



COMMUNITY GUIDELINES

(COVENANTS AND RESTRICTIONS)

“A Deed Restricted Community”

**Ninth Edition
January 2019**

INTRODUCTION TO THE AMENDED COMMUNITY GUIDELINES

DISCLAIMER

As of January 2019, the Pheasant Run Homeowners Association Board of Trustees shall re-institute strict enforcement of the Rules and Regulations set forth in the Association's Community Guidelines. Failure to comply with the rules and regulations referenced herein, shall subject any resident homeowner in violation thereof to fines and penalties consistent with the Amendment to the Declaration of Covenants and Restrictions of the Pheasant Run Homeowners Association dated October 4, 1999 and recorded October 26, 1999. The enforcement provisions provided therein, shall have no retroactive effect, however, neither existing violations nor leniencies or oversights by previous Covenants Committees shall result in future approval of such items. Ignorance of the rules is not an excuse.

REQUIREMENT

WRITTEN APPLICATIONS ARE NEEDED FOR ANY EXTERIOR CHANGE, ALTERATION OR REPAIR. IF YOU ARE NOT SURE WHETHER YOU NEED AN APPLICATION, PLEASE SUBMIT ONE SO THAT YOU WILL NOT BE SUBJECTED TO ANY FINES.

APPLICATION FORMS MAY BE OBTAINED AT THE CLUBHOUSE AND MUST BE COMPLETED, SIGNED AND RETURNED TO THE CLUBHOUSE OFFICE FOR REVIEW BY THE COVENANTS COMMITTEE. APPLICATIONS SHOULD BE SUBMITTED AT LEAST 30 DAYS PRIOR TO THE INTENDED START DATE.

A WRITTEN DETAILED APPLICATION WITH DRAWINGS OR PHOTOS, IF APPLICABLE, DESCRIBING THE PROJECT, CHANGE OR ALTERATION MUST BE SUBMITTED AND APPROVAL GRANTED BEFORE ANY WORK IS STARTED.

FAILURE TO OBTAIN AN APPROVAL OR MAKING A CHANGE OTHER THAN THAT APPLIED FOR COULD RESULT IN THE OWNER HAVING TO RETURN THE SUBJECT MATTER TO ITS ORIGINAL STATE. THE BOARD OF TRUSTEES ALSO AUTHORIZES THE COVENANTS COMMITTEE TO LEVY FINES, (SEE FINE PAGE).

SECTION I

The following are prohibited and applications will not be considered by the Covenants Committee:

- Artificial flowers, shrubs or trees
- Basketball nets, hoops/stands
- Compost piles
- Contractor signs
- Dog houses and/or storage buildings
- Dormers
- Gazebos and separate screened porches
- Greenhouses
- Hot tubs
- Private swimming pools or ponds
- Removal of grass, sod/turf
- Screened front porches
- Sheds
- Solar power panels not attached to the house
- Wind turbines

No open fire pits are allowed (including gas).

Sidewalks, driveway aprons and curbing within the confines of your property lines are your responsibility.

**NEW COMMUNITY GUIDELINES
RESOLUTION NO. 9**

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The following Resolution No. 9 replaces Resolution No. 2 through 8 and Amendment A.

NEW COMMUNITY GUIDELINES

Resolution No. 9

The Pheasant Run Homeowners Association is an adult deeded community, of which every homeowner is a member, and each is charged with maintaining the harmonious beauty of the community, governing the value and use of common grounds and open spaces and insuring the retention of harmony, through diverse, design qualities of the community for the enhancement of real estate values. This can be achieved through enforcement of our rules and regulations and cooperation of our members.

In order to keep Pheasant Run beautiful and to maintain its desirability as an adult residential community, it is essential that arbitrary tastes of individuals not be permitted to mar the harmonious beauty of Pheasant Run. We know everyone cannot be pleased with the rules and regulations, but we must have them and we must abide by them.

The intent and purpose of these “Community Guidelines” is to serve as guidelines to be followed to make life more pleasant and simpler for all. They supplement the Declaration of Covenants and Restrictions of Pheasant Run as amended, and conform to the Association Bylaws as amended, and replace the previous Community Guidelines edition dated April 1, 2015 as amended. They include the provisions of Amendment A adopted January 1998.

