

ORDINANCE NO. 07-2021

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2021 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Amanda V. Ly, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF Amanda V. Ly, OHIO:

- Section 1.** American Legal Publishing's Ohio Basic Code, 2021 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2021 Edition.
- Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2021 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A".
- Section 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2021 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:
- (A) The enactment of the Ohio Basic Code, 2021 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

- (B) The repeal provided above shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege;
  - (2) The purchase, sale, lease or transfer of property;
  - (3) The appropriation or expenditure of money or promise or guarantee of payment;
  - (4) The assumption of any contract or obligation;
  - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
  - (6) The levy or imposition of taxes, assessments or charges;
  - (7) The establishment, naming, vacating or grade level of any street or public way;
  - (8) The dedication of property or plat approval;
  - (9) The annexation or detachment of territory;
  - (10) Any legislation enacted subsequent to the adoption of this ordinance.
  - (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

**Section 4.** Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**Section 5.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Date  
Passed: 2-1-21

Attest:

\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of the Legislative Authority

## Exhibit A

### OHIO BASIC CODE, 2021 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 1 day of Feb, 2021, there was enacted by the Legislative Authority of the Municipality of Amanda Village, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2021 Edition, as the Code of Ordinances for the Municipality of Amanda Village, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

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- 133.05 Voyeurism
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- 133.14 Declaratory judgment
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Section

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- 135.15 Interference with custody; interference with support orders
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- 137.03 Using weapons while intoxicated
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- 138.06 Illegal cultivation of marihuana
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- 138.08 Illegal dispensing of drug samples
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- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates
- 138.18 Pseudoephedrine sales
- 138.19 Sale of pure caffeine product

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## TITLE XV: LAND USAGE

### Chapter 150: General Provisions

Section

*Parks and Recreation*

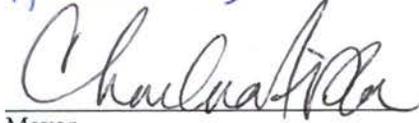
- 150.01 Recreation Board
- 150.02 Board of Park Trustees

*Planning and Zoning*

- 150.15 Planning Commission
  - 150.16 Board of Zoning Appeals
-

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Amanda City, Ohio.

Signed:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of the Legislative Authority

Gr 3-2021



Village of Amanda

Annual Appropriation Ordinance

FILED  
MAR 05 2021

Jon A. Sklar, Jr.  
County Auditor, Fairfield County, Ohio

The council of the Village of Amanda, Fairfield County, Ohio, met in regular session on the 1 day of March. Following council members present:

<u>Duane Vandy</u>	<u>Nicholas Kent</u>
<u>Holly Lewis</u>	<u>Jeff Hamilton</u>
<u>Bob Martin</u>	

Duane Vandy moved the adoption of the following ordinance.

Be it resolved by the council of the Village of Amanda, Fairfield County, Ohio, that to provide for the current expenses and other expenditures of said village, during the fiscal year of 2021-PERMANATE. The following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year as follows, viz:

**General Fund-** that there be appropriated from the General Fund

1000-130-311-0000	Electricity	\$ <u>10,000</u>
1000-150-311-0000	Electricity	\$ <u>4,500</u>
100-210-344-0000	TAX FEES	\$ <u>15,000</u>
1000-320-399-0000	Contractual services	\$ <u>15,000</u>
1000-563-398-0000	Garbage & Trash Removal	\$ <u>110,000</u>
1000-710-211-0000	Opers	\$ <u>1000</u>
1000-710-231-0000	Medicare	\$ <u>500</u>
1000-710-225-0000	WorkersComp	\$ <u>1500</u>
1000-715-111-0000	Property Insurance	\$ <u>7,000</u>
1000-715-111-0000	Salaries	\$ <u>20,000</u>
1000-715-211-0000	OPers	\$ <u>3,000</u>
1000-715-212-000	SOCIAL SECURITY	\$ <u>1000</u>
1000-715-213-0000	Medicare	\$ <u>600</u>
1000-715-325-0000	Advertising	\$ <u>500</u>
1000-725-121-0000	Salary Clerk	\$ <u>20,000</u>
1000-725-211-0000	OPers	\$ <u>7,000</u>

