

August 1995

LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

LANDSCAPE COMMISSION

SUMMARY OF REVISED, CONSOLIDATED, AND NEW POLICIES

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POLICY NO. 1

OLD TITLE: LANDSCAPING AND LANDSCAPE MAINTENANCE OF NEW  
CONDOMINIUM UNITS WHEN ACCEPTED FROM THE DEVELOPER  
BY THE HOMEOWNERS ASSOCIATION.

NEW TITLE: DEVELOPER TRANSFERS

PURPOSE: To insure the health of new unit landscaping and provide  
for the orderly review and transfer of the maintenance

STATEMENT:

1. Representatives from the Landscape Commission (chair, contractor, consultant, and appropriate condo rep) and representatives from the Developer constitute the review team and will jointly review the newly landscaped areas around each new building to insure compliance with the following guidelines:
  - a. All plantings shall be consistent in species, size, form, condition, and planting design with the community in general. This will also include landscape elements such as retaining walls and landscape drainage systems
  - b. All plantings shall be consistent with Landscape Policy and not cause or contribute to erosion or drainage problems.
  - c. No dangerous plantings will be used.
  - d. Plantings will be appropriate for the existing soil conditions.
2. The review team will complete a Developer Transfer Form. The form will designate:
  - a. The building address and developer building number.
  - b. The names of the attendees and the date of the review.
  - c. A listing of all observed discrepancies, the action to be taken, and the party responsible for the action.
  - d. A date for the guarantee inspection.
3. A representative of the Landscape Commission and a representative of the Developer will sign the form. Copies will be given to the attendees.
4. The Developer will guarantee the plantings for one year after installation. At the end of the guarantee period, another review will be made to verify that the original discrepancies have been corrected. Any discrepancies that were not corrected and any new discrepancies will be noted. The forms will be completed as noted above and all discrepancies will be corrected as soon as possible.

5. The landscape contractor that is employed by the Homeowners Association will assume the maintenance of the landscape upon completion of the initial review. The new landscaping will receive specified additional care during the first season of maintenance by the Homeowners Association.

ADOPTED: July 1983

REVISED: August 1985

REVISED: June 1994

ADOPTED: March 1995

POLICY NO. 2

OLD TITLE: THIS POLICY COMBINES TWO OLD POLICIES

HOMEOWNER REQUEST TO ALTER COMMON AREAS  
AND

~~MAINTENANCE OF PLANTINGS/ALTERATIONS MADE  
BY HOMEOWNERS IN COMMON AREAS~~

NEW TITLE: COMMON AREAS - HOMEOWNER ALTERATIONS/MAINTENANCE  
RESPONSIBILITY

PURPOSE: To provide for the evaluation of Homeowner requests to modify the common area and to insure that such requests do not negatively impact the landscape maintenance budget.

STATEMENT:

1. When a Homeowner wishes to effect any landscape alterations to the common area adjacent to the Homeowner's unit and is willing to pay for them himself, he should contact the Management Office to obtain the appropriate variance forms. Alterations are changes to the landscape that are beyond simple repair or replacement (ie: removing live plants, enlarging existing beds, planting woody vegetation, etc.).
2. The forms are to be completed as stated in the Information Sheet that is provided with the forms. The completed forms, with all of the necessary supporting material and signatures, will be submitted to the Landscape Commission for its review and recommendation to the appropriate Condo Board. The Landscape Commission will review the submittal to insure compliance with Landscape Commission Policies and Procedures.
3. If the request is approved by the Landscape Commission and the appropriate Condo Board, the following will apply:

FOR TREE PLANTING ONLY - The Homeowner may install the trees as specified in the request. The Homeowner will be responsible for maintaining the trees for a period of 90 days after installation. After 90 days, the Landscape Commission will review the trees and, if acceptable, will assume the maintenance responsibility for the trees. The trees will be added to the master landscape inventory.

FOR ALL OTHER ALTERATIONS - The Homewoner automatically assumes the maintenance responsibility for the proper maintenance of the altered landscape and:

In the event of the sale of the unit, the homeowner must either:

- a. pay for the restoration of the altered landscape back to its original condition if the new owner does not wish to maintain it, or
- b. secure the written agreement of the new owner, prior to closing, to maintain the altered landscaping according to the standards prescribed by the Landscape Commission.

