

Timberton Village In-Home Business Policy (Adopted 12-12-05)

It has come to the attention of the Board of Directors of the Timberton Village Homeowners Association (TVHA) that some owners in Timberton are working out of their homes and/or running businesses in their homes. The fact that modern technology makes this possible is not specifically addressed in either the Master or Supplemental CC&R's. However, this issue IS addressed in general terms in both sets of CC&R's.

The Master CC&R's state in **Section 4.1** "...the definitions and characteristics of such Land Use Classifications, and specific permitted and prohibited uses within said Land Use Classifications, shall be determined in the relevant Supplemental Declarations."

Three sections of the Timberton Supplemental Declarations are pertinent to this issue.

- **Section 4.1:** "Timberton Village is hereby declared to be Single Family Land Use. All Lots within Timberton Village shall be used only for the construction and occupancy of single-family dwellings and typical residential activities incidental thereto. No professional, commercial or industrial operations, of any kind, shall be conducted in or upon any Lot ... Use of all Lots shall be in accordance with, and subject to, the limitations and rules as established by the Board directly..."
- **Section 5.3:** "The Board shall be empowered to adopt, amend, or repeal such Timberton Village Rules as it deems reasonable and appropriate, which shall be binding upon all persons and entities subject to this Supplemental Declaration...."
- **Section 17.1:** "Except for judicial construction, the Timberton Village Homeowners Association, through its Board, shall have the exclusive right to construe and interpret the provisions of this Supplemental Declaration. In the absence of any adjudication to the contrary, the Timberton Village Homeowners Association's construction or interpretation of the provisions hereof shall be final, conclusive and binding as to all persons and property benefited or bound by the covenants and provisions hereof."

While Article 4, Section 4.1 of the TVHA CC&R's prohibits professional, commercial, and industrial operations, we do not feel that people engaging in activities such as telecommuting, consulting, or the production of pieces of art or clothing that will be sold outside the home violates the Land Use Rules. The electronic age has brought many changes to the way business and commerce is conducted. The Timberton Board understands and appreciates the fact that working from home is economically, environmentally, and socially beneficial. However, we recognize the need to establish some rules (Section 5.3) on activities related to working in the home, thus bringing modern reality in line with the original intent of the CC&R's.

The TVHA Board of Directors has therefore adopted the following opinion with respect to in-home businesses.

In-home businesses of the types listed above may be allowed, providing that no activity related to the in-home business is apparent to your neighbors, including customer traffic to your residence, signage, delivery of supplies, or non-residential sounds or odors. In other words, there should be no activities to indicate that your home is anything other than a single-family residence. Further, it is your responsibility to ensure that this rule is followed by anyone renting your property.