

# **Architectural Review Committee**

*(Revised and Board Approved 1-13-03)*

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**ARC DUTIES AND RESPONSIBILITIES:**

*(Board*

*approved 5/13/02 – Revised 1-13-03)*

1. The Trust Indentures requires the elected Board to appoint six (6) members of the ARC. The ratio of ARC members shall be four (4) ARC members representing the Country Club of Sugar Creek and two (2) ARC members representing the Greens. *(This ratio was approved at the 11-5-02 Board meeting)*

2. The ARC is authorized to regulate the exterior aspects of construction and reconstruction of all structures within the subdivisions.
  - The ARC shall enforce the Design Standards and Rules & Regulations.
  - The ARC shall enforce the Restrictions in the Trust Indenture.
3. The elected Board of Directors must approve the Design Standards and the Rules and Procedures prepared by the ARC for legal reasons.
4. The ARC will assess fines that have been approved and documented in the Rules and Procedures book.
5. The ARC is responsible for notifying the property owners of any violation and a fine will be imposed if not corrected within a specified time limit.
  - The ARC is to notify the Treasurer if a fine is to be paid and the Treasurer shall file a lien if appropriate.
6. Violations that should incur a fine, but a fine has not been documented in the Rules & Procedures book are to be presented to the elected Board by the ARC for approval. If the fine for a specific violation is approved, then it shall be included in the Rules and Procedures book. Again, this is for legal reasons.
7. The elected Board is required to hear all appeals to ARC rulings. This is a legal requirement of the Trust Indenture.
8. Notify AmerenUE of damages and/or power outages to any streetlight within the subdivision(s).

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## **ARC PROCEDURES**

### **INTRODUCTION**

10-01)

*(Board Approved 12-*

The subdivision covenants are intended to maintain the quality and value of the subdivision. The covenants exist so that anyone buying a home in the subdivision will know the standards of construction and behavior that the residents have agreed to abide by. It is vital that any new or continuing homeowner be confident that these standards will be enforced. To date, the standards and quality have been maintained.

Property values have increased. Although the individual homeowners deserve most of the credit, the activities of the ARC and the Board have played a part. We hope that all homeowners will understand that the primary goal of the Board and the ARC is to maintain and improve the quality of life in the subdivision.

Although the committee is called the **Architectural** Review Committee, it is charged in the Covenants and by the Board with enforcing all of the restrictions, not just those directly related to architecture. The ARC is not free to pick and choose which covenants to enforce. The most common non-architectural sections of the covenants that have required ARC attention are those related to pets, parking, commercial vehicles, boats, trailers and signs. Failure to enforce the covenants has the potential for eroding the quality of life and property values of the subdivision.

We suggest that you read carefully the sections of the covenants dealing with construction, pets, parking, commercial vehicles, boats, trailers and signs. These are mainly in sections 5 and 6. Many of the covenants are clear, and therefore the responsibility of the ARC is clear. There are other sections that are not so clear. The ARC has attempted to establish and publish interpretations of such sections. If you feel that the covenants and/or the ARC's interpretation should be changed, you should feel free to propose a change.

## ARC MEETINGS

*(Revised and Board*

*Approved 9-8-03)*

The ARC normally meets monthly to consider construction applications, complaints of alleged covenant violations and other matters related to its charge. The meetings are normally held on the first Wednesday of the month at the home of one of the committee members.

Minutes of all ARC meetings are kept on file and maybe viewed by any subdivision homeowner.

## CONSTRUCTION and LANDSCAPING APPLICATION PROCESS

*(Board Approved 12-10-01)*

A homeowner planning any construction or landscaping project needs to be aware that the project needs to be submitted to and approved by the ARC before construction starts. **Appendix B** is a copy of the Home Improvement Application form. The form states the amount of the security deposit required for a project. The other required elements of a properly complete application are given in the design standards. **Appendix A** is a collection of Board approved design standards. These standards attempt to clarify the covenant and restriction references to various common construction projects.

Failure to obtain approval before construction begins will result in the assessment of a fine. If a homeowner is planning a project and is not sure whether it needs ARC approval, he/she should call one of the ARC members for clarification. It only takes a few minutes, and it can avoid a lot of misunderstanding.

An application may be submitted to any member of the ARC. The member then brings the application to the committee meeting. The committee collectively reviews the application for completeness and compliance of the proposed project with the covenants and design standards. If the committee approves the project, two of the members sign the application form. A copy of the approved application form is returned to the applicant along with an ARC construction permit **Appendix C**. The construction permit is to be placed in a location visible from the street until the project is completed. The owners of the three adjacent properties are also notified.

If the committee feels that it cannot approve the project, the application is returned to the applicant with a letter stating the reason(s) for the denial of approval. The letter may also contain suggested modifications to the project that would make the project acceptable. The covenants give the ARC three weeks to approve or reject projects.

If a project is not approved, the applicant has the right to appeal the ARC decision to the elected board of the subdivision. **Appendix D** is a copy of the board approved appeal procedure. Also see section 5.1.6 (7) of the covenants. The board has agreed that any written communication from a homeowner or his or her legal representative disagreeing with an ARC decision constitutes initiation of the appeal process.

## VARIANCES

*(Board Approved 12-10-01)*

Section 6.2.6 (5) gives the ARC the authority to "grant a variance from the strict letter of the protective restrictions of the covenants and from the architectural restrictions of the Design Standards in any exceptional case where practical difficulties exist which would impose undue hardship upon the Property Owner". Variances are granted by a majority vote of the total membership of the ARC.

In addition to the "undue hardship" standard, it has been the ARC's policy to grant variances if, in the judgment of the committee, the variance does not violate the spirit of covenant or design standards restrictions. e.g. The design standard for fences states that the fence may be no more than 48 inches high. A homeowner applied to build a backyard fence 60 inches high, arguing that his dog (a boxer) could jump the 48-inch fence. The fence met all of the other design standards. The homeowner further argued that the 60-inch fence would help him comply with the covenant restriction that deals with restraining pets (Section 6.18). Since the proposed fence met all of the design standards except height and, in the opinion of the committee, was consistent with the spirit of the covenants, the ARC approved a variance allowing the fence to be 60 inches high.

## COMPLETION of PROJECT and DISPOSITION of SECURITY DEPOSIT

*(Board Approved 12-10-01)*

When, in the opinion of the applicant, the project is completed, the applicant should inform the committee. The committee then conducts a final inspection. If the committee approves the project, the security deposit is returned and the process is complete. The committee retains and keeps on file a copy of the application and plans for the project.

If the committee does not approve the project, it presents its objections in writing to the applicant along with its suggestions for making the project acceptable. It is expected that the applicant will satisfactorily complete the project. Should the applicant fail to do so, the committee may keep the applicant's security deposit. The committee may also take such action it deems appropriate to satisfactorily conclude the project provided such action is sanctioned by the elected Board.

### FAILURE to OBTAIN ARC APPROVAL for PROJECTS NEEDING ARC APPROVAL

*(Board Approved 12-10-01)*

There have been a few instances when homeowners have not sought ARC approval for construction and landscaping projects that needed ARC approval, and since the covenants do not say specifically what should be done in these cases, the elected Board, at its meeting on October 30, 2001, approved the following:

"Effective October 30, 2001, failure to complete an acceptable ARC construction application and receive ARC approval of the project prior to starting construction will result in the property owner being assessed a fine of \$25 per day. The fine will start on the day that the homeowner is notified of the need to complete a proper application and end when a proper application is approved."

Homeowners who are planning a construction or landscaping project are responsible for contacting the ARC to determine whether the project requires ARC approval, then submitting a proper application if ARC approval is required. This can be done most easily by contacting an ARC member.