The Property Manager shall maintain current files relative to common area landscape alterations and make the new Homeowner and the appropriate Condo board aware of any existing landscape alteration/variance.

ADOPTED: July 1983

REVISED: August 1985

REVISED: June 1994

ADOPTED: March 1995

POLICY NO. 3

OLD TITLE: MAINTENANCE OF COURTYARDS AND PATIOS

NEW TITLE: MAINTENANCE OF COURTYARDS AND PATIOS

PURPOSE: To make Homeowners aware of their maintenance responsibilities for specific areas.

STATEMENT:

1. The landscape contractor that is retained by the Homeowner's Association, under the direction of the Landscape Commission, is responsible for the maintenance within each individual condominiums common elements "except within fenced-in courtyards," as stated in the most recently adopted Lake Barrington Community Homeowner's Association Rules and Regulations Handbook.

"except within fenced-in courtyards."

"Residents shall not give instructions to any maintenance employees."

"Maintenance of resident's plantings, including those within their fenced-in areas, will be the responsibility of the resident."

"Patios, decks, and fenced-in areas are considered private and will not be part of landscape maintenance."

2. It is the responsibility of the Homeowner to maintain the respective private areas in such a manner so as not to detract from the overall appearance of the community.

ADOPTED: July 1983

REVISED: August 1985

REVISED: June 1994

ADOPTED: March 1995

POLICY NO. 4

OLD TITLE: THIS POLICY COMBINES TWO OLD POLICIES

DAMAGE TO COMMON AREAS CAUSED BY HOMEOWNERS  
AND  
COST INCURRED AND REPAIRS REQUIRED BECAUSE  
OF DAMAGE TO COMMON AREAS DUE TO HOMEOWNER'S PETS

NEW TITLE: COMMON AREAS - HOMEOWNER DAMAGE

PURPOSE: To advise Homeowners of the consequences of damaging the common area and to provide for the reimbursement of the Association for loss or damage repair.

STATEMENT:

1. When damage is caused to a common area by the actions of a Homeowner, ie: unauthorized addition of plant materials, changes in the landscaping that lead to erosion or drainage problems, pruning, trimming or removal of trees, shrubs, or other plant material, the Property Manager shall be notified as soon as possible.
2. The Property Manager shall verify the damage and the offending party. After this verification, the Property Manager shall notify the offending party by letter that:
  - a. the damaged common area must be restored to the original condition forthwith, or
  - b. the Landscape Commission will direct its Landscape Contractor to accomplish this work, and
  - c. the offending party will be billed for the work.
3. If payment is not made by check to the Homeowners Association in a reasonable length of time, the Landscape Commission will recommend to the appropriate Condo Board that a lien be placed against the Homeowner's unit. The lien will include all associated costs.
4. If the damage is caused by a Homeowner's pet to the extent that tree or shrub repairs or replacement or additional treatment of any kind is required because of:
  - a. damage resulting from tying a pet to a tree or shrub,
  - b. damage from pet droppings or urine, or
  - c. excessive pet droppings hindering normal maintenance work such as lawn mowing, the following steps will be taken:
    1. The Property Manager will notify Homeowners in the immediate vicinity of the affected area by letter and ask their cooperation in identifying the pet owner.

2. The offending owner(s) after verification by the Property Manager, will be billed for the expense of the remedial action as prescribed by the Landscape Commission.
3. If the offending owner(s) cannot be located, the expense of the remedial action will be billed to the appropriate Condominium Association.
4. Monies received from these repairs shall be credited to the General Landscaping Fund.

ADOPTED: July 1983

REVISED: August 1985

REVISED: June 1994

ADOPTED: March 1995

POLICY NO. 5

OLD TITLE: THIS POLICY COMBINES THREE OLD POLICIES

HOMEOWNER REQUEST TO PLANT MATERIALS IN  
FOREST PRESERVE AREAS

AND

PRESERVATION OF NATURAL AREAS

AND

DESIGNATION AND MAINTENANCE OF NATURAL AREAS

NEW TITLE: NATURAL AREAS - DESIGNATION, PRESERVATION, ALTERATION,  
AND MAINTENANCE

PURPOSE: To provide for the designation, preservation, and  
maintenance of Natural Areas that require special  
attention to insure their long term viability.

