harm. In that case, the Stop Work Order will be posted on the construction site as notice that work is to cease immediately on the date indicated and until the problem noted is corrected. Upon satisfactory resolution, the Stop Work Order will be removed from the site and work may resume. If a Stop Work Order has been issued, such order is fully effective upon issuance, and will remain in effect while any appeal before the Board is pending.
3. Failure to comply with a Stop Work Order will result in the recording of a daily fine of \$500 on the applicant's account of record. If the fine is not paid within 15 calendar days after the Board meeting at which the Board imposed the fine, all applicable legal remedies will be pursued. Non-payment may also result in expulsion of the responsible contractor and denial of further Certificates or Special Permits, or revocation of the present permit.
4. Any violations of this Code shall be brought to the attention of the member, in writing, at the mailing address of record in the Association's records. Correction of violations shall be effected expeditiously. If the violation in question has not been corrected to the satisfaction of the Association, then the member shall be subject to a fine and injunctive relief as prescribed by the Board.

If, within 48 hours after notification, the violation is not remedied, the Association may withhold the issuance of any further Certificates to the builder or to an applicant contracting with the builder until the violation in question has been corrected to the satisfaction of the Association.

5. Approval of a previously issued Certificate or Special Permit may be revoked by the Board in the event the construction does not comply with the approved set of plans and specifications, in the event of a misrepresentation on the documents submitted for approval, or in the event the lot owner ceases to be a member in good standing of the Association.
6. Before any fine is levied, a member who is accused of a violation shall be afforded an opportunity to appear before the Board to present the applicant's position. A member otherwise in good standing shall remain in good standing until the member's opportunity to appear before the Board has expired. Failure to appear, in person or in writing, at the scheduled hearing shall be considered a waiver by the member of the right to appeal the fine. The Board may, after the hearing or waiver of hearing, impose the fine as of the date of violation, or such later date as it may choose in its discretion.
7. No building shall be occupied by its owner unless both of the following have occurred:
 - a. A Building Committee representative has inspected the dwelling for compliance with this Code and the approved building plans (see Section I-2); and,
 - b. The Town of Thompson has issued a Certificate of Occupancy.

Failure to abide by this regulation may subject the owner and/or applicant to a fine of \$100 per day and injunctive relief until compliance is met.