

Regulations of Whispering Hills

WHISPERING HILLS CONDOMINIUMS
HOUSE RULES AND REGULATIONS

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community values and standards high.*

Whispering Hills Board of Directors



THIS BOOKLET

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WHISPERING HILLS

CHESTER, NEW YORK 10918

**Please take a few moments to read this
booklet. It supersedes all previously
published and distributed
Rules of Whispering Hills.**

**It will increase your
knowledge of current regulations
and become a valuable source of
information for you and your family.**

Whispering Hills Homeowners Association Office

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Regulations of Whispering Hills

General House Rules

Section 1.00

- 1.01.03 Residential Occupancy:** Occupancy of all homes shall be restricted to residential occupancy in accordance with the applicable zoning regulations of the municipality having jurisdiction over the community.
- 1.02.03 Improper Use :** No immoral, improper, offensive or unlawful use shall be made of the community or any part thereof. All laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be adhered to.
- 1.03.03 Creating a Nuisance: (Community)** No resident, homeowner, their families, employees or guests shall use or permit the use of any home or any common area or element, for any illegal purpose, or in such a manner as to be injurious to the reputation, safety, or appearance of the community.
- 1.04.03 Creating a Nuisance: (General)** Sounds created in any home that can be clearly heard in another home or from a common area, i.e. music, children playing, domestic arguing, or any action that would reasonably disturb the enjoyment of another homeowner/resident are prohibited.
- 1.05.03 Failure to Perform Maintenance:** Every homeowner must perform promptly all maintenance and repair work to his own home which, if omitted, would affect the community in its entirety, or any part belonging to another homeowner, or the building which contains his home. Each homeowner being expressly responsible for any damage and/or liability caused by his failure to comply with this section. This section shall include replacement of such items as front entrance door, and garage doors, screens and windows that require replacement in order to maintain an acceptable community appearance.
- 1.06.03 Prohibited Storage:** The storage or accumulation of toxic or flammable materials in or around any building in such a manner or amount as to present a potential health or fire hazard to any person is prohibited.
- 1.07.03 Damage to Common Area:** Each homeowner shall be liable for any and all damage to the common elements and the property of the condominium, caused by said homeowner or by any other person for whose conduct the homeowner is legally responsible for.
- 1.08.03 Homeowner Repairs:** All repairs to internal installations of a home located in and servicing only that home, such as telephones, venting, and sanitary installations shall be at the individual homeowner's expense.

Regulations of Whispering Hills

General House Rules cont'd

- 1.15.03 **Improper Use of Garage or Driveway:** Garages, should not be used for recreation or living areas or in any manner that reasonably creates a nuisance for any other resident/homeowner, or in such a manner as to be injurious to the reputation, safety, or appearance of the community. Such use may violate building and/or fire safety codes.
- 1.16.03 **Prohibited Fence or Gate:** No fence or gate shall be erected in the community without the written consent of the appropriate Board of Managers.
- 1.17.03 **Window Air Conditioners are Not Permitted to protrude from any building or window.**
- 1.18.03 **Holiday Decorations:** are allowed but must be removed no later than 30 days after the official Holiday.
- 1.19.03 **Misuse of Garage Door:** Garage Doors are to be kept closed when the outside temperature is below 45 degrees or above 85 degrees. except when actually entering or exiting the garage.
- 1.20.03 **Draining of Faucets:** Outside faucets are to be turned off and drained prior to Nov. 1. Failure to comply or to contact Maintenance if unable to comply may result in fines, frozen pipes and responsibility for subsequent damage.
- 1.21.03a **Fireplace Chimneys:** are inspected by the condominium each year and any required cleaning and/or repair is the responsibility of the homeowner and must be completed in accordance with existing procedures.
- 1.21.03b **Dryer Vent Safety:** Checking and cleaning of Dryer Vents is the responsibility of the homeowner and should be done yearly.
- 1.22.03 **Rule Violation:** Association rules, regulations, and procedures are in place to protect both the living standard and safety of community residents, and must be complied with.
- 1.23.03 **Official Documents:** All documents, forms, permits, passes, ID's, etc. used in the operation of Whispering Hills Homeowners Association or for the operation of any of the four condominiums within Whispering Hills are, considered, "Official Documents" and remain the property of Whispering Hills HOA Inc. The misuse, unauthorized duplication or alteration, of an "Official Document" in an attempt to gain additional services or privileges is a serious violation of Whispering Hills Rules and Regulations.
- 1.24.03 **Removal of Personal items:** Any personal items left on Common Space may be subject to removal by landscaping or maintenance staff. Due care will be used when property is removed but responsibility for any damage incurred will remain with the property owner.