STATEMENT:

1. In addition to the Forest Preserve, several Natural Areas have been identified by the Landscape Commission throughout the property. These areas contain a mix of native and non-native plants that provide a natural appearance to many portions of the community. A map identifying these areas will be maintained in the Management Office.
2. Natural Areas are those areas not regularly mowed or treated as finished landscape areas by the landscape contractor. Designated Natural Areas are to be managed so that they remain as they are and be allowed to grow in their natural state. The exception being that if natural growth of a specific area substantially changes a homeowner's view or access, special requests for change will be considered by the Landscape Commission. If an exception is made and a Natural Area is altered, the alteration cannot extend the mow line or result in the need for increased maintenance by the landscape contractor.
3. Each area has been reviewed by the Landscape Commission and a specific maintenance objective identified. The overall maintenance objective for designated Natural Areas is to provide periodic maintenance in such a manner so as to promote growth of existing plants and trees so that a natural, non-formal look is preserved within budget limitations.

Points to be observed in carrying out the periodic maintenance:

- a. no wholesale clearing of existing plants or trees;
- b. invasive growth, such as buckthorn, wild rose, and wild vines, will be removed as necessary to properly maintain existing plants and trees;
- c. the addition of new plant material will be permitted only after the development, review, and approval of a plan by the Landscape Commission, and subject to funding for planting and maintenance.

POLICY NO. 5  
NATURAL AREAS - DESIGNATION, PRESERVATION,  
ALTERATION, AND MAINTENANCE.

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4. The Forest Preserve is the largest and most complex Natural Area on the property. The Conservators, operating under the auspices of the Landscape Commission have developed a management ~~plan for the Forest Preserve. All requests by homeowners to~~ plant flowers, trees, and shrubs in this area will be reviewed by the Landscape Commission to insure compliance with the approved management plan for the Forest Preserve.

ADOPTED: July 1983

REVISED: August 1985

REVISED: June 1994

ADOPTED: March 1995

~~POLICY NO. 6~~

**OLD TITLE:** EROSION AND DRAINAGE PROBLEMS

**NEW TITLE:** EROSION AND DRAINAGE PROBLEMS

**PURPOSE:** To determine who is responsible for correcting erosion and drainage problems and maintaining the work.

**PREMISE:**

The responsible party, homeowner, Condominium Association or Public Works, has provided functioning gutters, downspouts, sump pumps, and sump pump plumbing as needed before the Landscape Commission addresses the associated erosion or drainage problems.

**STATEMENT:**

1. Erosion and drainage problems caused by water exiting gutters, downspouts (and their extensions) and sump pump discharge drains into common areas fall within the overall responsibility of the Landscape Commission. Maintenance of swales or conduction of water, whether above or below ground, is included in this responsibility.
2. The Lake Barrington Community Homeowner's Association through capital expense allocated to swales will fund expenses for correction and maintenance of such erosion and drainage problems.
3. The Landscape Coordinator will identify such work, make recommendations and secure bids, if necessary.

Adopted: August 1984

Revised: June 1994

Not approved: March 8, 1995

Revised: June 15, 2004

Approved: September 8, 2004

POLICY NO. 7

OLD TITLE: BIRDFEEDERS

NEW TITLE: BIRDFEEDERS

PURPOSE: To minimize damage to landscape material and additional maintenance costs due to Homeowners placing birdfeeders in the landscape.

STATEMENT:

1. Residents who wish to have birdfeeders may do so. However, birdfeeders may not be mounted by nailing or wiring them to trees. This is harmful to and indeed may kill trees.
2. Birdfeeders should be placed in non-turf areas; not in the grass.
3. If birdfeeders are not properly placed or maintained and become unsightly, then they will be removed by the landscape contractor at the direction of the Landscape Commission.

ADOPTED: August 1984

REVISED: June 1994

ADOPTED: March 1995

POLICY NO. 8

OLD TITLE: RETAINING WALLS

NEW TITLE: RETAINING WALLS

PURPOSE: To establish a process for funding the construction and landscaping new retaining walls that are determined to be necessary for the correction of erosion and drainage problems. Retaining walls are generally constructed of timbers, boulders, or concrete.

