

## Lake Joseph Resolution:

Whereas “all purchasers of lots (either improved or unimproved) automatically become members of the Lake Joseph Homeowner’s Association, Inc. (the Association) and will be subject to the rights and obligations of such membership” (See, Offering Plan, p.8); and

Whereas the real property of Lake Joseph, by the Declaration of Covenants, Restrictions, Easements, Charges and Liens, made April 10, 1982, by the Lake Joseph Development Corporation, “is and shall be...subject to the covenants, restrictions, easements, charges and liens” set forth in said Declaration, and that “the same shall be binding on all parties having any right, title or interest in the described properties or any part thereof,” (See, Declaration p. 1); and

Whereas, Article II of said Declaration states, at par. 13, that “No noxious or offensive use shall be permitted, nor shall anything be done on any lot which may be or become an annoyance or a nuisance to the development;” and

Whereas the use of all terrain vehicles on HOA property has recently increased dramatically and there has been a corresponding increase in Homeowner complaints about noise and safety issues related to such use; and

Whereas, the Declaration further states, at Article II, par. 20, “the conveyances and restrictions contained in this Article are continuing ones for the benefit of the entire development and are to be construed as conveyances and restrictions running with the land,” breaches of which “may be restrained by injunction or other legal remedy;” and

Whereas, the Declaration states at Article III, Section 4, that the Association has the right “to suspend the right to use of the Common Areas and all facilities” for a period “not to exceed 60 days for any infraction of its published rules and regulations;” and

Whereas, the Declaration states at Article VI that the Association’s “By-Laws should be read as an integral part of this Declaration;” and

Whereas, Article VII of the Declaration provides that each grantee, by purchasing a lot in the development, accepts his or her deed “subject to all provisions” of the Declaration and “subject to the jurisdiction, rights, powers, privileges and immunities of Declarant;” and

Whereas, the certificate of incorporation of Lake Joseph Homeowner’s Association, Inc. provides in part at par. 3 that the purpose of the corporation is to “preserve, protect and enhance the value of community facilities, and to ensure the enjoyment of rights, privileges, and easements with respect thereto for the benefit of the residents of Lake Joseph,” and, at par. 3(c) “to enforce any and all covenants, restrictions and agreements applicable to the common areas and the residential lots within the above residential community...,” and to “exercise any powers suitable, convenient, proper or incidental for the accomplishment of any of the corporation’s purposes....” and

Whereas, the By-Laws provide, at Article IV, “PROPERTY RIGHTS: RIGHTS OF ENJOYMENT,” that “each member shall be entitled to the use and enjoyment of the common areas and facilities as provided by Article III of the Declaration,” and further provide, at Article IX, “POWERS AND DUTIES” that “The Board of Directors shall have power to (a) adopt and publish rules and regulations governing use of the Common Areas and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infractions thereof,” and, at subpar. 2(g) “to cause the Common areas to be maintained and supervised;”

Now, pursuant to its authorities recited above, for the common good and safety of all members of the Association, the Board of Directors declares and establishes the following rules and regulations governing the use of all terrain vehicles on HOA property.

### **ATV/UTV/Dirt Bike/Golf Cart rules**

The Board of Directors for the Homeowners Association of Lake Joseph (HOA) has adopted the following rules/regulations for the use of all-terrain vehicles (ATV’s), utility vehicles (UTV’s), go carts and dirt bikes as of January 18, 2022, in order to ensure the safety of all and respect for other vehicles and pedestrians.

1. Vehicle operation is restricted to homeowners/responsible renter and their guests, 16 years and older unless supervised by an adult, licensed and insured (as per NYS law) with Board approval. This approval can be revoked if rules are not followed.
2. Guests must be accompanied by homeowner/responsible renter at all times.
3. NYS Laws must be abided by at all times, including proper licensing, registration, USDOT helmet use (if required), number of riders, etc.
4. Usage is confined to established trails or, if needed for work purposes, with Board approval.
5. Riders must observe a 15-mph maximum speed limit in public areas. Lights must be on while in use on roads or trails.
6. Special effort should be made to ensure that no other resident has cause for concern or complaint. Referral to Rule #13- No noxious or offensive use shall be permitted, nor shall anything be done in any lot, which may become an annoyance or nuisance to the development. Items that should be observed should be noise, odor/fumes, usage time, etc.

The violation of any of these rules or regulations by any participating homeowner or their guest will be cause for fines followed by revocation of privileges. The Board reserves the right to revoke this permission at any time.