### COMPLAINTS OF ALLEGED COVENANT VIOLATIONS

*(Board Approved 12-10-01)*

Any homeowner may file a complaint alleging a violation of articles of the covenants, and ARC members are encouraged to pursue observed violations via the standard procedure. Because the ARC needs a complete record of complaints and their disposition, only written complaints will be pursued. **Appendix E** is the Request For ARC to Address Problem form. To file a complaint, simply fill out the form and give it to any ARC member. The identity of the homeowner(s) filing the complaint will be disclosed only to the members of the ARC, and the committee members may not disclose the name(s) to anyone. The name(s) of the individual(s) filing the complaint will not be included in the minutes of ARC meetings.

The committee member receiving the form will attempt to verify the validity of the complaint. If the complaint cannot be validated, the complaint form will be returned to the homeowner who submitted it along with a brief statement of the efforts that were made to verify the complaint. If the member receiving the complaint is uncertain about its validity, he or she will bring the complaint to the committee for a committee judgment.

If the member receiving the complaint or the committee judges the complaint to be valid, the committee will send a letter to the violator. The letter will detail the complaint citing the covenant(s) violated and giving a deadline date for correcting the violation. The letter will also state the penalty to be imposed should the violation not be corrected by the date given. [**Appendix F** is a typical notification letter and **Appendix G** is a Board approved schedule of fines for typical violations.]

When the homeowner receiving the letter feels that the violation has been corrected, he/she should contact a member of the ARC. The homeowner and ARC member will both sign a copy of the notification letter noting the fact that the violation has been corrected and the date of the signing. It is the responsibility of the homeowner to initiate this process. Should he/she fail to do so, it will be assumed that the violation has not been corrected.

If the violation is not corrected by the given date, the penalty will be imposed. Typical penalties are fines. If the fine is not paid and the violation not corrected, a lien will be placed on the violator's property.

If a complaint alleges a violation that would normally need to be brought to the committee for the committee's judgment, but the complaint is such that it needs more immediate attention, a special ARC meeting will be called.

## PROCEDURES FOR MOWING OF VACANT LOTS

*(Revised and Board Approved 1-13-03)*

In an effort to ensure that vacant lots will be mowed in a timely manner, the procedure for the mowing of vacant lots within Country Club of Sugar Creek and Greens I and II will be the following during the months of April through November of each year:

1. Identify the contractor and obtain a certificate of insurance covering both General Liability and Workman's Compensation. Identify the vacant lots in the subdivision(s) and their owners for notification.
2. A letter will be written and mailed to all property owners of unimproved lots by March 15 of each year (**Appendix I**), reminding them of their mowing responsibilities, fines and penalties. A copy of the signed letter should be placed in the ARC lot files.

3. On the Saturday prior to the first Tuesday of each month, April through November, an ARC member will inspect all vacant lots to get an approximate number of lots in violation that will need to be mowed.
4. The same day the ARC representative will call the contractor's mowing supervisor with the approximate number of lots in violation so that the appropriate number of mowing crews can be reserved for the mowing day, the 1<sup>st</sup> Tuesday of each month.
5. On the 1<sup>st</sup> Tuesday of every month, the ARC representative will meet the contractor's mowing crew. Together with the contractor's crew, the ARC representative will go to each unimproved lot, check the height of weeds & grass, and direct the contractor to mow any lot with vegetation over eight (8) inches. If there is inclement weather, the following business day will be the re-scheduled mowing date.
6. The ARC representative will note which lots he/she directed to be cut and will forward the list of lots cut, along with the property owner's name and the date cut, to the appropriate subdivision's Treasurer the same day the lots were cut. E-mail is the preferred media. A complete record of lots cut must be retained indefinitely should the information be needed for an appeal hearing.
7. The ARC representative should direct the contractor to send the invoice to the Treasurer of Sugar Creek, whom will forward a copy to the Greens' Treasurer if needed verify the invoice for correctness when received by the Treasurer and approve the invoice after review.
8. The Treasurer will invoice the lot owners for the cost of mowing plus a \$100 fine. If the lot owner does not pay the invoiced amount the Treasurer will place a lien on his/her lot.

## PROCEDURE FOR SPECIFYING A TIME LIMIT ON CONSTRUCTION PROJECTS

*(Board Approved 11-5-2002)*

When the ARC approves a proposed project, the committee will specify a date by which the project is to be completed. The permit issued to the homeowner will specify this date.

For projects requiring a Jefferson County building permit, the ARC will not issue a permit until a county building permit has been issued. The required completion date will be the same as the expiration date on the Jefferson County building permit. For projects not requiring a Jefferson County building permit, the required completion date will be six (6) months from the date the ARC permit is issued.

Failure to complete the project by the specified completion date will result in the assessment of a penalty unless a request for an extension has been submitted to and approved by the ARC by the original date specified for completion of the project.

The penalty for failing to complete a project by the required completion date will be forfeiture of any security deposit plus an additional penalty of ten (10) dollars per day for



90 days or until the project is completed. After 90 days, if the project is not completed, a penalty of fifty (50) dollars per day will be assessed until the project is completed. If no security deposit was required for the project, the penalty will be \$200.00 plus an additional penalty of ten (10) dollars per day for 90 days or until the project is completed. After 90 days, if the project is not completed, a penalty of fifty (50) dollars per day will be assessed until the project is completed.

## PROCEDURE FOR DESIGNATING CONSTRUCTION ENTRANCE

*(Board Approved 11-5-02)*

Do to the wear and tear that construction equipment does to our maintained roads the Board under Article V – Architectural Matters – 5.1.3 Duties, has directed the ARC Committee to redesign the Construction Permit to reflect the designated entrance to be used during the construction period of the permit. At the time the permit is issued, the entrance/exit to be used for construction traffic will be determined at the sole discretion of the ARC – in the best interest of protecting our streets from damage due to construction traffic. If the property owner/contractor fails to use the designed entrance/exit as instructed, they will lose their security deposit.

## PROCEDURE FOR DEALING WITH REPEATED COVENANT VIOLATIONS

*(Revised and Board Approved 9-8-03)*

In situations where the potential for recurring covenants violations exists, all homeowners will be sent an annual letter (**Appendix N**) reminding them of the covenant policies for overnight parked vehicles, commercial vehicles, boats trailers, RV's or improperly restrained pets or nuisance pets.

The initial letter will also inform the homeowner that should the violation reoccur within six (6) months of the date in the initial letter, another letter will not be sent, but rather the homeowner will be given a "citation." The citation will state:

1. The violation.
2. The lot location of the recipient of the citation
3. The date of the original letter sent asking for correction of the violation.
4. The amount of the citation fine.
5. The date by which the fine should be paid (15 days after the citation is issued).
6. The person and address to which payment of the fine should be sent.
7. The consequences of failing to pay the fine.
8. The initials of the person issuing the citation.
9. The date and time that the citation is issued

A copy of the Citation (**Appendix J**) will be given to the treasurer and a copy placed in the ARC lot files. If the fine is not paid by the due date on the citation, a lien will be placed on the property.

The citation may be attached to the offending vehicle, trailer, boat or other item in cases where such an item is involved, or the citation may be mailed to the residence.

The following are violations for which citations may be given:

1. Overnight on-street parking
2. Improperly parked trailer, RV, boat or commercial vehicle
3. Pet improperly restrained or being a nuisance

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## **MISCELLANEOUS ITEMS RELATED TO**

## **COVENANT ENFORCEMENT**

### **SIGNS**

*Approved 9-8-03)*

*(Revised and Board*

Section 6.6 of the Covenants begins with the sentence, "Except as otherwise herein provided, no signs, window displays, or other advertising except "For Sale" signs shall be placed on any Lot, Structure, Common Area without the prior written consent of the Association".

Political signs must not exceed a maximum size of 18" x 24" and can only be displayed two (2) weeks prior to the election and must be taken down within one (1) week after the election.