STATEMENT:

1. Erosion and drainage problems fall within the overall responsibility of the Landscape Commission. At times, the construction of retaining walls is the only viable long-term solution to such problems. Because of the expense involved in such construction, the following assignment of responsibilities and procedures will apply if the Landscape Commission determines that the construction of a new retaining wall is necessary:
  - a. The Landscape Commission will authorize and fund the construction of new retaining walls as priorities dictate and funds allow.
  - b. Plantings in the new areas created by retaining walls must be approved by the Landscape Commission and are the responsibility of the Homeowners and/or their Condominium Board. Grass and sod are generally not recommended if mowing access is not provided.
  - c. The appropriate Condominium Board must approve, pay for, and maintain, any steps that are to be constructed in conjunction with a retaining wall or for special access
2. The Landscape Commission will assume the future maintenance of the retaining wall.

ADOPTED: May 1986

REVISED: June 1994

ADOPTED: March 1995

## **POLICY NO. 9**

**OLD TITLE: TREE AND SHRUB TRIMMING, PRUNING AND REMOVAL**

**NEW TITLE: TREE PRUNING, REMOVAL AND VANDALISM**

**PURPOSE: To provide for the consistent maintenance throughout Lake Barrington Shores of Deciduous and Conifer trees in a Landscaped or Common Area.**

### **STATEMENT:**

- 1. The trees are one of the most valuable assets of the community. The Landscape Commission will make every effort to preserve and safeguard them.**
- 2. Lake Barrington Community Homeowners Association agrees that only the authorized tree maintenance contractor with the approval of the Landscape Manager may prune or remove a tree in a landscaped or common area controlled by this Association.**
- 3. LBCHA/Condominium Associations may expect standard maintenance pruning of trees by the authorized tree maintenance contractor with the approval of the Landscape Manager in accordance with the established pruning cycles. Information as to the cycle can be obtained by a request to the Landscape Manager.**
- 4. Only trees meeting one or more of the following criteria will be considered for removal at the expense of LBCHA:**
  - a. trees that are invasive as determined by reference to the attached list;**
  - b. trees that are structurally damaging buildings or fluid infrastructure;**
  - c. trees that are contributing to soil instability or erosion;**
  - d. trees which interfere with the safety of individuals;**
  - e. trees which are diseased and which cannot be cost effectively rehabilitated;**
- 5. When non-invasive trees meeting any of the criteria listed in b, c, d or e above are removed they will be replaced with recommended trees (see attached list) having a diameter equal to or greater than the diameter of the tree removed. Replacement trees will have a minimum 3" diameter at breast height (DBH). For replacement calculation, the diameter of tree trunks will be measured at a height of 4.5' (54") and that height will be rounded up to the next whole diameter divisible by 3 (10"DBH will be rounded up to 12' DBH). Replacement trees will be planted in the LBCHA/Condominium Association where the removal occurred.**

**LBCHA POLICY:**

- 6a. Non-invasive trees meeting any of the criteria listed in b,c,d or e above and located on the property controlled by LBCHA will be considered for removal at a homeowner's request only if a written variance request from a resident is presented to the Landscape Commission for recommendation and approved by the LBCHA Board.**
- 7a. If LBCHA approves the removal and replacement of a non-invasive tree not meeting any of the above criteria, then LBCHA will be responsible for the removal and replacement costs. However, LBCHA reserves the right to charge the homeowner for these costs by requesting the condominium in which the homeowner resides to assess the charge to the homeowner's account. The replacement cost is defined as the purchase price of the tree, the costs associated with planting and maintaining the tree for one year after its planting, plus the cost of a one-year replacement guarantee.**
- 8a. If a tree not meeting any of the above delineated criteria is vandalized then the individual(s) responsible for damaging the tree will become responsible for the cost of a tree appraisal done by a qualified arborist to determine the value of the tree. In addition, LBCHA will request the Condominium Association in which the perpetrator resides fine any individual(s) responsible for vandalism in an amount equal to twice the cost of a replacement tree consistent with the size and species of the vandalized tree, as well as all costs related to the removal and clean up of the vandalized tree.**