1000-725-213-0000	Medicare	\$ <u>1000</u>
1000-725-225-0000	Workers Comp	\$ <u>1000</u>
1000-725-322-0000	Postage	\$ <u>1000</u>
1000-730-410-0000	Office Supplies	\$ <u>4,000</u>
1000-730-311-0000	Electricity	\$ <u>6,000</u>
1000-730-313-0000	Natural Gas	\$ <u>5,500</u>
1000-730-321-0000	Telephone	\$ <u>5,000</u>
1000-730-349-0000	Professional Service	\$ <u>67,500</u>
1000-730-399-0000	Contractor services	\$ <u>67,500</u>
1000-740-344-0000	Property Tax Collection fees	\$ <u>16,000</u>
1000-745-343-0000	Uniform Accounting Fees	\$ <u>9,000</u>
1000-745-391-0000	Dues & Fees	\$ <u>35,000</u>
1000-790-640-0000	Payment to Political Subdivision	\$ <u>3,908.24</u>
1000-790-690-0000	Other	\$ <u>46,484.83</u>
???????????	Solicitor Salary	\$ <u>15,000</u>
Community Events- lights-flags flower		5000
<b>Total General Fund</b>		<b>\$ <u>505,493.07</u></b>

**Street Construction & Maintenance Fund-** that there be appropriated from the street fund

2011-620-112-0000	Salaries- Council	\$ <u>15,000</u>
2011-620-190-0000	Professional Services	\$ <u>67,000</u>
2011-620-211-0000	Opers	\$ <u>8,000</u>
2011-620-213-0000	Medicare	\$ <u>800</u>
2011-620-399-0000	CONTRACTOR SERVICE	\$ <u>33,631.70</u>
2011-620-420-0000	Supplies & Material	\$ <u>46,200</u>
2011-740-344-0000	TAX COLLECTION FEES	\$ <u>3,000</u>
<b>Total Street Fund</b>		<b>\$ <u>173,631.70</u></b>

**Street Repair, maintenance, repave-** That there be appropriations from the Street Levy Fund:

2012-620-100-0000	PERSONAL SERVICES	\$ <u>271,661.31</u>
2012-620-340-340-0000	Professional Services	\$ <u>271,661.31</u>
2012-740*391-0000	DUES AND Fees	\$ <u>6,000</u>
<b>Total Street Levy</b>		<b>\$ <u>549,332.62</u></b>

**Federal Grants-** that there be appropriated from the grant fund

\$ 2403.59 needs moved to general to cover cost that came out of there before we received our money

STATE—2,253.88

P ARK FUND 2041-320-390-0000 \$4,780.68

**Water Fund-** that there be appropriated from the Water fund:

501-529-313-0000	Gas	\$ <u>7,000</u>
5101-533-119-0000	Salaries- council	\$ <u>13,000</u>
5101-233-121-0000	Salary Clerk	\$ <u>17,000</u>
5101-533-190-0000	Personal Services	\$ <u>57,840.36</u>
5101-533-211-0000	Opers	\$ <u>5,000</u>
5101-533-213-0000	Medicare	\$ <u>550</u>
5101-533-225-0000	Workers Comp	\$ <u>2,000</u>
5101-533-311-0000	Electric	\$ <u>21,000</u>
5101-533-321-0000	Telephone	\$ <u>8,000</u>
5101-533-324-0000	Printing & Reproduction	\$ <u>5,000</u>
5101-533-352-0000	Property Insurance	\$ <u>22,000</u>
5101-533-390-0000	Contractual Services	\$ <u>204,362.15</u>
5101-533-410-0000	Office Supplies	\$ <u>8,000</u>
5101-533-420-0000	Operating Supplies &Material	\$ <u>210,056.11</u>
5101-533-690-0000	Other & Debt Services	\$ <u>150,100</u>
5101-539-211-0000	Opers	\$ <u>6,000</u>
5101-539-213-0000	Medicare	\$ <u>1,000</u>