Whispering Hills Delinquency Policy

**Common charges and community assessments are due and payable on the first of each month
Payment is deemed made when received by the HOA office**

15 DAYS PAST DUE: A late fee of \$25.00 will be assessed to each unit failing to pay community assessments and/or common charges as of the 15th of the month in which due. **When late fee is assessed, the account will be listed as delinquent and all recreation privileges will be suspended (no written notice will be sent). A Delinquent List will be sent to Clubhouse and pool personnel.**

DELINQUENT ACCOUNTS: Accounts delinquent in excess of one (1) months Common Charges will be listed "Not in Good Standing" such accounts will be reviewed at the end of each month to determine continuation of status.

ACCOUNTS "NOT IN GOOD STANDING": Are subject to denial of Discretionary Services and may be required to sign a written payment agreement.

PAYMENTS: Payment by personal check is subject to a waiting period of (10) ten business days.
Payments received will be applied to your account's oldest balance.

FINANCE CHARGES: Will accrue at the rate of 2.0% per month on all balances over 30 days past due.

60 DAYS PAST DUE: A lien may be placed against your unit. Your account may be sent to a collection agency or small claims court. You will be responsible for all filing and court costs and any associated legal fees. Failure to address past due accounts can lead to foreclosure proceedings.

\$35.00 RETURNED CHECK FEE: A \$35.00 service charge will be added to your Common Charge Account for each returned check. Returned checks will be re-deposited. Once a check is returned *only cash, certified check or money order will be accepted for future payments.*

PROCEDURE TO HAVE LATE FEE WAIVED: Waiver of a late fee is available to any owner/resident who; (1) makes application to have the late fee waived and (2) Is not currently delinquent or under recreation suspension and (3) has not been late with common charges or assessment payments or been under recreation suspension during the previous 12 months. **The waiving of this late fee shall not be granted to any owner/resident more than once in any 24-month period.**

2011 Whispering Hills Pool Rules & Regulations

GENERAL REGULATIONS:

- G-1. **Rules and Regulations** aid in the protection of your health, comfort and safety while visiting our pools. Use of pool areas are permitted subject to the rules listed herein and any posted restrictions.
- G-2. **Lifeguards** are provided for everyone's safety and well-being. The Association specifically delegates to the lifeguard the authority to institute any and all rules having to do with safety and health. A Lifeguard, Pool Manager or Superintendent can close the pool if weather conditions warrant.
- G-3. **Use of any community pool area** is prohibited without a community lifeguard on duty.
- G-4. **Admittance to any Pool Area is by Pool Gates Only.** Entrance to the pool through the Clubhouse is prohibited.
- G-5. **Use of Pool areas** is limited to resident homeowners, tenants (their families and guests) whose common charge account and pool passes are current.
- G-6. **Pool passes** must be presented to the Attendant at the Gate as you enter the Pool Area. Attendant will return pass when you leave.
- G-7. **False statements, misrepresentations or non-compliance** with rules and regulations shall be sufficient grounds for withdrawal of pool privileges.
- G-8. **Persons with skin disorders** or communicable diseases are not allowed in the water.
- G-9. **Diapers:** Persons wearing Diapers of any type approved or unapproved are **NOT ALLOWED IN THE MAIN POOL.**
- G-10. **The lifeline** in the center of the pool marks a drastic decline from shallow to deep water. The lifeline must remain in place at all times. **PLAYING ON THE LIFELINE IS PROHIBITED.**
- G-11. **No employee shall be reprimanded by any member or guest.** Any problems or complaints shall be made in writing to the Homeowners Association.
- G-12. **Pool phones** are for emergency use only.
- G-13. **Flotation devices** are prohibited, **EXCEPT for Coast Guard approved lifejackets with a crotch strap.**
- G-14. **Other swimming aids, furniture, toys, games, fixtures or other equipment** are prohibited.
- G-15. **Unnecessary Noise, dunking, water tag, splashing, ball playing, running, jumping, horseplay, wrestling, Frisbee throwing, misuse of equipment or other objectionable activities** are NOT permitted
- G-16. **Diving or Jumping** into the water is prohibited.
- G-17. **All Behavior** that is considered by a staff member to be unsafe is prohibited.
- G-18. **Dogs, cats or any other pets (animals)** are strictly prohibited from the pool area.
- G-19. **All persons are required to dress and undress** away from the pool area, to use cover-ups (robes) and some type of shoe going to and from the pool. Proper swimming attire must be worn to use the pool.
- G-20. **All persons** are expected to leave the pool area promptly at closing time.
- G-21. **Restrooms: For your safety, footwear is required.** Restrooms must be kept clean at all times. Use trashcans.
- G-22. **Tables and chairs** are for your use but CANNOT be reserved. They should not be used as storage for personal belongings. Once you leave the facility, you must take all personal belongings with you. Neither the HOA nor the pool management company bears any responsibility for loss or theft of personal property.
- G-23. **All coolers brought into the pool area will be inspected.** No glass containers, bottles, drinking glasses, mirrors, thermos bottles etc. are allowed. ALCOHOL OR DRUGS are prohibited in all pool areas. Persons who appear intoxicated or under the influence of drugs are not allowed in the pool area. Anyone found with alcohol or drugs will have their pool pass revoked. Violations of this rule will be reported to the Chester Police.
- G-24. **Food or drink** is only allowed at tables away from the pool.
- G-25. **Climbing on or over the pool area fence** is prohibited. Violators will be asked to leave.