**CONDOMINIUM ASSOCIATION POLICY:**

- 6b. Non-invasive trees meeting any of the criteria listed in b,c,d or e above within the condominium plat will be considered for removal at a homeowner's request only if a written variance request from a resident is presented to the Landscape Commission for recommendation and approved by the Condominium Board controlling the property in which the tree is found.**
- 7b. If the Condominium Association approves the removal and replacement of a tree not meeting any of the above criteria, the Association will be responsible for the removal and replacement costs. However, the Condominium Association reserves the right to charge the homeowner for these costs. The replacement cost is defined as the purchase price of the tree, the costs associated with planting and maintaining the tree for one year after the planting, plus the cost of a one-year replacement guarantee.**

**8b.If a tree not meeting any of the above delineated criteria is vandalized within the property controlled by this Condominium Association or, upon request, within the property controlled by the LBCHA, then the individual(s) responsible for damaging the tree will become responsible for the cost of a tree appraisal done by a qualified arborist to determine the value of the tree. In addition, the Condominium Association will fine any individual(s) responsible for such vandalism in an amount equal to twice the cost of the replacement tree consistent with the size and species of the vandalized tree, as well as for all costs related to the removal and clean-up of the vandalized tree.**

**9. Any unauthorized pruning or removal of a tree will be considered vandalism and be reported both to the property manager and to the Lake County authorities with a request that the perpetrator be prosecuted.**

**10. Before removing any trees, the homeowner, individual Condominium Association and LBCHA should review their insurance coverage, policy exclusions and limits of liability, and make sure the contractor or sub-contractor doing the tree removal meet the LBCHA insurance requirement standards and has a current certificate of insurance on file at LBCHA.**

Lake Barrington Shores Community Homeowners Association \_\_\_\_\_

Date:    Sept. 2008 \_\_\_\_\_

APPROVED        X  \_\_\_\_\_

NOT APPROVED \_\_\_\_\_

POLICY NO. 10

OLD TITLE: NA - NEW POLICY

NEW TITLE: ORNAMENTAL TREE AND SHRUB REMOVAL AND/OR RELOCATION

PURPOSE: To address resident's requests for the removal or relocation of specific ornamental trees or shrubs.  
Ornamental trees are crabs, hawthorns, etc.

STATEMENT:

1. Many ornamental trees and shrubs have been placed in areas close to walks and/or unit entrances. As these plants grow, they sometimes come into conflict with pedestrian access. In the event that specific plants (ie: ornamental trees and shrubs) cannot be maintained in a manner that is consistent with the wishes of a Homeowner or Condominium Association, then such plants will be considered for removal and/or replacement, or relocation.
2. The decision on what action, if any, to be taken will be based on the review and recommendations of the Chairperson of the Landscape Commission, the landscape contractor, and the Landscape Commission representative of the Condominium Association. This review will consider the opinions of all other residents that will be affected by the requested action.
3. The Homeowner or Condominium Association requesting the action may be required to pay the costs associated with any recommended action.

ADOPTED: March 1995

POLICY NO. 11a

OLD TITLE: THIS POLICY WAS REQUESTED AT THE LAST LANDSCAPE COMMISSION MEETING AS AN ALTERNATE TO PROPOSED POLICY NO. 11 ON DECORATIVE STONES. THIS DRAFT IS PRESENTED FOR REVIEW AND COMMENT.

NEW TITLE: LANDSCAPE APPURTENANCES

PURPOSE: To inform Homeowners of the need to maintain the integrity of the overall landscape design philosophy at Lake Barrington Shores.