**Total of Water Fund**

\$ 737,908.62

**Sewer Fund-** that there be appropriated from the Sewer Fund:

5201-542-212-0000	SOCIAL SEC	\$ <u>100</u>
5201-542-213-0000	medicare	\$ <u>250.</u>
5201-549-190-0000	Personal Service	\$ <u>45,000</u>
5201-549-211-0000	OPers	\$ <u>7,000</u>
5201-549-212-0000	Social Security	\$ <u>500</u>
5201-549-213-0000	medicare	\$ <u>500</u>
5201-549-225-0000	Workers Comp	\$ <u>800</u>
5201-549-252-0000	Travel & Transportation	\$ <u>167.32</u>
5201-549-311-0000	Electricity	\$ <u>8,000</u>
5201-549-324-0000	Printing & Reproductions	\$ <u>1,000</u>
5201-549-352-0000	Property Insurance	\$ <u>9,962.68</u>
5201-549-399-0000	Contractual Services	\$ <u>36,420.52</u>
5201-549-420-0000	Operating Supplies & Material	\$ <u>32,605.80</u>
5201-549-431-0000	Repair & Maintenance	\$ <u>20,280.60</u>
5201-549-690-0000	Other	\$ <u>4132.58</u>
<b>Total of Sewer Fund</b>		\$ <u>166,719.50</u>

Sewer Debt- that there be appropriated from the Sewer Debt Fund:

5203-850-710-0000	Principal	\$ <u>26,000</u>
5203-850-720-0000	Interest	\$ <u>30,000</u>
<b>Total of Sewer Debt Fund</b>		\$ <u>56,000</u>

Sewer Reserve Fund--- 55,065.42

Summary of all Funds

General Fund  
\$ 505,493.07

Street fund  
\$ 173,631.70

Street Levy  
\$ 549,332.62

Federal Grants

\$ 2,403.59 STATE \$2,253.88

PARK FUND \$ 4,780.68

Water Fund

\$ 737,908.62

Sewer Fund

\$ 166,719.50

Sewer Debt Fund

\$ 56,000

Sewer Reserve Fund

\$ 55,065.42

Grand total of all Funds \$ 2,253,589.08

Holly Candis Seconded the Ordinance and the roll call being call upon its adoption  
the vote resulted as:

Kodillaw \_\_\_\_\_  
Jolley A. Jr \_\_\_\_\_  
\_\_\_\_\_ [Signature] \_\_\_\_\_

Adopted Date 3-1-21 \_\_\_\_\_  
Fiscal Officer of Amanda

The State of Ohio, Fairfield County, ss:  
I, Cornelia Aye, Fiscal Officer of the Village of Amanda, Fairfield County, Ohio, and in whose custody the files, journals, and records of said board are required by the laws of Ohio are to be kept, Do hereby certify that eh foregoing annual appropriations ordinance is taken and copied from the original ordinance now on file with said village, that the foregoing ordinance has been compared by me with the original and that the same is a true and correct copy thereof.

Witness my signature this 2 day of March, 2021

[Signature]  
Fiscal Officer

Annual Appropriations Ordinance  
Village of Amanda  
Fairfield County, Ohio

Passed \_\_\_\_\_  
For the Fiscal Year ending December 31, \_\_\_\_\_

=====

Filed \_\_\_\_\_, \_\_\_\_\_

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County Auditor

By \_\_\_\_\_

Deputy

Culs. DE Seck Deed  
Restriction

619  
356

Pursuant to a general plan for the protection, benefit and the mutual advantage of all real estate comprising <sup>Kinser's Sunrise View Addition</sup> Kinser Addition / <sup>("the Village of Amanda, Ohio")</sup> ("the subdivision"), and all of the persons who may now or hereafter become owners ("owner(s)") of any of said lots or parts thereof, and as a part of the consideration for this conveyance, Grantor executes and delivers this deed of conveyance, and Grantee accepts the same, subject to all and each of the following reservations, restrictions, conditions, easement rights, uses and provisions, hereinafter referred to as "restrictions", which are for the mutual benefit and protection of and shall be enforceable by all and any of the present and future owners of said lots described above, their successors and assigns; and Grantee, for himself and his successors and assigns, covenants and agrees to keep and perform each of said restrictions as hereinafter set out, and fully and punctually to observe, comply with, and perform and carry out the same.