The rules and regulations of this Community Guidelines booklet do not replace the Covenants and Restrictions contained in the Public Offering Statement. This guide is intended to supplement and augment those Covenants and Restrictions provisions.

These Guidelines will increase the homeowners and residents awareness of the responsibilities they have assumed in their membership to preserve the aesthetic appearance of their homes and grounds and to protect the common property. They provide the homeowner with regulations governing any exterior alterations, changes or improvements they might wish to make to their homes or property, and they provide a guide for members of the Covenants Committee to assist them in the enforcement of these guidelines.

As required by previous Amendment A, a detailed written application must be made to the Covenants Committee before making any change, addition, repair or alteration to the exterior of any dwelling, building or to any grounds except as indicated below. The Covenants Committee is authorized to determine whether or not the contemplated change is permitted according to: (a) if it is in accordance with these Community Guidelines, (b) if the Committee finds it to be fitting and visually pleasing and in keeping with the character of Pheasant Run, and (c) if it is, or will become, offensive or an annoyance or nuisance to other residents.

Submission of an application is not required nor is written approval needed for the planting of flowers, trees, shrubs or bushes replacing those of a similar nature within 4' of the dwelling foundation.

While a contemplated change or alteration may be the same as or similar to a change or alteration previously approved by a Covenants Committee, this does not assure that the new application will be approved. A new detailed application must be submitted for consideration.

The Covenants Committee shall be the sole judge of whether or not the application should be approved. The Committee is obligated to review the application and notify the applicant in writing of the decision of the Committee within 30 days of receipt of the application. The decision of the Committee shall be final, subject only to appeal to the Board of Trustees.

If a change, repair or alteration is made without first submitting an application and receiving approval, the owner will be in violation of our Community Guidelines and/or our Covenants and Restrictions as amended. The owner will receive a written Violation Notice allowing 15 days in which to appeal to the Board of Trustees or participate in an Alternative Dispute Resolution - copies of the Association's ADR procedures are available in the office.

At the discretion of the Covenants Committee, fines may be imposed when the Notice of Violation is given. If, after 15 days, there is no request for an appeal or ADR the fine imposed will be due and payable to the Pheasant Run Homeowners Association.

This booklet provides guidelines for various changes, alterations, repairs or projects that Association members may contemplate making to their home or to their property. It is not intended to list every possible change an owner might consider and is divided into 2 sections as follows:

Section I Lists projects that are prohibited and application for which will not be considered by the Covenants Committee.

Section 2 While still requiring submission and approval of an application, applications for these projects or alterations can be expected to be approved as long as the described criteria is followed.

SECTION 2

AIR CONDITIONERS

Through-the-wall air conditioning units are permitted but only at the side or rear of the house. Adjacent neighbor's approval is required. Placement of air conditioners must not interfere visually or acoustically with applicant's neighbors, nor shall they discharge hot air onto neighbor's property.

ARCHITECTURAL ENHANCEMENTS

Handrail/Railings will be allowed on all models with a front porch. Submit application to the Covenants Committee for approval.

AWNINGS

Window awnings are permitted on all sides of the house. They may be of canvas, vinyl or aluminum, adjustable or fixed roll-up as long as they blend with the color of the house. Only fabric awnings are permitted over patio areas. Valances are allowed on all models up to 14 inches deep. Portable shade structures are allowed over rear patio only.

BARBEQUE GRILLS

Permanent gas grills may be installed only at the rear of the house, within 10' of the house or within 5' of an existing deck or patio. They should not be a dominant feature on the landscape and should be located so they blend as much as possible with the natural background. Supplemental planting should be provided to soften the visual impact, particularly when little or no natural background or screening is available. Permanent wood or charcoal grills constructed of brick, stone, cinder blocks, etc. are not permitted.

All portable barbecue equipment is to be used and stored at the rear of the house.

BIRD BATHS, BIRD HOUSES AND BIRD FEEDERS

To avoid interfering with the grass cutting and fertilizing, these should be placed within a garden bed and not in the lawn area.

CHIMNEYS

Brick chimneys are permitted to be installed at the rear of the house. They may be placed at the side of the house only in the specific location where side installations were permitted as part of the original floor plan. All chimneys must extend a minimum of 1' and a maximum of 3' above the highest point of the roof of the house. Metal chimneys must be enclosed with vinyl or aluminum siding. Open fire pits or chimineas are not allowed.

