

including color coordination, and must be approved in writing by the Developer. <sup>Vol. 1224 p. 642</sup>

#### ARTICLE IV

##### Operations Standards

4.1 Permitted Uses. Unless otherwise specifically prohibited herein or restricted by applicable zoning codes or other governmental regulations, any industrial operation and use will be permitted if performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to adjacent Building Sites. No Owner shall permit a nuisance to be created or maintained on its Building Site. A nuisance within the meaning of this paragraph shall include, but not be limited to vibration, sound, electro-mechanical disturbance, pollution of the air and water, dust or emission of odorous, toxic or nontoxic matter.

4.2 Damage to or Destruction of Improvements. Any Improvements on any Building Site damaged in whole or in part by fire, windstorm, tornado, vandalism, strike or civil disorder, or the like, shall be repaired and restored or replaced immediately, including the removal of debris, or should it be determined by the Owner thereof not to repair or replace such Improvement, then the Owner, at its expense, shall demolish and remove the damaged Improvement from its Building Site and thereafter maintain the Building Site in a graded, maintained condition until the Building Site is again improved in accordance with the provision hereof. In no instance shall any damaged Improvement remain on the Building Site unrepaired or unremoved for a period in excess of ninety (90) days from the date of said casualty.

4.3 Right to Enter. During reasonable business hours, the Developer or its authorized representatives, shall have the right to enter any Building Site, but not the insides of buildings, for the purpose of ascertaining whether the restrictions provided herein may have been violated. Any such entry shall constitute an authorized entry, and the Developer or its authorized representatives shall not be deemed guilty of trespass or constructive eviction by reason thereof.

#### ARTICLE V

##### Property Used in Common

5.1 Responsibility for Property Used in Common. The Developer shall operate and maintain the Property Used in Common; provided, however, that the Owner of any Building Site shall maintain all landscaping between the property line of its Building Site and the curb of any street. At the sole discretion of the Developer, any and all roads may be dedicated to the appropriate governmental authority.