For those homeowners whose rear lots border the golf course, two (2) "For Sale" signs shall be permitted, with one of them placed in the rear of the property facing the golf course. The same size restrictions shall apply to both signs, a maximum of five (5) square feet.

Security System signs shall be allowed if the sign is less than 1-1/2 square feet and is posted within ten (10) feet of the front door of the home.

Personal non-advertising signs will be allowed for a maximum of two weeks, such as New Baby Announcements, Birthdays Announcements, Welcome Home Signs, Holiday Signs, etc.

## PETS

*(Board Approved 12-10-01)*

The last sentence of Section 6.18 of the Covenants is, "Domesticated dogs, cats, or other household pets must be restrained from running at large and kept at a location not viewable from the roadway." The committee has tried to take a common sense approach to dog and cat complaints. Anyone who has a pet should make every effort to keep the pet from being a nuisance, a burden, or a hazard to other residents especially children. Hopefully pet problems can be handled neighbor to neighbor, but should this approach fail we urge residents to file a complaint with the ARC. Any residents who fail to adequately control their pets should be subject to complaints. Such complaints will be taken seriously by the ARC.

Upon the filing of a complaint, if the ARC knows the owner of the dog or cat they will call Animal Control of Jefferson County with the address of the dog or cat's owner. Animal Control of Jefferson County will pass on the information to the sheriff's department who will stop at the home of the dog or cat owner on their next trip in to the subdivision, talk to the owner about the county's leash law and give them a copy of the lease law (**Appendix K**) and demand to see proof of the animal's rabies shot.

## BOATS/TRAILERS/CAMPERS/COMMERCIAL VEHICLES/CAMPER SHELLS/ATV's

*(Board Approved 12-10-01)*

Section 6.16 of the Covenants says, "Personal property including, without limitations, boats, trailers, campers, commercial vehicles, camper shells, all-terrain vehicles shall not be placed or stored permanently or temporarily in the open on any Lot or Common Area, nor shall they be parked on any street overnight". In order to accommodate homeowners working on boats and trailers, doing large landscaping projects, or having visitors with RV's, the ARC has agreed to enforce this section according to the following statement. **"Such vehicles and equipment may only be parked in the open for two (2) consecutive nights and not more than five (5) days in any thirty (30) day period."**

## COMMERCIAL VEHICLES

*(Board Approved 12-10-*

*01)*

The covenants clearly state that commercial vehicles are not to be parked overnight in public view (Section 6.16.3). The ARC has dealt with several complaints about commercial vehicles, but there has been some disagreement as to what constitutes a commercial vehicle. What follows is an attempt to more clearly define what constitutes a commercial vehicle.

For purposes of enforcing the covenants, a vehicle will be considered to be a commercial vehicle if it is any of the following:

- Any transport used in the conveyance of people, material, or merchandise for the purposes of carrying out trade.
- A truck, van or passenger car with lettering and/or other designs on it that clearly identify the vehicle as being used in, or to promote, any type of business.
- A truck, van or passenger car with equipment mounted on it (either temporarily or permanently) that is clearly to be used in carrying out the activities of any type of business.
- An open bed truck carrying, in the bed in plain view, material that is clearly to be used in carrying out the activities of any type of business.

## ON-STREET PARKING

*(Revised and Board*

*Approved 9-8-03)*

The covenants state, in Section 6.16.6, that "no other vehicles may be parked on any street or roadway..... " The ARC is aware that, because of house guests, major home repairs, or other special circumstances, it is sometimes necessary to park overnight on the street, and no one can reasonably object on those occasions. But when such parking is not due to special circumstances it becomes objectionable. The ARC continues to receive many complaints about on-street parking and has agreed that more than one occurrence of parking on the street overnight without a special circumstance, will be subject to ticketing.

## RV STORAGE INTERPRETATION

*{From ARC Minutes of May 23, 2001)*

*(Board Approved 11 - 5 - 02)*

The board feels that the intent of the sections of the covenants limiting the storage of recreation vehicles (6.5.4,6.16,6.16.1) is to insure that the vehicles cannot be seen from other lots in the subdivision and/or the golf course. The method of storage of such vehicles should be consistent with this interpretation. Simply having the vehicle parked behind the house but still visible from other lots and/or the golf course is not consistent with the Board's interpretation.

The recreational vehicle should be fully screened by natural barriers, parked in a garage, or stored at a location outside the subdivision. Residents planning to store a recreational vehicle should consult the ARC to receive assurance that the planned storage method is consistent with the Board's interpretation of the acceptable storage of such vehicles.

*This interpretation was okayed by the Board's attorney (Ted Frapolli) at a meeting on 10/17/02 at Dale Furtwengler's home.*

## PROPERTY MAINTENANCE

*( Board Approved 6-9-03)*

As homes age, routine maintenance plays a vital role in maintaining property values.

This checklist

**(Appendix M )** will help guide you through an inspection of your property. Correction of items you have detected will help maintain a clean, safe, and desirable living environment.

This same checklist that the Architectural Review Committee uses in evaluating maintenance standards.

This checklist is not intended to include all maintenance items you may need to address, but it is intended to be your guide to the exterior inspection of your property.

## FIREWORKS

*(Board Approved 9-8-03)*

Fireworks will be prohibited in the Country Club of Sugar Creek and The Greens except for July 4th and New Year's Eve and must be constrained to the homeowner's lot when being ignited. The Association's roadways may not be used to ignite fireworks. Fireworks must be operated in accordance with any Jefferson County's ordinance for fireworks.

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## DESIGN STANDARDS

### **APPENDIX: A**

#### **DECKS, GAZEBOES, SHELTERS**

*(Revised and Board Approved 9-8-03)*

##### DEFINITION

An attached or unattached structure at or above ground level that is used as a porch or outdoor seating area. The structure may be covered or uncovered and may also be enclosed with screen material.

##### PERMIT REQUIRED

No attached or unattached structure of any kind may be erected, constructed, or placed on any lot without prior approval of the ARC and receipt of a permit.

##### APPLICATION FOR PERMIT

The application for a permit to construct a deck, gazebo or shelter structure should include:

- The standard ARC construction application form with appropriate deposit.
- A copy of the Jefferson County permit.
- A plot plan showing the location of the structure relative to the property lines, the house, any roadways, and any golf cart paths.

- Detail drawings to be used by the builder for building the structure.
- A detailed description of the material to be used and the structure's visual appearance. Photographs and/or sales literature are especially useful for determining architectural compatibility with an existing residence building and the surrounding community.
- Detailed description(s) of the structure's footings, foundation and floor.

## DESIGN STANDARDS

- The structure must be architecturally consistent or complimentary in design, construction and materials with the residence building and the surrounding community. We realize that this standard is subjective, so we remind applicants that they may exercise their right to appeal to the elected Board.
- The location of the structure must be within the established building lines for the lot.
- The structure may not extend past the front of the residence.
- The structure must meet or exceed any Jefferson County building codes for such structures.
- The structure must be built on poured concrete footings. The footings and any support structure must meet Jefferson County building codes.
- For the Country Club, the structure must be pressure treated wood, cedar, a material that gives the appearance of natural wood, or brick, stone or stucco compatible with the home.
- For the Greens the structure must be pressure treated wood, cedar, vinyl, or brick, stone or stucco compatible with the home.
- Flat roof structures are not permitted, and the roof pitch must be at least 5/12 [From 6.5.10 of the covenants]

## **FENCES**

*(Board Approved 12-10-01 – Revised 11-5-02)*

*(Revised per the Advise of Our Attorney)*

### DEFINITION:

**A manmade non-living structure serving as an enclosure, barrier, or boundary, usually made of posts and/or rails using boards, iron, aluminum, vinyl or other material.**

### PERMIT REQUIRED

No fence of any kind may be erected, constructed, or placed on any lot without prior approval of the ARC and receipt of a permit.