CLOTHES LINES AND CLOTHES TREES

Clothes lines are permitted at the rear of the house, but must be taken down each day after use. They may be strung off trees or posts installed for that purpose. Posts are to be located not less than 15' from the sideline of the property and not less than 1' from the rear property line.

COMMON GROUNDS

Common grounds shall not be used by any owner for any purpose nor shall owner use or make any changes or alterations in Common Grounds. No encroachments, structures, statues, etc. allowed on common grounds.

Cutting down live trees and/or vegetation in the wooded area behind homes may only be approved by the FIREWISE Committee. Any dead underbrush or trees may be removed however, a FIREWISE application must be submitted and approved.

CUPOLAS

One cupola may be added, but size may not exceed 24" x 24" and 29" in height or 40" in height if equipped with a weather/wind vane and must match the color of the siding of the house.

DOORS

All front doors may be replaced with ½ glass, square or oval design. Sidelights are all acceptable. Application must include a picture of the new door and color.

DRIVEWAYS/ WALKWAYS/MATERIALS

No asphalt aprons. Repairs to driveways shall be of the same materials as the remaining driveway and compatible in color. Replacement driveways are not to exceed 16' in width (including walkway) and shall be of asphalt, cement or brick pavers. It may not be divided into two or more strips. If concrete, it may be of one approved color, but may not be various colors by section. Stamped concrete is not permitted. Curb cut must match driveway. Moving of common sprinklers is homeowner's responsibility with a \$200.00 deposit submitted with application. No live trees can be removed. Basketball nets/hoops/stands are not permitted. All driveways must be properly maintained. Applications must be submitted to Covenants Committee

ELECTRONIC INSECT TRAPS

Not more than (2) are permitted and they must be located in the rear of the house, at least 1' from the rear property line and not less than 15' from the side property line. No device shall be installed or operated in such a manner as to cause discomfort to adjacent neighbors from noise. The unit may be operated only during those times the dwelling is occupied by the homeowners or their guests.

EXHAUST FANS

One exhaust fan is permitted but must be placed on the rear slope of the roof. On the Arlington and Davenport models, the fan should be placed as far to the rear of the roof as possible and practical.

EXTERIOR LIGHTING

Addition of exterior lighting is permitted. Exterior light fixtures should be compatible in style and scale with the applicant's house. Exterior lights may be either attached to the house, not exceeding the height of the eaves, or be a single fixture post lantern which does not exceed 6' in height, the post being placed on the house entrance side of the driveway. Bulbs of not over 60 watts should be used. Exterior lighting shall not be directed outside the applicant's property.

Motion Lights are permitted on all sides of the house.

Ground Lights are not permitted alongside the driveway. They are only permitted in the planting bed around the house.

FENCES

Fences are allowed around back patio only up to 5' high. Vinyl, wrought iron, wood, PVC are allowed. Railings are allowed at 3 ½' high on all models (front entrance) subject to Covenants approval.

Barriers of naturally growing plant material not to exceed 4' will be permitted only at the rear sidelines of the property, provided the rear sidelines abut the common grounds.

Utility fences with approved applications are allowed. Approved types of dimensions can be found in previous Newsletters or from the Covenants Committee. All fences must be maintained by the homeowner.

FIREWOOD

Must be stored neatly within 3' of the rear of the house and stacked in such a manner as not to be visible from the street whenever possible. Not more than 1 cord (8' long x 4' high x 4' wide) may be stored. Wood kept on the front porch should be in an ornamental crib manufactured for that purpose.

FLAG POLES

A permanent flag pole may be placed in the front or rear of the home. It may not exceed 20' in height, and must be placed no less than 15' from the sidelines of the property, and if in front must be a minimum of 10' from the sidewalk. A temporary flag pole not exceeding 6' in length may be attached at an angle to the front wall or post of the house. All flag poles must be lit at night.

FLORIDA ROOMS

Florida Rooms and screened porches are permitted only at the rear of the house, except for the Arlington model. Windows may be awning type, casement or double hung. Plans must be submitted with application. Rooms must also have a 25' set back from rear, and 15' from the existing siding of the house as closely as possible. All trim must be white. If of wood construction, siding must match the color of the house.