ARTICLE I

PROTECTIVE COVENANTS AND RESTRICTIONS

1. LAND USE: All lots or combinations or parts thereof shall be used exclusively for residence purposes only and not for any business or trade. However, the sale of a lot or a house by any owner shall not be considered to be a commercial activity as defined herein. No building shall be constructed, altered, placed or permitted to remain on any of the the lots, other than one (1) detached single family dwelling, not to exceed two (2) stories in height, and a private garage for not less than two nor more than three cars.
2. PLAN APPROVAL - STRUCTURE REQUIREMENTS: (a) For the purpose of maintaining specific architectural guidelines and standards for the development of all lots within the subdivision, each owner of a lot shall be required to submit to Grantor, <sup>one (1) set</sup> ~~two (2) sets~~ of complete building and site plans with specifications, for the buildings and landscaping intended to be constructed thereon, not less than ten (10) full business days prior to the commencement of work of any kind. Said building and site plans with specifications shall set forth the general arrangement of the interior and exterior of the structure, including the color and the texture of the building materials, the type and character of all windows, doors, exterior light fixtures and appurtenant elements, such as decorative walls, chimneys, driveways and walkways, and detailing the location of the structure on the lot including setbacks, driveway locations, garage openings, exterior landscape lighting, orientation of the structure to the topography and conformance with the grading and drainage plan.
  - (b) Each owner covenants that no excavation shall be made, no structures shall be constructed and no materials shall be stored upon any lot until Grantor has approved said plans and specifications, in writing. If Grantor fails, within thirty (30) days after receipt of said plans and specifications, to either approve or disapprove said plans and specifications, they shall be

deemed to have been approved and the requirements herein fulfilled. If Grantor disapproves said plans and specifications, the owner may revise and resubmit said plans and specifications until approval is received.

(c) Grantor may require submission of samples of materials to be used in the construction of said residence and improvements. Each owner further acknowledges that Grantor shall not be responsible or liable to the grantee of a lot desiring to have plans and specifications approved, or to any other owners of lots in the subdivision, by reason of the exercise of Grantor's judgment in approving or disapproving plans submitted to it, nor shall it be liable for any expenses entailed to any owner in the preparation, submission and, if necessary, resubmission of proposed plans and specifications.

3. SITE WORK: No tree removal, excavation, construction or other site work which would in any way alter the lot from its present state shall be commenced until the plans and specifications are first approved in writing by Grantor

4. EASEMENTS: Easements for installation and maintenance of utilities, drainage facilities and overlot drainage are reserved over, under and through all areas designated easements as shown on the recorded plat and other instruments of record. Within the limits of these easements, the grade specified on the master grading plan must be complied with and no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation, operation or maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. In the event of a dispute as to compliance or non-compliance with the master grading plan for the subdivision, the decision of the <sup>(Amanda Gunci)</sup> Fairfield County Engineer shall be final. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

5. FLOOR AREA: No dwelling shall be constructed on any lot unless the ground floor area of the main structure, exclusive of one story open porches and garages, is not less than 7200 square feet for a one story dwelling, or not less than 1,000 square feet on the first floor for a dwelling of more than one story. Any dwelling built on a slab shall have an additional 100 square feet.

6. EXTERIOR COMPLETION: Exterior construction of all buildings shall be completed not later than ten (10) months after excavation has begun, all in accordance with the approved plans and specifications, and landscaping shall be completed within six (6) months after completion of the exterior construction.

7. SET BACK AREAS: No building shall be located on any lot nearer to the side street lines than the minimum building setback lines shown on the recorded plat. For purposes of this covenant, eaves and steps shall not be considered as a part of a building provided, however, that this shall not be construed to permit any part of the building on a lot to encroach upon any other lot. No portion of any lot between the building setback lines and the street shall be used for any purposes other than that of a lawn. Nothing contained herein, however, shall be construed as preventing the use of such parts of the lots for the planting of trees or shrubbery, the growing of flowers or other ornamental plants, or fountains, or similar ornamentation, for the purpose of beautifying the premises. No unsightly growths or unsightly objects shall be allowed to be placed or permitted to remain anywhere within such areas of the lots. Nothing herein contained shall be construed so as to permit a violation of any applicable law, ordinance or governmental regulation.

8. FENCES: Except for decorative picket or wood rail fences, no fence or wall shall be constructed, placed or altered on any of said lots nearer to any street than the front wall of the residence to be constructed on the lot. Fences on corner lot shall not extend beyond the building setback line as shown on the recorded plat. Fences must be of neat and ornamental material, no higher than three and one-half (3 1/2) feet. No chain link, metal or plastic fencing shall be permitted upon any of the lots or reserves within the subdivision.

9. DRIVEWAYS: Driveways shall be constructed and completed with the residence and shall be of paved materials in compliance with zoning regulations.