### APPLICATION FOR PERMIT

The application for a permit to construct a fence should include:

- The standard ARC construction application form with appropriate deposit.
- A plot plan showing the location of the fence relative to the property lines, the house, any roadways, and any golf cart paths. The location of any gates should be shown.
- A detailed description of the material to be used and the fence's visual appearance. Photographs and/or sales literature are especially useful.
- Detailed description(s) of how the fence is to be anchored.

## DESIGN STANDARDS

- Fences that are in any portion of the front yard must be at least 10 feet from any roadway or golf course cart path. Such fences can be no higher than 48 inches and must be open to the extent that they do not block the wind, i.e. the fence may not be what is traditionally referred to as a privacy fence. The front yard is taken to be that portion of the lot in front of a line defined by the front of the house. Front yard fences are to be decorative only and should not completely enclose the front yard. Such fences should extend no more than eight (8) feet in any direction.
- Fences that are used to enclose any part of the side yard or back yard may not extend past the front of the house and must be at least 10 feet from any roadway or golf course cart path. Such fences can be no higher than 48 inches (except for fences enclosing swimming pools) and must be open to the extent that they do not block the wind, i.e. the fence may not be what is traditionally referred to as a privacy fence.
- For the Country Club plats 1, 2, 3, and 4 only, the fence must be dark in color, e.g. black, very dark green or brown. Dark red or blue or yellow or any color that is normally considered to be a bright color may not be used.
- For the Country Club plats 1, 2, 3, and 4 only, the fence must be either wrought iron or made of a material that gives the appearance of wrought iron such as anodized aluminum or aluminum with a baked on enamel finish.
- For Greens I and II and Country Club plat 5 only, the fence must be made of wrought iron, aluminum, vinyl, or wood. The fence must be of a post and picket type and wire mesh fences (e.g. chain link, cattle, etc.) of any type are not permitted.
- For both the Country Club and Greens, the fence's vertical posts may be brick or stone compatible with the home.

## LANDSCAPING

*(Board Approved 12-10-01)*

### DEFINITION

**Any activity to change the natural features of a plot of ground so as to make it more attractive, as by adding lawns, trees, bushes, berms, retaining walls, etc.**

## PERMIT REQUIRED

Any landscaping that:

- may have an effect on water drainage to or from other lots or common areas,
- affects motor traffic visibility at roadway or golf cart path intersections,
- differs radically from usual landscaping practice,

the homeowner should obtain ARC approval before starting the landscaping project. If there is any question about whether a permit is required, the homeowner should contact a member of the ARC in order to obtain clarification. Should the homeowner fail to obtain a permit for a project that the committee later deems that a permit should have been obtained; the homeowner is subject to the penalty normally assessed for not obtaining a permit.

### APPLICATION FOR PERMIT

The application for a landscaping permit should include:

- The standard ARC construction application form with appropriate deposit.
- A plot plan showing the location of the landscaping relative to the property lines, the house, any roadways, and any golf cart paths.
- Detail drawings to be used by the landscaper for completing the project.
- A detailed description of the material to be used and any structure' s visual appearance. Photographs and/or sales literature are especially useful.
- If there are issues of water drainage affecting other lots and/or common areas, topographic maps (either professional or drawn by the landscaper or homeowner) should be included. These will be especially important in helping the ARC decide the acceptability of the project.

## DESIGN STANDARD

- The landscaping should not adversely affect the water drainage onto or from any neighboring lots or common area unless the affected lot owner(s) or the trustees (in the case of common areas being affected) consent in writing to the project.
- The landscaping should not affect the visibility of motorists or golfers using the roadways and golf cart paths in any way that may create unsafe conditions.
- The ARC understands that tastes in landscaping may vary widely, and the Committee would like to promote creative landscape design. For a complete copy of the Landscaping Standard see ( **Appendix L** ) However, landscaping should enhance the neighborhood rather than degrade it. If, in the committee's judgment, a project degrades rather than enhances the neighborhood, the committee will not approve the project. The ARC may consult residents affected by the landscaping project in order to help it determine whether this standard has been met.

## **NEW or REMODELED RESIDENCE STRUCTURES**

*(Revised and Board Approved 9-8-03)*



## DEFINITION

**The following applies to the construction of a new residence or the remodeling of an existing residence, including any attached garage or other attached structures.**

## PERMIT REQUIRED

No residence structure of any kind may be erected, constructed, or placed on any lot without prior approval of the ARC and receipt of a permit.

## APPLICATION FOR PERMIT

The application for a permit to construct a new residence or remodel an existing residence should include:

- The standard ARC construction application form with appropriate deposit.
- A copy of the Jefferson County permit.
- A plot plan showing the location of the structure relative to the property lines, any roadways, and any golf cart paths. The location of any proposed driveways and sidewalks should be shown.
- Detail drawings to be used by the builder for building the structure.
- A detailed description of the material to be used and the structure's visual appearance. Photographs and/or sales literature are especially useful.
- A description of the pre-construction water drainage to and from the site.

## DESIGN and CONSTRUCTION STANDARDS

- The structure must comply with all applicable conditions and restrictions stated in the Declaration of Covenants, Conditions and Restrictions For Country Club of Sugar Creek.
- Construction of the residence must be completed no later than one year from the date of ARC approval of the project. Failure to meet this deadline will result in the assessment of a fine of \$10 per day until the project is completed.
- If needed, the builder must construct an access way to the lot that will allow construction equipment and truck traffic to enter and leave the site without causing damage to any existing roadway, golf cart path, neighboring lot, or common area.
- In the event that construction activities damage any existing roadway, golf cart path, neighboring lot, or common area, the lot owner is responsible for repairing such damage to the satisfaction of the subdivision trustees.
- The builder must construct and maintain appropriate siltation fences if there is likely to be dirt washing off the construction site onto any existing roadway, golf cart path, neighboring lot, or common area.

- The builder should clean up as soon as possible but no later than the end of the workday any mud or other material left on any subdivision roadway by trucks or construction machinery making deliveries to or entering or leaving the construction site.
- The builder should conduct a cleanup of the building site at the end of every workday picking up and disposing of such material as scrap siding, scrap lumber, scrap sheet metal, scrap shingles, broken bricks, discarded plumbing material, discarded electrical materials, dry wall, insulation and any other building materials that will ultimately be considered trash.
- If needed, the builder must provide (on the lot and off of any roadway) a dumpster of sufficient size to accommodate normal construction debris.
- No construction machinery, building material or construction trailer may stay on any existing roadway over night.
- Final grading of the site must not alter drainage to or from the site to the extent that existing roadways, golf cart paths, neighboring lots, or common areas are adversely affected by the water drainage.
- Final grading of the site must provide a swale along any adjacent roadway.
- Construction work on the exterior, and anywhere on the lot, must occur between the hours of 7 AM - 8 PM weekdays, and 8 AM - 8 PM weekends in order to minimize disruption to the neighboring properties. Interior work may take place at any hour.

## **SWIMMING POOLS**

*(Revised and Board Approved 9-8-03)*

### DEFINITION

**A swimming pool is a pool of water used for swimming; especially, an artificially created pool, or tank, either indoors or outdoors.**

### PERMIT REQUIRED

No swimming pool of any kind may be erected, constructed, or placed on any lot without prior approval of the ARC and receipt of a permit.

### APPLICATION FOR PERMIT

The application for a permit to construct a pool should include:

- The standard ARC construction application form with appropriate deposit.
- A copy of the Jefferson County Permit.
- A plot plan showing the location of the pool relative to the property lines, the house, any roadways, and any golf cart paths.
- A copy of the drawings to be used by the builder who is building the pool.
- A detailed description of the material to be used and the pool's visual appearance. Photographs and/or sales literature are especially useful.