If wall panels are used they should be covered with siding or painted to match the color of the house. Aluminum doors may be used with the same restrictions as to color - see Storm Doors.

FLOWER BOXES

Only flower boxes at ground level and on the railing around the patio or deck are permitted up to a maximum of 4 (four) with maximum dimensions of 4' long x 8" wide x 12" high. They may be of wood, metal, plastic or cement

GARAGE DOORS

When replacing a garage door it should be painted an appropriate color to compliment the color of the house. Window panels are permitted, top panel only. Clear, beveled or stained glass windows are allowed. All changes require photo sample and are subject to Covenants approval.

GARBAGE / TRASH

Outside storage of garbage/trash is restricted to the rear of the house and must be located within 3' of the house and concealed by either an approved container or appropriate shrubbery.

Garbage containers and/or black trash bags must not be put out for collection earlier than 6:00 PM the day before the pickup and returned to the house by 6:00 PM the day it is collected. Two plastic enclosures large enough to hold (4) 30-gallon trash cans are permitted. Trash cans must be stored at the rear of the home, inside the garage or behind an approved fence. White or light colored trash bags are not permitted

GARDEN BEDS

Submission of an application is not required nor is written approval needed for the planting of flowers, trees, shrubs or bushes replacing those of a similar nature within 4' of the dwelling foundation.

GUTTERS AND DOWN SPOUTS

Additional gutters and/or down spouts may be added where necessary. They must match those existing as to color and design and installation must not adversely affect drainage onto adjacent property.

HANGING FLOWER PLANTERS/POTS

Hanging flower planters are permitted but must be removed by December 1st. 8-10" flower pots must be removed for the winter.

HOLIDAY LIGHTS & HOLIDAY ORNAMENTS ON THE HOUSE

These are permitted for a period not exceeding 30 days before the holiday and 30 days after.

HOME BUSINESS

In order to preserve the character of Pheasant Run as a residential community, conducting a business from the home is prohibited if the nature of the business is such that it would generate pedestrian or vehicular traffic to the home.

HOT TUBS

Hot tubs outside the confines of the house are prohibited.

HOUSE DECORATIONS

Letters, signs, birds and other decorations to be attached to the front or side of the house or garage will be considered only if they are small, visually pleasing, and appropriate as deemed by the Covenants Committee.

HOUSE NUMBERS

Each house shall display house numbers which shall not exceed 5" in height. Numbers or lettering may be used. If numbers are replaced, they should be located on the garage door framework, preferably centered on the top rail in order to standardize location for the benefit of emergency services.

HOUSE TRIM COLORS

House and window trim is to remain white.

LAWN ORNAMENTS

Lawn ornaments are permitted as long as the size is compatible with the scale of the house, and the location must not interfere with the grass cutting. Ornaments must not exceed 3' x 3' x 3' in overall size and a total of not more than 5 may be placed in the front or side of the house. Ornaments placed within 4' of dwelling must not exceed a height of 4'. Seasonal ornaments are permitted for 30 days before the holiday and 30 days after.

MAILBOXES

Homeowners are permitted to install a new mailbox if they wish or if it becomes necessary. Replacement boxes must conform to Post Office requirements. A description or sketch of new mailbox is required with written application to Covenants Committee.

PAINTING

Entrance doors can be painted a color to compliment the house. Subject to Covenants Committee approval.

House foundation may be painted white, or a color matching the color of the house siding, or color of concrete/cement.

Concrete walkways, front porches and patios may be painted. The color must be as close as possible to the color of concrete/cement.

PARKING AND STORAGE OF VEHICLES, BOATS, TRAILERS, MOTOR HOMES, RECREATIONAL VEHICLES, ETC.

No vehicle with commercial plates or commercial lettering, no recreational vehicle, boat or boat trailer may be parked on the street or driveway for over 72 hours, except for those commercial vehicles making deliveries or providing services to homeowners. Vehicles parked on the street shall be parked with the flow of traffic, not opposite.

All parked vehicles must be properly registered, have current license plates and current inspection stickers and may only be parked in the driveway or on the street.

No boat or boat trailer, motor home, camper, pop-up trailer, fifth wheel trailer, or any similar recreational vehicle, dune buggy, motorcycle, auto collectible, any type of vehicle not normally licensed for private passenger transportation shall be parked or stored on the street, or on residential property or on common grounds.