10. TEMPORARY STRUCTURES/OUTBUILDINGS: No structure of a temporary character such as trailers, basements, tents, shacks, garages, barns or other outbuildings shall be used at any time as a residence, either temporarily or permanently, except during the original construction. No trucks, commercial vehicles or trailers shall be parked or stored in the subdivision. Attractive, non-metal yard storage buildings for gardening use are permitted

upon approval of Grantor,

11. SIGNS: Except as provided herein, no billboard, sign or advertising device, other than one advertising professional services, or a "For Sale" or a "For Rent" sign, shall be erected, placed or allowed to remain on any of the lots or reserve areas. Such signs may not exceed three square feet in size. Contractors' signs announcing the names of the contractors participating in the improvement of the premises may be displayed upon the lots, but these shall not exceed six square feet in size. Contractors' signs shall not be located closer to the street than ten (10) feet in front of the building setback line shown on the recorded plat.



Neither the ~~Committee~~ <sup>Grantor</sup> nor ~~any of its members~~ <sup>Grantor</sup> or their respective heirs, personal representative, successors or assigns, shall be liable to anyone submitting plans for approval by reason of mistakes in judgment, negligence, or nonfeasance arising out of or in connection with the approval, or failure to approve any plans. Every person and entity who submits plans to the ~~Committee~~ <sup>grantor</sup> agrees, that by submission of such plans, he/she/it will not bring any action or suit against the ~~Committee~~ <sup>grantor</sup> to recover any damages.

An owner of any lot in the subdivision shall cause any improvement to be completed in a workmanlike manner. Upon completion of any such improvement, the person or entity who completed the same may request in writing that the ~~Committee~~ <sup>grantor</sup> issue a certificate certifying that said improvement is completed and is in compliance with all provisions of this Article II, which certificate shall be issued in a timely manner, and which certificate shall be conclusive evidence that said improvement is completed and in compliance with all provisions of this Article. The ~~Committee~~ <sup>grantor</sup> may make a reasonable charge for the issuance of such certificates, which must be paid at the time that the request for such certificate is made.

~~Except as otherwise provided in the subdivision map, the Grantor and the Committee shall retain all rights and duties of the said Committee.~~

ARTICLE II  
AMENDMENTS

These restrictions may be amended by the vote of nine-tenths (9/10) of the lot owners of the subdivision.

ARTICLE III  
GENERAL PROVISIONS

1. VIOLATION OF COVENANTS: It shall be lawful for any owner of a lot in the subdivision ~~or the Homeowners Association~~ to prosecute any proceedings at law or in equity against a person or persons violating or attempting to violate any of the covenants herein, either to prevent him/her/it from doing so or to recover damages. Failure by any party to enforce any covenant, restriction, or agreement herein shall in no event be deemed a waiver of the right to take such action for the violation or for any future violation. These restrictions shall be binding upon all and shall be enforceable by any of the present and future owners of the land in the subdivision.

2. TERM OF COVENANT AND RESTRICTIONS: The restrictions, rights, reservations, limitations, agreements, covenants and conditions contained herein shall be deemed as covenants and not as conditions hereof, shall run with the land and shall bind all lot owners, their successors, heirs, executors, administrators and assigns, for twenty-five (25) years from the date of the execution of this Deed. Said covenants shall automatically be extended for successive periods of ten (10) years unless terminated by a vote of two-thirds (2/3) of the then owners of the lots in the subdivision. In

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ascertaining the number of owners of two-thirds (2/3) of the lots, persons having the power to convey the fee simple in a given lot shall constitute a unit having a single vote.

3. INCORPORATION INTO DEED: The above covenants, reservations, and restrictions shall be incorporated by reference in every deed hereafter issued conveying any lot of the subdivision.

4. PARAGRAPH HEADINGS - GENDER-NUMBER: The section and paragraph headings are intended for convenience only and are not intended to be a part of these restrictions or in any way to define, limit, describe the scope or intent of the particular section and paragraph to which they refer. All pronouns and all variations thereof, shall be construed so as to refer to the masculine, feminine, neuter, singular or plural forms thereof, as the identity of the person or persons or as the situation may require.

5. EFFECT OF INVALIDATION: If any provision of these restrictions is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

ARTICLE IV

ACCEPTANCE

By accepting a deed to any lot of the subdivision or part thereof, the grantee accepts the same subject to the foregoing covenants and agrees for himself/herself/itself, his/her/its heirs, successors and assigns to be bound by each of such covenants