AGE REQUIREMENTS:

- A-1. **Persons with Photo ID's indicating they are under sixteen (16) years of age are NOT permitted** in the pool area unless accompanied by an adult while at the pool. This adult will be responsible for the child's proper behavior.
- A-2. **Persons under eighteen (18) years of age are NOT permitted** to bring guests to the pool.
- A-3. **The Kiddie Pool is only for children six (6) years of age and younger.** A parent or adult must physically accompany a child when they are in the Kiddie Pool.
- A-4. **Children four (4) years of age or younger are NOT permitted** in the Large Adult Pool.
- A-5. **Diapers:** Children in diapers are not allowed in the Kiddie Pool unless the diaper is an approved swimwear type.

VISITORS/GUESTS:

- V-1. **The Attendants/Lifeguards** on duty have the discretion to refuse entry to non-Whispering Hills residents day-to-day when there is the possibility of overcrowding.
- V-2. **An adult homeowner** must accompany guests at all times when entering the pool area.
- V-3. **Guests are limited to (4) four per adult resident in any recreation area, including the pool.** The homeowner of the sponsoring housing unit will be held liable for any inappropriate behavior or damage by their guests.
- V-4. **Ratio of children to adult is not to exceed 4 to 1.** No adult may claim responsibility for more than 4 children (child being a person under 16).
- V-5. **Whispering Hills Residents are not permitted as guests.**
- V-6. **Daily and Season Guest Passes** are available through the HOA Office. **Guests (4) years of age and older must have a guest pass.** A nanny or caretaker with a valid Season pass is responsible for the children under their supervision.
- V-7. **In case of rain,** Guests will receive a rain check if they have been at the pool less than three (3) hours.

New Pool Hours

Weekends & Holidays Only	May 28 to June 24th	12 noon – 8pm
June 25 th to September 5th	Daily	12 noon – 8pm

Section 4.00 Parking and Vehicles

The following roadways in our community are not Whispering Hills property; they are municipal roadways of the Village of Chester; these roadways are governed by state and local laws. (Whispering Hills Drive, Apple Terrace, Peach Lane and Clubhouse Place).

