

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.
(the “Association”)
POLICY RESOLUTION
RELATING TO INSTALLATION AND USE OF
ELECTRIC GENERATORS

WHEREAS, Article IV, Section 1 of the Association’s By-Laws (the “By-Laws”) provides that, the affairs of the Association shall be managed by the Board of Trustees (the “Board”); and

WHEREAS, Article VII, Section 1 of the By-Laws provides that “[t]he Board of Trustees shall have the power to:

- (a) adopt, publish and amend rules and regulations governing the ownership, use and maintenance of the Common Area, Common Easements and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties and fines for the interaction thereof.; and

WHEREAS, Article VI, Section 2 of the Declaration provides that, “[a]ny Member desiring to commence exterior construction on or modification of the exterior of any Living Unit or Lot shall submit a request to the Architectural Control Committee (“ACC”)”; and

WHEREAS, Article VI, Section 2(F) of the Declaration provides that “[n]o addition or modification to any Living Unit, including screen doors or awnings, or any other structures shall be permitted which is deemed to be inharmonious with the character of the Community” and “The ACC may prepare and have available pre-approved designs for the most common changes requested.”; and

WHEREAS, Article I, Section(j) of the Declaration defines “Lot” as “any individual lot or plot of land shown upon the Section Plan, together with improvements constructed thereon, but excepting therefrom the Common Area.”; and

WHEREAS, Article VII, Section 1 of the Declaration provides that, “the Owner shall be responsible for maintenance, repairs and decoration of all improvements, including the Living Unit located on the Owner’s Lot, structural or otherwise. . . including , but not limited to . . . equipment, appliances, mechanical and other systems . . . ”; and

WHEREAS, Article V, Section 8 of the Declaration provides that the Association may levy fines for violations and continuing violations of the rules and regulations; and

WHEREAS, the Board wishes to address increasing interest among homeowners regarding the installation of generators; and

WHEREAS, the Board finds that the excessive noise and visual impact created by the unregulated installation of generators is inharmonious with the character of the Association; and

WHEREAS, the Board finds that it is in the best interests of the Association and its occupants to permit the installation and use of natural gas generators on owners’ Lots pursuant to certain conditions.

NOW, THEREFORE, BE IT RESOLVED THAT:

Association approval shall only be valid if all steps set forth in Section II below are completed.

I. PERMITTED AND PROHIBITED GENERATORS

A. The following generators shall be permitted for use on the Lots within the Association:

1. Hard-wired, natural gas generators.
2. Portable gas generators.
3. Generators which have been approved in advance by the Association.

4. Generators which are installed, maintained, and used in compliance with all local, state, and federal laws.

B. The following generators shall be prohibited from use within the Association:

1. Any generator that discharges visible emissions (i.e., exhaust smoke).

2. Generators that have not been approved in advance by the Association. Association approval shall only be valid if all steps set forth in Section II below are completed.

3. Generators which generate sound, at any time, in excess of 67 dbA at 7 meters.

4. Generators which are not installed, maintained, and used in compliance with all local, state, and federal laws.

II. APPROVAL PROCESS

A. All hard wired generators must be approved in advance and in writing by the Association.

B. Step One. Owner shall submit a completed property modification application, including all required attachments, to the Association. Property modification applications may be obtained from management. The following items must be provided to the Association along with the property modification application:

1. Manufacturer's specification sheet for generator including dimensions, decibel level/rating, etc.

2. Operating schedule of the generator's test exercise package.

3. Survey of property showing proposed installation location for generator and concrete slab and any other equipment.

a. Note that the generator should be located as close to the rear wall of the unit as possible.

4. Dimensions and thickness of concrete slab to be installed.
5. Specifications showing how generator is anchored to concrete slab.
6. License and insurance information for the contractor which will install the

generator.

C. Application for installation of an otherwise acceptable generator may be denied if the proposed placement of the generator would cause a nuisance for neighboring unit owners or impede maintenance of the common elements, which shall be determined at the sole discretion of the Board. Ideal placement shall be:

1. equidistant from the sides of each property line; and
2. as close to the rear wall of the unit as possible without sacrificing safety.

or the ability to properly maintain the generator.

If the Property Modification Application is approved in writing by the Association, owner shall go to Step Two.

D. Step Two. The Association shall provide owner with a written Notice to Proceed at which time the generator may be purchased and installed.

III. INSTALLATION AND USE REQUIREMENTS

A. Only permitted generators which have been approved in writing by the Association shall be installed.

B. Generators shall be installed and used in accordance with manufacturers' specifications and by licensed professionals.

C. Generators shall comply with all Township requirements as well as any other local, state, or federal law.

D. Installation shall be on a solid concrete slab at least 4" thick.

E. The decibel level/rating of any generator installed shall not exceed 67 dbA at 7 meters.

F. Weekly testing may only be performed on weekdays during the hours between 11:00 a.m. and 2:00 p.m.

G. Owner shall obtain all permits for installation and provide copies to the Association. The permit number must be submitted with the property modification request even if the actual permit has not yet been issued.

H. Owner shall be solely responsible, at owner's sole cost and expense, for all installation, maintenance, repair, and removal of the generator. Owner shall also be responsible, at owner's sole cost and expense, for any restoration required to the Common Elements and/or Limited Common Elements.

I. Other than necessary testing and maintenance, generators shall only be used when standard electrical services are not available in the community.**IV. ENFORCEMENT**

A. Any owner who fails to comply with the procedures provided for in this Resolution shall be subject to fines, in the amount of \$50.00 for each violation. Each day after notice that a violation continues shall be deemed a new violation.

B. If the Association incurs any costs or expenses, including attorney's fees and costs, in enforcing this Resolution or in collecting fines, all such costs shall be charged to the owner in violation.

C. The Association reserves the right to remove any unapproved generator which has been installed.

V. MISCELLANEOUS

A. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it at law, in equity and/or pursuant to the Governing Documents.

B. The enforcement of this Resolution shall be in accordance with the Association's alternate dispute resolution policy.

C. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.

D. Any provision contained within any previously adopted resolution of the Association, which conflicts with any provisions set forth herein, shall be deemed void and the provision contained herein shall govern.

IN WITNESS WHEREOF, this document was adopted by authority of the Association's Board of Trustees on the date set forth above.

Attest:

ENCHANTMENT AT HAMILTON
HOMEOWNERS ASSOCIATION,
INC.



Kathleen Platt, Secretary



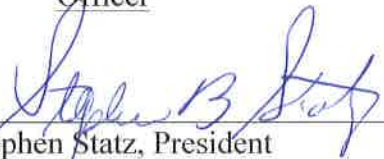
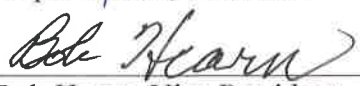
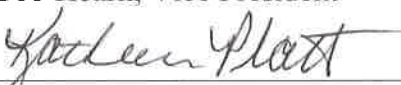


Stephen Stutz, President

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.

Policy Type: Policy No.

Pertaining To: Installation and Use of Generators

Duly adopted at a meeting of the Board of Trustees of Enchantment at Hamilton Homeowners Association, Inc., held this 28 day of April, 2016.

<u>Officer</u>	<u>Vote:</u>			
	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u></u> Stephen Statz, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Bob Hearn, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Kathleen Platt, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Jeffrey Schenker, Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Steve Fischberg, Trustee VP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest:


Kathleen Platt, Secretary

28 Apr 2016
Date