

# **DROVERS CROSSING SUBDIVISION RULES TO THE EXISTING INDENTURE**

To supplement or clarify the existing guidelines of the Indenture governing the community, the following Rules were passed by the required majority of the homeowners on July 19, 2010. These Rules are recorded with the St. Charles County Recorder of Deeds Office becoming part of the Indentures for Drovers Crossing Subdivision.

## **RULE NO. 1      QUALIFICATIONS FOR TRUSTEES.**

All Trustees for the Drovers Crossing Homeowners Association must be resident Owners for at least 3 years prior to the date of election to insure familiarity with the community and must remain in good standing on all payments owed the community. Any nonpayment longer than 30 days shall disqualify a Trustee unless a good faith hardship exists and the Trustee makes part payments on terms acceptable to the Board.

## **RULE NO. 2      FENCE MAINTENANCE.**

The Owner of a permitted fence or of a nonconforming fence grandfathered in before Indenture change shall be responsible to maintain the fence in sound structural condition and good appearance. The Board is empowered to inspect fences for compliance with the guideline of sound structure and good appearance.

If a fence falls in disrepair, the Board may require the Owner at the Owner's cost to make the necessary repairs within 21 days. If the fence is not timely repaired, the Board is empowered to require removal of the fence and its posts at the Owner's cost, and no substitute fence may be erected unless it is in full compliance with the guidelines of the Indenture and the Rules of the community and the Owner obtains prior written approval from the Board.

## **RULE NO. 3      ANIMAL GUIDELINES.**

No more than 3 animals shall be allowed in any household. Any animal which troubles the community with vicious behavior, excessive noise or messes not cleaned up in a reasonable time may [after a fair hearing] be found by the Board to be a nuisance and ordered removed from the community at the Owner's cost. All animal droppings must be immediately picked up by the Owner when the animal is being walked through the community.

No invisible-type animal control fence may be installed in the front yard and tethering of animals shall only be in the backyard inside the sidelines of the house. Animals must be under the control of the owner at all times.

## **RULE NO. 4      MAILBOXES.**

To continue the existing attractive uniformity of mailboxes, all mailboxes shall be solid black color and mounted on a 4 inch by 4 inch wood post 41-45 inches high with a natural stain color, with the opening of the mailbox 6 to 8 inches away from the curb (to conform to Postal Service requirements).

## **RULE NO. 5      SIGNS AND DECORATIONS.**

No sign may be placed in any window. No advertising sign may be placed at the front entrance to the Subdivision longer than one day. Any sign shall only be in the front yard of the home during the activity (garage sale, open house, etc.).

No signs wider or higher than 3 feet in size shall be permitted and there shall be a maximum of 1 sign per yard.

Decorations and signs for a holiday or political campaign shall not remain up longer than 30 days after the holiday or election.

**RULE NO. 6      SUPPLEMENTAL VEHICLE GUIDELINES.**

No trailer (all types), commercial vehicle or unlicensed or derelict vehicle, vehicle parts, shells cannot be stored openly; these vehicles and vehicle parts must be kept inside a closed garage.

A prohibited "commercial vehicle" is a vehicle having any or all of the following characteristics: one ton rating or higher; dual wheels or tandem axles; ladder racks; commercial lettering or company identification displayed on vehicle; more than one tool box openly stored in rear; utility body of any kind; length over 24 feet; height over 7.5 feet; license plate weight rating over 12,000 pounds; vehicle openly storing or carrying business equipment or supplies.

**RULE NO. 7      STORAGE.**

Garbage and yard waste containers must be removed from the curb within 24 hours of pickup. Containers must be stored out of sight behind the house or in the garage to conceal from street view. All under deck storage must be concealed from neighbors.

Wood piles for long term seasonal storage must be out of sight from street view and within the sidelines of the house.

Only outdoor furniture may be on the front porch of a home. Other items, such as hammocks, box fans, barbecue pits, dressers, large toys or bikes, should not be regularly stored in the front and shall be concealed from street view as to keep a neat appearance in the subdivision.

Construction or renovation materials, such as rock, topsoil, bricks, wood or mulch must be removed from the front of the home within 48 hours of delivery. Any longer term storage anywhere in the yard must be approved by the Trustees. All landscape changes or any outside constructions or renovations must be submitted in advance to the Trustees through an architectural change form, and no work shall begin unless the Trustees approve the project.