No vehicle shall be operated which creates excessive noise. Residents shall not perform repairs or service to their cars or other property which could cause damage to common property or create a nuisance.

Homes with double wide driveways ONLY can park cars side-by-side. No parking on lawns with the exception of during snow storms and only for a 24 hour period after storm has stopped. No sidewalk parking allowed.

PATIOS AND DECKS

Patios and decks are permitted. They must be constructed of concrete, brick or stone pavers. Decks must be constructed of wood or PVC. Patios and Decks that are built on homes with additions, or pending additions, are restricted to the length and width of the original sidelines of the house, with a 25' setback. All applications must include a sketch and written description.

PET AND ANIMAL CONTROL

All dogs and other pets must be on leashes when outside. All animals are to be curbed in the street. The pet owner and their

guests are responsible for picking up his animal's feces and disposing of same at home. Pets are not permitted in common areas, clubhouse or pool area.

Pet owners are subject to Lacey Township laws, rules and regulations governing shots and pet control.

Residents are not to put out food on the grounds to feed animals such as cats, dogs, skunks, possums, ground hogs, geese, deer and squirrels.

PICNIC TABLES/LAWN FURNITURE

Picnic tables, lawn furniture and ornaments must be removed from lawn areas at grass cutting and fertilization times. If owner is not going to be home at those times, arrangements must be made for someone else to do this, otherwise the homeowner will be responsible for mowing and fertilizing his own lawn

Picnic tables, lawn furniture and trash cans must not be stored on front porches. They may be stored inside the garage or at the rear of the home.

PLANTERS - SEE HANGING FLOWER PLANTERS REBUILDING OF A HOUSE

In the unfortunate event that a house needs to be rebuilt because of fire or destruction from other means, the identical model home is to be built on the same footprint, with the same exterior specifications as the original.

RE-SIDING/PAINTING OF HOMES AND ROOFING

Colors of siding must be chosen in a neutral tone and must conform to our community. All trim must be white. Roof shingles must compliment the color of the siding. Samples of the siding and roof color must be submitted with application to Covenants Committee for approval. Vinyl Cedar Shake shingles are allowed on the complete house. Half rounds may be used on the front peaks of house only.

SATELLITE DISHES

Satellite dishes not exceeding 32" in diameter are permitted providing they are mounted on the roof to the rear of the house and are not visible from the street, if at all possible, unless reception cannot be received in those locations. Sketch of mounting and location must accompany application. No other exterior antenna of any type is permitted.

SHUTTERS

Standard size (14-16" wide x 67" long) vinyl or aluminum shutters may be installed on windows. Colors should be complimentary to house siding trim or garage door color.

SIGNS

Only "For Sale" or "For Rent" signs are permitted on the exterior of the home or grounds, and these are limited in size to 18" x 24". Signs of these dimensions need not be approved by the Covenants Committee in advance. "For Sale by Owner" signs can be displayed for a maximum of 60 days only. Directional signs are permitted on day of open house but must be removed at the end of the showing.

"Sold" or similarly worded signs are not permitted. When the property is sold the "For Sale" signs should be removed.

Signs should not be placed in/on the lawn, but should be installed in the shrub bed next to the foundation in front of the house.

Garage and yard sale signs are permitted within Pheasant Run the day of the sale and must be removed immediately after. Only 4 yard or garage sales per year allowed per household. A township permit must also be obtained. Contractor signs are not permitted. Homeowners must notify contractors accordingly.

Political signs are allowed and must be removed after election day.

SKYLIGHTS

Two skylights are permitted only at the rear or side slope of the roof. Skylights should be of the flat profile and adaptable to the structure of the roof. Solar tube-type skylights are permitted, they must be located as far to the rear of the roof as possible.

SOLAR ROOMS

Those are permitted with the same restrictions as those under Florida Rooms.

SPRINKLER SYSTEMS AND WELLS

Private wells and/or sprinkler systems are permitted. Application should include sketch and approval of adjacent neighbors and will be subject to review and approval of the Sprinkler Committee. Application must be accompanied by a check for a refundable \$200.00 deposit to cover the cost of repairs, if needed, to the Association sprinkler system resulting from the new well or sprinkler installation.