- Detailed description(s) of the fence that is to enclose the pool. Such a fence is required by Jefferson County.

## DESIGN STANDARDS

- A swimming pool and the fence that is used to enclose it may not extend forward past the rear of the house and must be at least 10 feet from any roadway or golf course cart path and six inches inside the property line.
- The top of the pool apron surrounding the pool must be at ground level. The intent of this standard is to prohibit above ground pools.
- The enclosing fence must be at least 54 inches high and must be open to the extent that it does not block the wind, i.e. the fence may not be what is traditionally referred to as a privacy fence.
- The enclosing fence height constraint of 54 inches is limited to fencing that is used to enclose the pool. A proposed 54-inch high fence may not be used to enclose an area substantially larger than the pool that is not directly related to usual pool activities. The argument that such a fence does indeed enclose the pool is an obvious attempt to avoid the constraints of the design standards.
- For the Country Club plats 1, 2, 3, and 4 only, the enclosing fence must be dark in color, e.g. black, very dark green or brown. Dark red or blue or yellow or any color that is normally considered to be a bright color may not be used.
- For the Country Club plats 1, 2, 3, and 4 only, the enclosing fence must be either wrought iron or made of a material that gives the appearance of wrought iron such as anodized aluminum or aluminum with a baked on enamel finish.
- For Greens I and II and Country Club plat 5 only, the enclosing fence must be made of wrought iron, aluminum, vinyl, or wood. The fence must be of a post and picket type. Wire mesh fences (e.g. chain link, cattle, etc.) of any type are not permitted.
- For both the Country Club and Greens, the enclosing fence's vertical posts may be brick or stone compatible with the home.

## UNATTACHED STRUCTURES

*(Revised and Board Approved 9-8-03)*

### DEFINITION

**An unattached structure is any structure not attached to the residence building or attached garage that is used as a garage, green house, pool house, or for storage of any kind. The following standards are not intended to apply to decks, gazebo's, picnic shelters and other yard structures not used for the aforementioned purposes.**

### PERMIT REQUIRED

No unattached structure of any kind may be erected, constructed, or placed on any lot without prior approval of the ARC and receipt of a permit.

### APPLICATION FOR PERMIT

The application for a permit to construct an unattached structure should include:

- The standard ARC construction application form with appropriate deposit.
- A copy of the Jefferson County permit.
- A plot plan showing the location of the structure relative to the property lines, the house, any roadways, and any golf cart paths. The location of any entrances should be shown.
- Detail drawings to be used by the builder for building the structure.
- A detailed description of the material to be used and the structure's visual appearance. Photographs and/or sales literature are especially useful for determining architectural consistency with an existing residence building.
- Detailed description(s) of the structure's footings, foundation and floor.

## DESIGN STANDARDS

- The structure must be architecturally consistent in design, construction and materials with the residence building and must be at least 450 square feet in size. [From 6.5.7 of the covenants]
- The structure (including any closable doors) must be completely enclosing on all sides. Partially sided garages and storage structures are not permitted.
- The structure must be built on a poured concrete foundation that rests on footings. The foundation and footings must meet Jefferson County building codes.
- The floor of the structure may be concrete, or an alternate material approved by the ARC, but a dirt floor is not acceptable.
- Flat roof structures are not permitted, and the roof pitch must be at least 5/12 [From 6.5.10 of the covenants]

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## APPENDIX: D

# APPEALS

## PROCEDURES FOR APPEALS

*(Revised and Board Approved 8-20-01)*

Reference: Declaration of Covenants, Article V, Section 5.1.6, Paragraph (7)

- 1) **Who Can Appeal** – Any Property Owner or Applicant may file an appeal under the following circumstances:

- a) **Permit was Denied** – The ARC has denied a request for a permit for a project, or a request for a variance, or a request for an extension of time.
  - b) **Violation of Rules & Regulation** – The ARC has cited the owner for a violation of the Declaration of Covenants, Rules, Regulations, or Design Standards. Or the ARC has given notice that the Property Unit, for which a permit has been issued, failed to pass final inspection.
- 2) **Filing an Appeal** – The Property Owner should file the appeal within ten (10) business days of the ruling by the ARC. The appeal should be in writing and addressed to the President of the Board of Directors.
  - 3) **Hearing of Appeal** - A hearing of the appeal is to be granted within fifteen (15) business days of receipt of the appeal. The Board of Directors shall notify the property owner of the date, time and location of the hearing.
  - 4) **Special Meeting for Hearing Appeals Only** - The Board of Directors shall hold a special meeting for the sole purpose of hearing an appeal.
  - 5) **Hearing of Appeal** - the following procedures should be followed:
    - a) **ARC Representative(s)** shall present the information and rationale used in reaching their decision. This information should be provided to the Board of Directors a week or more before the hearing date.
    - b) **Property Owner(s)** shall present the information and rationale they feel justifies reversing the ARC ruling. The Property Owner may bring witnesses or experts to justify their position.
    - c) **After Hearing both sides** of the issue, the representative(s) of the ARC and the Property Owner(s) are to be excused from the meeting. Both sides should be told that a decision will be made by the Board of Directors and they will be informed in writing within the next ten (10) business days.
    - d) **Board of Directors Decide** - In its review and decision the Board shall apply the then prevailing standards on architectural matters and site planning. The Board shall either approve or disapprove the decision of the ARC by majority vote of the Board attending the meeting.
    - e) **Notification of Ruling** - The decision shall be in writing and should be signed by the President and at least one other member of the Board, and it should be delivered to the Property Owner(s) and to the ARC Co-Chairmen within ten (10) business days of the hearing.

**COUNTRY CLUB OF SUGAR CREEK PROPERTY OWNERS  
ASSOCIATION, INC.**

**ARCHITECTURAL REVIEW COMMITTEE**

November 9, 2000

John and Jenny Doe  
3000 Greenway Drive Lot 11-40  
High Ridge, Missouri 63049

Re: Overnight parking on Greenway Drive, Lot 40 - G1

John and Jenny,

We hesitate to bring this to your attention, as we are sure this is an oversight, but the Architectural Review Committee (ARC) is charged by the Board with insuring that the standards defined in the subdivision's covenants, conditions and restrictions are maintained and adhered to by all property owners. The intent of these conditions and restrictions is to preserve the environment that caused you and other homeowners to choose to live in this subdivision.

A blue Buick, license MO xxxxxx was observed parked overnight on the street on *mm/dd/yy* in front of your home. If this vehicle(s) does not belong to you or a guest in your household, please give me or someone on the ARC a call.

(1) On-street parking (habitual overnight on-street parking)  
**Subsection 6.16.6 of Section 6.16 (Storage and Parking of Personal Property and Vehicles)** of the covenants state "**Personal property including, without limitations, boats, trailers, campers, ... nor shall they be parked on any street overnight.**" The parking of cars on the street in front of your house constitutes a violation of the covenants.

The ARC would like to resolve the issue(s) in the following manner:

1. The car should be parked in the garage or in the driveway as soon as possible, but no later than *dd/mm/yy* and the practice continued indefinitely.
2. The ARC has adopted a new procedure for dealing with repeated covenant violations. For any future violations after *dd/mm/yy*, the vehicle(s) will be subject to ticketing. The fine for each ticket is \$10.

If you would like to discuss this matter further you can contact me at 636-677-9999. We look forward to a timely resolution of this matter.