STATEMENT:

1. The landscape at Lake Barrington Shores represents a significant investment by the community. The design philosophy that has guided the development of this landscape has remained consistent. The focus of this philosophy has been to utilize plants and other materials that enhance the natural environment of the property.
2. The Landscape Commission recognizes that the landscape design of Lake Barrington Shores offers challenges to some of the individual Homeowners. However, in order to maintain the integrity of the landscape design and environment, the safety of residents, and the safety of landscape maintenance personnel, the addition of landscape elements that are not consistent with the overall design philosophy of the community will not be allowed in the common areas of the community.
3. The types of elements that will not be allowed include statuary, other landscape appurtenances, stepping stones, signage, artificial edging materials, and decorative stones. Decorative stones are defined as stones that are primarily used as mulch or groundcover. They are generally colored white, red, or gray and are often lava rock or shiny stones with a high quartz content. Large boulders or cobblestones that are "natural" in color and that are used for purposes related to structures such as retaining walls, drainage ways, or traffic control are not considered decorative stones. The use of any of these types of elements will not be considered for any common area landscape beautification or alteration projects by any individual Homeowner or Condominium Association.
4. The recommendation to remove any existing elements that are not consistent with this policy will be made based on the review and recommendation of the Chairperson of the Landscape Commission, the landscape contractor, and the Landscape Commission representative of the appropriate Condominium Association.
5. The recommendation to remove existing elements that are not consistent with this policy may require that the cost of the removal of these elements and the restoration of the area may be at the expense of the individual Homeowner or Condominium Association.

ADOPTED: \_\_\_\_\_

POLICY NO. 11

OLD TITLE: NA - NEW POLICY

NEW TITLE: DECORATIVE STONES

PURPOSE: To inform Homeowners of the need to maintain the integrity of the overall landscape design philosophy of Lake Barrington Shores.

STATEMENT:

1. The Landscape Commission recognizes that the landscape design of Lake Barrington Shores offers challenges to the individual Homeowners. However, in order to maintain the integrity of the landscape design and environment, the safety of the residents, and the safety of landscape maintenance personnel, the use of decorative stones or gravel will not be considered for any landscape beautification or alteration projects by any individual Homeowner or Condominium Association.
2. Decorative stones are defined as stones that are primarily used as mulch or groundcover. They are generally colored white, red, or gray and are often lava rock or shiny stones with a high quartz content. Large boulders or cobblestones that are "natural" in color and that are used for purposes related to structures such as retaining walls, drainage ways, or traffic control are not considered decorative stones.
3. The decision to remove any decorative stones that precede the adoption of this policy will be made based on the review and recommendation of the Chairperson of the Landscape Commission, the landscape contractor, and the Landscape Commission representative of the Condominium Association.
4. The recommendation to remove existing decorative stones may require that the cost of the removal of the stones and the restoration of the area may be at the expense of the individual Homeowner or Condominium Association.
5. This policy is not intended to include all other landscape appurtenances such as edging, flamingos, globes, donkeys, etc.

ADOPTED: March 1995

POLICY NO. 12

OLD TITLE: NA - NEW POLICY

NEW TITLE: COMMON AREAS - ALTERATION BY CONDOMINIUM ASSOCIATION

PURPOSE: To maintain the integrity of the landscape design and environment at Lake Barrington Shores and not add an unnecessary maintenance burden on the community.

STATEMENT:

1. When an individual Condominium Association desires to modify and/or beautify the common area with individual Condominium funds, the Condominium Board of Directors must submit a Landscape Variance form to the Landscape Commission.
2. These requested modifications and/or beautifications must conform to the following requirements and guidelines:
  - a. Any proposed planting or planting areas must be designed by a licensed landscape architect in a manner that is consistent with Lake Barrington Shores environment and installed by a professional landscape contractor.
  - b. All plantings shall be installed by the contractor in a manner that is consistent with landscape policy and not create any erosion, drainage, or unusual/excessive maintenance problems.
  - c. Plantings must be appropriate for the areas to be beautified, including size and scale.
  - d. No dangerous planting will be considered.
  - e. Plantings must be appropriate to existing soil conditions.
3. When approval is given by the Landscape Commission, the Condominium Association may proceed with the work. If the plan is not approved, the Condominium Association may appeal to the Master Board.
4. If approval is given by the Landscape Commission or Master Board, then the maintenance and replacement (if needed) of the plantings will be the responsibility of the individual Condominium Association. This responsibility will be for a period of one year following an inspection and approval of the work by the Landscape Commission and/or its representatives.
5. One year after the initial inspection and approval, the Landscape Commission will assume maintenance responsibility. Any needed replacements will be at the expense of the individual Condominium Association.

ADOPTED: March 1995