If outside pressure tank is required, it shall be painted to match the color of the siding or shall be concealed with painted lattice and/or shrubbery.

No change or alteration to the Association sprinkler heads or system may be made by any resident, except members of the Sprinkler Committee.

STAINED GLASS WINDOWS

Stained glass and beveled glass windows are permitted on front entrance doors and sidelights.

STORAGE BOXES

Box dimensions cannot exceed 36" height, 36" depth and 6' long. Box material must be plastic or vinyl.

STORM DOORS

Storm doors are permitted in white or a color to compliment the house and must be approved by the Covenants Committee.

VEGETABLE GARDENS

Vegetable plots of a size not exceeding 150 square feet are permitted and must be located behind the rear line of the house but not on common ground. They must not be less than 15' from the sideline of the homeowner's property.

Plot contents shall be limited to those items having a mature height of 4' or less. Any support poles must not exceed a height of 4' and must be removed at the end of the growing season.

Temporary wire fencing not over 4' height is permitted around the vegetable garden. It must be removed by November 1st.

All gardens must be neatly maintained throughout the growing season. All dead plants are to be buried or removed, and the ground put back to original grade at the end of the growing season.

The homeowner is responsible for any damage they cause to Association sprinkler pipes and wiring which are underground. Every homeowner must check with the Sprinkler Committee before doing any digging or excavation. A refundable \$200.00 deposit is required with application.

WEEDS, TREES AND GENERAL APPEARANCE

Each homeowner is responsible for maintaining the appearance of the exterior of his house and his shrubbery and/or garden beds and for removing weeds growing in the sidewalk cracks, on driveways, and along the curb line.

Mildew or excessive dirt on the exterior of the house must be removed.

Tree branches should be cut back as so not to interfere with people walking on the sidewalk or with the grass mowers. Tree stumps must be removed promptly after a tree is cut down or else cut down below ground level. The area in which the tree was removed must be re-seeded, and a new tree, 5' or taller that is indigenous to the area must be planted adjacent to the original location..

Removal of any tree on property must be approved by the Covenants Committee.

WINDOWS

Bathroom Windows: Bathroom windows are approved for the Elton model as long as they do not exceed 576 square inches per window, are of the same design as the other windows and have white trim.

Garage Windows: Installation of a window in the garage is permitted, but it must match the other windows on the side of the house on which it is to be placed.

Grillwork: Exterior bars or grillwork on windows or sliding patio/deck doors is not permitted.

Replacement Windows: When replacing existing windows the new windows must match the old ones as closely as possible. They must be "six over six" double hung. The application must be written "six over six" as part of the description.

Bow or Bay Windows: Bow and bay windows with grids are allowed where double windows exist now except bedrooms. Final approval will be at the discretion of the Covenants Committee.

FINES

Any owner or owners of property in Pheasant Run who violate the Community Guidelines set forth herein above shall be subject to fines as set forth in the Amendment to the Declaration of Covenants and Restrictions of the Pheasant Run Homeowners Association dated October 4, 1999 and recorded October 26, 1999 in the Ocean County Clerk's office in Deed Book 5752, commencing at page 0239, as delineated below:

The Association may impose a reasonable fine upon Owners for failure to comply with provisions of the Master Deed, Amended Master Deed, Bylaws, Amended Bylaws, Declaration of Covenants and Amendments thereto, or rules and regulations subject to the following provisions:

- (1) Any person who fails to comply with the above provisions shall be subject to a penalty of not less than \$20.00 or more than \$500.00 for each individual violation. The maximum fines are \$500.00 for single violations and an accumulated total of \$5,000.00 for continuing violations. Each day a violation remains open is deemed to be an additional violation unless an appeal is pending.
- (2) A fine shall not be imposed unless the Owner is given written notice of the action taken and of the alleged basis for the action, and is advised of the right to participate in the Alternative Dispute Resolution provided for in these Declarations. An Owner who does not believe that the Alternative Dispute Resolution procedure has satisfactorily resolved the matter shall not be prevented from seeking a judicial remedy in a court of competent jurisdictions.

Note: The imposition and payment of a fine does not correct a violation and, subject to final determination by the Covenants Committee and/or The Board of Trustees, the violation may be subject to additional fines or other actions if not corrected.