For the ARC,

Co-chairs: Robert Checkley and John Broeckelmann  
Members: Therese Laskowsky, Ron Lucas, Chris May, and Tim McClain

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**APPENDIX: G** (Revised and Board Approved 9-8-03)

**Country Club of Sugar Creek Property Owners Association, Inc.**

**Architectural Review Committee**

**APPROVED OFFICIAL FINES**

<u><b>VIOLATION or COMPLAINT</b></u>	<u><b>AMOUNT OF FINE</b></u>	<u><b>TIME LIMIT GIVEN FOR HOMEOWNER TO RESOLVE COMPLAINT</b></u>
ANIMAL CONTROL	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
COMMERCIAL VEHICLE(S)	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
CAMPERS, RV's, BOATS, TRAILERS	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
SIGNAGE THAT DOES NOT CONFORM TO COVENANT SPECIFICATIONS	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
UNAPPROVED CONSTRUCTION	\$25 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
PROPERTY MAINTENANCE	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
HABITUAL OVERNIGHT ON STREET PARKING	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
EXTERIOR LIGHTING	\$10 / DAY UNTIL CORRECTED	15 BUSINESS DAYS
NONMOWING OF VACANT LOTS	\$100.00 PER OCCURRENCE (Board Approved 5-13-02)	
FAILURE TO COMPLETE A CONSTRUCTION PROJECT BY THE REQUIRED COMPLETION DATE	FORFEITURE OF SECURITY DEPOSIT OR \$200.00 PLUS \$10.00 PER DAY FOR FIRST 90 DAYS - \$50.00 PER DAY AFTER 90 DAYS (Board Approved 11-5-02)	

FAILURE TO COMPLY WITH BOARD APPROVED TRASH HAULING SERVICE	PENALTY OF \$50.00 PLUS \$10.00 PER DAY UNTIL COMPLIANCE IS MET <i>(Board Approved 1-13-03)</i>	15 BUSINESS DAYS
ALL OTHER VIOLATIONS (MAJOR)	\$ 25 / DAY UNTIL CORRECTED <i>(Board Approved 9-8-03)</i>	15 BUSINESS DAYS
ALL OTHER VIOLATIONS (MINOR)	\$10 / DAY UNTIL CORRECTED <i>(Board Approved 9-8-03)</i>	15 BUSINESS DAYS

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**APPENDIX : I** *(Board Approved 1-13-03)*

**Country Club of Sugar Creek Property Owners Association, Inc.**

**Architectural Review Committee**

March 1, 2003

John and Jane Doe  
 ???? Country Club Drive  
 High Ridge, Missouri 63049

Re: Mowing of Grass and Weeds on your lot  
 Dear John and Jane,

The purpose of this letter is to make sure that you are aware of your responsibility related to the mowing of the vacant lot that you own in the Country Club of Sugar Creek subdivision.

**Reference ARTICLE VI, Sections 6.19.1, 6.19.2 and 6.19.3. of the subdivision's covenants and restrictions.**

Summarized these restrictions state that, "Each Lot Owner shall keep all grass, plantings and other vegetation on the Owner's Lot neatly cut, trimmed and in healthy condition. No grass, nor weeds, brush or other vegetation with the exception of landscaping plants which require taller growth, shall be allowed to grow taller than eight (8) inches on any improved or unimproved lot."



The covenants also state that The Homeowners Association shall have the right to cut any grasses or weeds which are higher than that permitted by the restrictions and to charge the Lot Owner a penalty fee in addition to the expense incurred in having the grass or weeds cut.

**It is your responsibility to maintain your property – On the 1<sup>st</sup> Tuesday of each month, April through November, your lot will be cut if the grass and/or weeds exceed eight (8) inches in height.** The mowing expense plus a penalty fee of \$100, per occurrence, will be billed to you. Should you fail to pay the invoice amount within 15 business days of the invoice, a lien will be placed on your property as provided in the Covenants.

**WARNING: YOU WILL NOT RECEIVE ANY FURTHER NOTICES IN 2003**

If you have any questions, please call Brett Barton at 314-477-4776

For the ARC,

Brett Barton Co-Chair ARC

Co-chair ARC: Susan Brandon

Members: Brett Barton and Therese Laskowsky, and Catherine Lauman

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**APPENDIX: J** *(Board Approved 11-5-02)*

**Country Club of Sugar Creek Property Owners Association, Inc.**

**Citation for Recurring Covenant Violation**

VIOLATION [check and circle]

\_\_\_\_\_ Overnight on-street parking

\_\_\_\_\_ Improperly parked trailer, RV, boat, or commercial vehicle

\_\_\_\_\_ Pet improperly restrained or being a nuisance

Description: \_\_\_\_\_

Lot # \_\_\_\_\_ Homeowner \_\_\_\_\_

AMOUNT OF FINE:

\_\_\_\_\_ DUE DATE: \_\_\_\_\_

Please make the check payable to **Country Club of Sugar Creek Property Owners Association, Inc.**

and mail to:

<p>Mr. Dale Furtwengler 2412 Oak Mont Ct. High Ridge, MO 63049</p>
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If payment is not received by the due date given above, a lien will be placed on your property. You, the homeowner, will then be required to pay the lien, recording and release fees, and interest at the rate of 10% per year.

Citation issued by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Date of original letter \_\_\_\_\_

TREASURER COPY / PROPERTY OWNER COPY / ARC FILE COPY

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## APPENDIX: K

### JEFFERSON COUNTY - ANIMAL CONTROL ORDER

Commissioner Charles Heisler introduced and moved the adoption of the following order:

**AN ORDER 10-22-92 REPEALING AN ORDINANCE ADOPTED JULY 1, 1974 RELATING TO RABIES CONTROL AND OTHER MATTERS, IN ITS ENTIRETY, AND ORDERING IN LIEU THEREOF THE "JEFFERSON COUNTY ANIMAL CONTROL ORDER"**

Be it ordered by the County Commission of Jefferson County, Missouri as follows:

**SECTION 1.** The ordinance adopted on July 1, 1974 relating to rabies control and other matters is hereby repealed in its entirety and the County Commission orders the adoption of the "Jefferson County Animal Control Order" as follows:

#### JEFFERSON COUNTY ANIMAL CONTROL ORDER

##### SECTION I. PURPOSE.

This order is made for the purpose of regulating the ownership and possession of animals in the unincorporated areas of Jefferson County, Missouri in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Jefferson county, Missouri.

## SECTION II. AUTHORITY.

These regulations are enacted under authority vested in the County Commission of Jefferson County, Missouri by Section 192.300 RSMo. Supp. 1991.

## SECTION III. DEFINITIONS.

As used in this order, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

1. **Animal Control Officer:** any individual employed or appointed to enforce the animal control regulations by order of the Jefferson County Commission.
2. **Commission:** the County Commission of Jefferson County, Missouri.
3. **Dangerous Exotic Animal:** lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, bear, hyena, wolf, coyote, nonhuman primate or dangerous or poisonous reptile.
4. **Director:** any person appointed by the Jefferson County Commission to supervise the administration of the provisions of this order or such other person so designated on a temporary basis by order of the Jefferson County Commission.
5. **Feral Cat:** Any cat of any breed that is or becomes undomesticated untamed, wild or is not a pet.
6. **Kennel:** any person, group of persons or corporations, engaged in breeding, buying, selling, sheltering or boarding of dogs, whether for pleasure or for profit. The owner of six or more dogs whether owned for pleasure or profit, breeding or exhibiting, shall be deemed to be the operator of a kennel.
7. **At Large:** a dog or cat shall be deemed to be at large when it is off the property of its owner and not under the restraint of a competent person.
8. **License:** a tag and/or certificate issued by Jefferson County evidencing that a dog has been registered with and licensed by Jefferson County.
9. **Own or Possess:** a property interest in an animal, actual or claimed, or the exercise of dominion or control over an animal, or the intent to exercise dominion or control over an animal with the present ability to do so.
10. **Person:** any natural person, business entity of any type, corporation, trust association of any type or any agent, officer or employer of any of the foregoing.
11. **Rabies Compendium:** the last edition of a document by that name published prior to the adoption of this order by the National Association of State Public Health Veterinarians which serves as a standard for rabies vaccine, treatment and policy.
12. **Resident:** any person as herein defined who or which is physically present within the unincorporated areas of Jefferson County, Missouri for more than thirty (30) successive days regardless of the reason for such presence.