- 4.01.03 **Parking Permits Required:** All vehicles parked in any designated parking space on Whispering Hills property (with the exception of the two Clubhouse parking lots) must display a valid Whispering Hills Parking Permit on the left rear outside of the vehicle. In the case of a Hanging Permit, it must hang unobstructed from the rear view mirror whenever the vehicle is parked on Whispering Hills property. Permits displayed on or from other areas of a vehicle are not considered **Properly Displayed**. Improperly parked vehicles and vehicles without permits are subject to **Fines and/or Towing at the Owner's Expense**. Vehicles without permits may be parked in garages, on Village roadways or in Clubhouse lots. All such parking is subject to **posted regulations and applicable vehicle and traffic laws**.
- 4.02.03 **Clubhouse Parking:** All persons parking vehicles in Clubhouse 1 and Clubhouse 2 parking lots must follow all parking regulations for these areas.
- 4.03.03 **Excessive Speed:** The maximum speed in any driveway is 5 mph. Other roadways are posted and speed limits will be enforced.
- 4.04.03 **Blocking Access:** To mailboxes, fire hydrants or trash dumpsters is strictly prohibited.
- 4.05.03 **Blocking Emergency Access: PARKING IN DRIVEWAYS IS PROHIBITED.** Driveways are not recreational areas and must be kept clear and accessible at all times. **The use or storage of Skateboard Ramps, Hockey Nets, Basketball Hoops etc. In Driveways is prohibited.**
- 4.06.03 **Operation of Unlicensed Motor Vehicles:** in common areas or on community roadways is not allowed, this includes cars, trucks, motorcycles, snowmobiles, mini-bikes, four wheelers, etc. Unlicensed motor vehicles or vehicles which are in a state of disrepair may not be stored outdoors for longer than 48 hours.
- 4.07.03 **Vehicle Storage:** The extended storage of vehicles licensed or unlicensed in designated parking spaces is prohibited, **with or without a parking permit**.
- 4.08.03 **Blocking Another:** It is not permitted to park a vehicle in such a manner as to restrict the access of another to their garage or walkway or to block access to any mailbox, trash shed or fire hydrant. **Parking in Driveways (except in designated parking spaces) is prohibited.**
- 4.09.03 **Commercial Vehicles:** with more than four (4) single wheels are not eligible for the current Whispering Hills Parking Permit Program and except for vehicles in the actual process of loading or unloading may not park in any parking space in Whispering Hills (unless the parking area is specifically designated to allow larger vehicles).
- 4.10.03 **Dangerous Action:** Vehicles are not to be left running in or to be backed into garages due to the danger of Carbon Monoxide build up in adjoining housing units.
- 4.11.03 **Utility Vehicles:** Boats, trailers, campers, buses, etc. may not be parked in any Whispering Hills parking area for longer than 24 hours without the express permission of the appropriate Board of Managers.
- 4.12.03 **Misuse of Common Area by Vehicles:** The riding of bicycles or other modes of transportation on any common grass area within Whispering Hills is prohibited.
- 4.13.03 **Winter Activities Prohibited:** Sledding or other snow related activities are prohibited on or in any common area within Whispering Hills.
- 4.14.03 **Prohibited Parking:** Designated parking spaces are located throughout Whispering Hills. Parking in any non-designated or restricted area (except while in the process of loading or unloading) is prohibited. **Vehicles parked in front of garages for the purpose of loading and unloading will put flashers on and will be limited to 20 minutes.**
- 4.15.03 **Failure to Keep Right:** All vehicles using any private roadway within Whispering Hills shall keep to the right while traveling or parked.
- 4.16.03 **Snow Zones: Vehicles must be removed from Snow Zones whenever a snowfall exceeds (1) one inch until (12) twelve hours after the snow stops falling.**

Section

5.00 DOGS

- 5.01.03 Dogs must be leashed:** and accompanied by a homeowner/resident while in any common area.
- 5.02.03 Dogs May Not be Left Outside Unattended:** Damage to landscaping or other items caused by dogs will be charged back to the owner of the unit housing the offending animal.
- 5.03.03 Pooper Scooper Regulation:** Dogs are not to be allowed to defecate or urinate in front or side yards of any building in Whispering Hills. Damage to light poles, plantings, or other common or privately owned items caused by allowing dogs to urinate on such items will be charged to the owner of the unit housing the offending pet. A Pooper Scooper or other acceptable device is to be used to retrieve solid waste. In addition to violating Whispering Hills regulations, not picking up after your dog is a Village of Chester Code Violation.
- 5.04.03 Disposal of Animal Waste:** While the use of a Pooper Scooper is permitted, placing excrement directly from the scoop into any trash receptacle is a potential Health Hazard and is strictly Prohibited, it is Mandatory to wrap waste in paper or plastic before discarding.
- 5.05.03 Unsanitary keeping of pets:** The keeping of dogs in garages, or on decks/patios and allowing them to defecate and urinate in these areas is a violation of Whispering Hills regulations. In addition to fines, violators will be reported to the County Board of Health and the Department of Animal Control.
- 5.06.03 Misuse of Dog Runs:** The Dog Runs are for the exercising of dogs by Whispering Hills residents. Animals are to be cleaned up after and must be attended at all times.