**RULE NO. 8      SATELLITE DISHES.**

Only one satellite dish may exist per household, and the dish must [consistent with access to the transmission satellite] be located out of sight from street view. Prior to any installation, the Owner must notify the Trustees of the details of the dish and its location and color and receive Trustee approval. No garish coloring out of harmony with the community shall be permitted.

**RULE NO. 9      MAINTENANCE OF PROPERTY.**

All lawns, bushes, and trees in landscape shall be maintained in neat and trim condition. Lawn ornaments should be consistent with existing types and numbers per home in the community. No vegetable gardens shall exist in front or side yards. Yard lawns shall be grass with excessive weeds stopped from taking over the lawn. Landscape areas, flower boxes and driveways cannot be overtaken by weeds.

Prior to making any change to the color, structure or materials of a building exterior and prior to any change to a permitted fence or to a yard, the owner seeking to make the change must first obtain approval from the Trustees.

The building exteriors including driveways (driveways of concrete ONLY-no asphalt, blacktop or tarred) should be maintained in good repair and appearance. If the Owner fails to maintain the exterior in good repair and appearance to the detriment of the property values and good order of the community, the Trustees may fine the non-cooperating Owner or order appropriate renovation steps in accordance with its enforcement policy.

**RULE NO. 10**      **ENFORCEMENT AND FINES.**

**A. PURPOSE OF THIS RULE.** Our association has the goals of maintaining solid property values and a decent quality of life for the owners. However, any group of people has the potential to have a member who violates community guidelines. That situation requires the community to apply corrective discipline to maintain the integrity of the Indenture and the Rules governing the community and to preserve high community standards.

**B. NOTICE OF A VIOLATION OTHER THAN FAILURE TO PAY.** Whenever the Board receives information which in its discretion may constitute a violation of any guideline of the Indenture or the Rules of the Association [other than failure to pay sums owed – see section D below regarding failure to pay], the Board shall give written notice to the alleged wrongdoer of the precise nature of the alleged violation. The person receiving such notice shall have 15 days from the date of the notice to send the Board a written statement of their side of the story or to request a hearing in person.

Based upon the information before it, the Board may, in its discretion, dismiss the matter without further action or may find that the party committed a violation and impose a fine of up to \$50 for the offense. The Board may impose up to that maximum fine or any lesser sum, based on the Board's view of the circumstances surrounding the offense.

**C. SERIOUS VIOLATIONS.** If the alleged violation at issue poses an immediate threat to the good order of the community or its property values or of harm to persons or property or involves a repeat of the same type of violation previously found to have been committed by the same person, the Board may, in its discretion, set the matter for hearing and issue a directive to the alleged wrongdoer to attend with any relevant information or witnesses. The Board shall give as much notice in good faith as circumstances permit [at least 15 days], utilizing fax, e-mail or personal service to inform the relevant parties of the hearing date.

Failure of an alleged wrongdoer to respond or present information for his/her position may be treated by the Board as an indication that the party has nothing to say in defense.

If the Board finds a serious violation has occurred involving repeat wrongdoing or misconduct posing a risk of harm to persons or property, the Board may assess a fine of up to \$250, assess the wrongdoer for any damages caused and any costs or attorneys fees incurred, and order the wrongful conduct to cease forever.

**D. FAILURE TO PAY ASSESSMENTS WHEN DUE.** If the violation is the failure to pay assessments when due, the Board shall have the option to take any or all of the following steps if the violator fails to pay in full after due notice of the delinquency:

File a lawsuit to collect, and/or

File a lien on the violator's property, and/or

Fine the violator \$20, and/or

Require the non-paying violator to pay all attorneys fees and costs of collection incurred by the Board.

**E. VIOLATOR TO PAY ALL COSTS AND ATTORNEYS FEES.** If the Board makes a finding of violation and imposes sanctions on any violator for any violation or if there is a failure to pay assessments, fines or other sums owed and the Board must seek enforcement from a court, then the wrongdoer shall be responsible to pay all fines, damage amounts, court costs, collection costs and attorneys fees incurred by the Board in such enforcement action.

**F. HARDSHIP SITUATIONS.** If a violator is unable to correct a problem because of an actual hardship situation, the Board may release, modify or abate a penalty if the party is working with the Board in good faith.