**13. Restricted areas:** All duly platted and recorded residential subdivisions including mobile home parks containing twenty-five or more residential lots and such area as are hereafter designated by the County Commission.

**14. Vicious Dog:** Any dog of any breed which without provocation or command bites or injures a human being or exhibits a pattern of behavior of biting or attacking or attempting to bite or attack human beings or other domesticated animals.

#### **SECTION IV. DOG CARE.**

Any person who owns or possesses a dog subject to this section and subsections thereof shall abide by the following requirements for dog care:

**1. Vicious Dogs** - No person shall own or possess a vicious dog except in accordance with the following requirements:

**a. Vicious Dog Confinement** - All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel.

**b. Standards for Vicious Dog Kennels** - A kennel used for keeping a vicious dog must have secure sides of sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such dogs are within the structure. Any such kennel must comply with all applicable zoning and building regulations.

**c. Building Confinement of Vicious Dogs** - When confined within a building, no vicious dogs may be kept on a porch, patio or in any part of building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

**d. Control of Vicious Dogs** - No person shall permit a vicious dog to go outside its kennel or building unless the animal is secured on a chain, leash or tether of such strength and design as to prevent escape no longer than four (4) feet in length and that person has physical control of the chain, leash or tether. Such dogs shall not be leashed to inanimate objects such as trees, posts or buildings.

**e. Vicious Dog Signs** - signs shall be conspicuously posted upon kennels of vicious dogs plainly visible from all sides in letter at least four (4) inches high stating the following: "Beware of Vicious Dog".

**f. Liability Insurance for Vicious Dogs** - All persons who own or possess a vicious dog must present to the animal control officer, upon demand and reasonable notice, proof of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons, or for damage to property, which may result from the ownership or possession of such dog. Such insurance policy shall provide that no cancellation of that policy will be made unless ten (10) days written notice is first given to the animal control officer.

#### **2. Vaccination of Dogs and Cats; Registration and Licensing of Dogs; Duties of the Director, Veterinarians and Persons Responsible for Animals.**

**a.** No person shall own or possess a dog or non-feral cat over three months of age in the unincorporated area of Jefferson County unless such dog or cat is kept vaccinated appropriately with a vaccine approved and listed in the Rabies Compendium and administered as specified therein.

**b.** Every dog and cat present in the unincorporated portion of Jefferson County shall be vaccinated as indicated by the Compendium.

**c.** Every dog present in the unincorporated portion of Jefferson County shall be registered and licensed as provided by this order. The Director shall prepare certificates in triplicate and numbered tags which shall evidence licensing of the dog.

**d.** The certificates and licenses may be distributed to veterinarians to accomplish the vaccination-registration program described in this order. The Director shall also make the certificates and licenses available to veterinarians who do not practice in the unincorporated area of Jefferson county but who vaccinate animals which are transported into the unincorporated area of Jefferson County and are willing to participate in the vaccination-registration program.

**e.** The fee for registration and licensing shall be Four Dollars (\$4.00) per year. The registration and licensing period shall coincide with the period of effectiveness of the vaccination.

**f.** Veterinarians shall be provided with appropriate registration materials and tags and shall account to the Director at appropriate intervals as designed by the Commission or the Director.

**g.** When vaccinating any dog, a veterinarian shall completely fill out, in triplicate, copies of the registration materials obtained from the Director. The veterinarian shall immediately present one copy to the owner of the animal together with the appropriate tag and deliver a copy to the Director at such time as an accounting is made. The remaining copy of the certificate shall be retained by the veterinarian performing the vaccination.

**h.** The copy of the certificate given to a person responsible for the dog shall be retained by the person responsible for the dog for inspection by the Director or his authorized representative or any police officer.

**i.** At the time of the vaccination of any dog, the veterinarian shall deliver the license tag to the person responsible for the dog. It is the responsibility of every person responsible for a dog to attach the license tag to the collar or harness of the vaccinated dog and determine that such collar or harness is worn by that dog at all times when the animal is outside the residence of a person responsible for the dog. Any dog found without a license tag may be deemed to be not vaccinated under this order and unlicensed.

**j.** A veterinarian shall be paid the appropriate fee for each certificate and license by a person responsible for the dog being vaccinated, registered and licensed and the fee shall be paid to the County at the time of accounting.

**k.** A dog which has been vaccinated in accordance with the requirements of the Compendium but not registered and licensed as required in this order, shall within thirty (30) days be registered and licensed as required by this order. This registration shall be accomplished by the owner or a person responsible for the dog presenting a valid vaccination certificate from a veterinarian licensed by a state of the United States (regardless of whether that veterinarian has been licensed in Missouri) to the Director at the Jefferson County Animal Control Shelter. Upon presentation of such a document, a registration certificate and license shall be issued to expire no

later than the period the anti-rabies vaccine is effective. A license fee shall be paid as required by this order.

I. The Director may cause inoculation clinics to be held for the purpose of obtaining compliance with this section.

**3. Confinement and Control of Dogs in Restricted Areas** - It shall be unlawful for any dog to be unconfined or unrestrained, or for any person who owns or possess a dog to permit such dog to be within an restricted area unconfined or unrestrained, unless such dog is:

- a. On real estate owned or lawfully possessed by such owner or possessor: or
- b. On real estate owned or lawfully possessed by another person who has expressly consented to the presence of such dog; or
- c. In a motor vehicle being driven or parked upon a public road: or
- d. Engaged with its owner or possessor in hunting or training: or
- e. Under the immediate control of its owner or possessor by means of a leash or trained command.

The provisions of this subsection are not intended, nor shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the right and privileges pertaining to the ownership or possession of real or person property.

**4. Possession of Ferrets Prohibited. Exceptions** - No person shall own, possess or sell a ferret except those lawfully owned or possessed on or prior to the effective date of adoption of this order. The offspring of such ferrets may be owned or possessed until weaned and independent of essential maternal care. These limitations on ownership or possession of ferrets shall cease upon determination by the Animal Control Director that a medically approved vaccine and observation period have been established, and thereafter ferrets must be vaccinated in accordance with the then current Rabies Compendium.

**5. Permitting Dogs to Bite or Attack Prohibited. Exceptions** - No person who owns or possesses a dog shall permit such dog to bite or attack another human being or domesticated animal. This subsection shall not apply to the use of dogs by law enforcement agencies or to lawful defense of person or property.

**6. Dangerous Animal Registration. Exceptions** - All dangerous exotic animals shall be registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal, state or county agency; in the event no federal, state or county agency requires registration, licensing or permitting of a particular exotic animal, then such animal shall be registered with the Director. The provisions of this subsection shall not apply to a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.

## **SECTION V. ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL REGULATIONS.**

The provisions of this chapter shall be administered as follows:

**1. Director and Officials Appointment and Duties** - The provisions of this order shall be administered by the Director with the advice, consent and approval of the Jefferson County Commission.

The Director is hereby authorized to appoint or designate such other animal control officials, with the advice, consent and approval of the Jefferson County Commission, for the purpose of assisting the Director in administering or enforcing the provisions of this order.

**2. Animal Control Officers, Appointment and Duties** - The Jefferson county Commission may appoint one or more persons as animal control officers whose duty it shall be to enforce the provisions of this order and any other provisions or state law pertaining to the abuse or neglect of animals.

