

## **Owner Landscaping Location Requirement**

This Rule is adopted by the Board of Directors pursuant to the Colony West Homeowners Association's authority under the Declaration and applicable provisions of the Illinois Common Interest Community Association Act and the Illinois Condominium Property Act (as applicable), which authorize the Board to regulate the exterior appearance, landscaping, and use of Lots and Units in order to preserve the planned character of the community and prevent nuisance or unsightly conditions.

### **1. Location of Owner Plantings.**

Except as expressly provided below, **all vegetation installed, planted, cultivated, or maintained by an Owner must be located entirely behind the fence enclosing the Owner's Unit or Lot.**

For purposes of this Rule, "vegetation" includes but is not limited to trees, shrubs, flowers, garden beds, prairie or native species plantings, naturalized vegetation, pollinator gardens, grasses, or other landscaping installed or maintained by an Owner.

### **2. Prohibited Areas.**

No Owner shall install, cultivate, expand, or maintain Owner-installed vegetation **outside the fenced portion of the Owner's Lot or Unit**, including but not limited to front yards, side yards, open areas, common-facing areas, or any area visible from the street or Common Elements outside the fence line except for "Grandfathered Plantings" (see below number 4)

### **3. Removal of owner-installed vegetation in violation of this rule.**

The Owner must **remove the vegetation or relocate it behind the Unit fence within thirty (30) days after written notice from the Association.** If the owner fails to remove owner installed plantings in violation location rule, the association may, after notice and opportunity for hearing, (a) fine the owner \$150, (b) remove that vegetation, and (c) return the area to the condition prior to the owner-installed vegetation.

### **4. Grandfathered Plantings.**

Vegetation installed prior to the effective date of this Rule and if such plantings had received "Grandfather" status may remain in place ("Grandfathered Plantings") provided that the Owner:

- does not enlarge, extend, replant, or materially alter the planting area;
- maintains the vegetation in a neat and controlled condition; and
- prevents the vegetation from becoming overgrown, unmanaged, invasive, or visually inconsistent with the surrounding community.

### **5. Loss of Grandfathered Status.**

Grandfathered Plantings shall automatically lose grandfathered status if:

- the planting area is expanded or replanted;
- the vegetation spreads beyond the original footprint;
- the vegetation becomes overgrown, unmanaged, or unsightly; or

- the vegetation creates a nuisance condition or interferes with the Association's maintenance obligations.

Upon loss of grandfathered status, the Owner must **remove the vegetation or relocate it behind the Unit fence within thirty (30) days after written notice from the Association.** If the owner fails to remove owner installed plantings in violation of the location rule, the association may, after notice and opportunity for hearing, (a) fine the owner \$150, (b) remove that vegetation, and (c) return the area to the condition prior to the owner-installed vegetation.

**6. Continuing Violation.**

Vegetation installed or maintained outside the permitted location constitutes a **continuing violation of the Association's governing documents**, regardless of whether the Owner characterizes the area as "private property," "deeded property," or otherwise.

**7. Enforcement and Self-Help.**

Violations of this Rule are subject to the Colony West Homeowners Association's enforcement procedures, including notice, hearing, fines, and corrective action. If the Owner fails to cure the violation after notice and opportunity for hearing, the Association may **remove or remediate the vegetation and charge all costs to the Owner as an individual assessment** collectible in the same manner as assessments.

**7. Interpretation.**

Nothing in this Rule limits the Association's authority under the Declaration to regulate landscaping on Lots or Units or to require removal of vegetation that the Board determines, in its reasonable discretion, to be **unsightly, overgrown, invasive, or inconsistent with the community plan.**

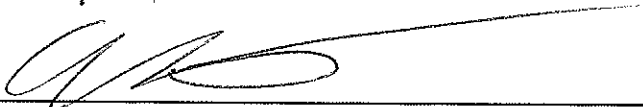
Colony West Homeowners Association's Board Vote

For 5

Against 0

Abstain 0

Date: 4/16/26



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President, Colony West Homeowners Association