**3. Animal Shelter, Establishment** - The Jefferson County Commission may provide an animal shelter or shelters for the reception and humane care of impounded animals and for this purpose may contract with any governmental entity, not-for-profit corporation or association or licensed kennel upon such terms and conditions as are mutually deemed appropriate.

**4. Interference with Animal Control Officers Prohibited** - No person shall knowingly interfere with any person appointed under the provisions of this order in the performance of such person's official duties as prescribed by this order or as provided by state law.

**5. Refusal to Deliver Animal to Animal Control Officers Prohibited** - No person shall refuse to deliver an animal to an animal control officer when requested to do so under impoundment provisions of this order.

**6. Removal of Animals from Animal Control Officers or Shelters Prohibited** - No person shall remove an animal from the custody of an animal control officer or county animal shelter by force, deceit or otherwise, when such animal has been impounded by such officer under the provisions of this order or state law unless such person has first obtained the express consent from such officer for removal.

## **SECTION VI. ANIMALS IMPOUNDED, WHEN / WHERE KEPT,**

**1. Impoundment General** - The Director or other persons designated by the Director shall have the power to impound dogs and cats and other animals as follows:

- a. Dogs not wearing a valid, unexpired license;
- b. All dogs and cats, registered or unregistered, not securely confined in an enclosed place, while in heat or estrus;
- c. All dogs, cats or other animals which are at large in Jefferson County or which have been at large in the county and are immediately pursued by an animal control officer regardless of whether the animal is at large at the time it is apprehended;
- d. All dogs and cats for whom there is no person apparently responsible;
- e. Vicious animals which are not confined in the manner prescribed in section IV, 1 or which have at any time escaped from confinement as required by section IV, 1 whether or not the animals are so confined at the time of impounding;
- f. Dogs and cats not vaccinated against rabies;
- g. Unconfined animals in quarantined areas;
- h. Dogs, cats or other animals which have bitten a person or animal;

i. Dogs and cats for whom there is no responsible person who can provide adequate shelter or food;

j. Animals whose owners have voluntarily and intentionally relinquished control to the Director.

**2. Observation period, disposition of animals biting or attacking persons** - Any dog or cat which bites, injures or attacks any person, has been exposed to or suspected of being exposed to rabies or being bitten by a rabid animal shall be placed under observation for the ten (10) day period immediately following the bite. A vaccinated dog or cat shall be taken up and impounded at a veterinarian of the owner's choice, securely confined by the owner or impounded by the Director for a period of ten (10) days. A non-vaccinated dog or cat shall be taken up and impounded by the animal control officer, in the county animal shelter or with a veterinarian of the owner's choice, for a period of ten (10) days from the date of bite. If, within such period of ten (10) days, such dog or cat does not develop or manifest signs of rabies, it may be redeemed by the owner upon the payment of a daily boarding fee of the county or to a veterinarian of the owner's choice. If such animal is not redeemed within two days of the end of such ten (10) day period, it shall be humanely euthanized. If such animal does develop signs of rabies, it shall be the duty of the animal control officer to cause such animal to be examined by a licensed veterinarian. If the suspicion of rabies is confirmed by a veterinarian, the brain of the dog or cat will be submitted for a laboratory diagnosis. Any other warm-blooded animal in which rabies is suspected, which bites, injures or attacks any person, shall be impounded and humanely euthanized; and the brain and/or other structures submitted for rabies diagnosis.

**3. Place of Impoundment** - Unless otherwise provided in this order or other order of the commission, dogs, cats or other animals impounded pursuant to this section shall be impounded in the Jefferson County Animal control Shelter or elsewhere under the supervision of and in a manner satisfactory to the Director.

**4. Redemption and Disposal of Impounded Animals** - Unless otherwise specified in this order, any animal impounded pursuant to the provisions of subsection 1 of this section may be redeemed by its owner or possessor at a county animal shelter during normal business hours or as authorized by the supervisor of that facility by payment of normal and customary charges imposed by the facility for the impoundment and boarding of such animal and a fee in the amount of Twenty-five Dollars (\$25.00) for the expense of the animal control officers capturing and impounding the animal, provided the owner or possessor thereof proves to the satisfaction of the supervisor of the facility or Director that there has been compliance with the provisions of subsection 2 of section IV, if applicable. The supervisor of the facility or Director shall make a reasonable effort to identify and notify the owners or possessors of an animal of the impoundment of their animals and of the redemption and disposal procedures prescribed herein. Any animal which is not redeemed within seven (7) days after impoundment under subsection 1 of this section or shall be disposed of as follows in the discretion of the Director:

a. Release of the animal to any person desiring to adopt an animal provided that the person adopting an animal complies with all of the requirements of Section VII herein.

b. Release of the animal to a humane society at no charge.

c. Humane euthanization provided the owner or possessor cannot be notified of impoundment after reasonable effort to notify the owner or possessor, or the owner or possessor thereof fails to redeem such animal within the redemption period after notification thereof. No owner or possessor shall be, relieved of liability for payment of an impoundment or boarding charge incurred as may be prescribed by law by virtue of an animal being euthanized as provided herein.



**5. Requirements on Redemption** - If an animal which is subject to the vaccination requirements of this chapter is returned to a person responsible for it following impoundment and is not currently vaccinated and licensed, the animal must be vaccinated and licensed *in* either of the following manners:

a. By a veterinarian at the impounding facility following payment of the vaccination fee and license fee prescribed in subsection 4 of this section; or

b. By a veterinarian selected by the person responsible for the animal following the release of the animal upon the following conditions:

(1) The person responsible for the animal shall have the animal vaccinated within seventy-two (72) hours following return of the animal. Failure to vaccinate the animal shall be a separate violation of this chapter and will subject the animal to further impoundment until the vaccination and registration is completed.

(2) At the time of release, the person responsible for the animal claiming the animal shall be supplied with a form prepared by the Director. Upon completion of the vaccination-registration procedure, the person responsible for the animal shall leave this form with the veterinarian performing the vaccination. The veterinarian shall complete this form and return it along with the Director's copy of the certificate of vaccination and registration to the Director.

**6. Ill and Injured Animals** - Every animal impounded under provisions of this Order which is found upon arrival at the place of impounding to be deceased or injured whose owner is unknown or who relinquishes ownership may be immediately euthanized.

## SECTION VII. REQUIREMENTS FOR ADOPTION.

1. As used in this section, the following words mean:

a. **Adopter** - a person who is legally competent to enter into a contract and who is adopting a dog impounded in accordance with the provisions hereof.

b. **Adult Animal** - any dog or cat that has reached the age of one hundred eighty days or six months or more.

c. **Sterilization** - the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved serum which will permanently render the animal unable to reproduce.

2. To adopt any animal, the adopter shall comply with the following requirements, to-wit:

a. Provisions shall be made for inoculation with rabies vaccine, registration and licensing as required herein and the sterilization of all dogs and cats released for adoption after impoundment. Such provisions may be made by:

(1) The adopter entering into a written agreement with the County guaranteeing the inoculation required and that sterilization will be performed by a licensed veterinarian. The agreement which shall contain the following information:

(a) The date of the agreement;

(b) The name, address and signature of the adopter;

(c) A description of the animal to be adopted;

(d) A statement printed in conspicuous bold print that sterilization of the animal is required pursuant to sections 7 through 9 of Senate Bill No. 636 of the 86th General Assembly of Missouri;

(e) An inoculation, registration, licensing and sterilization completion date which shall be either:

i) The thirtieth day after the date of adoption in the case of an adult animal; or

ii) The thirtieth day after a specified date estimated to be the date an adopted infant female or male puppy or kitten becomes six months of age.

b. Payment of any applicable impoundment and boarding charges.

c. Provide the Director within ten days after inoculation and sterilization with a certificate of a licensed veterinarian certifying that the animal adopted has been sterilized, inoculated, registered and licensed.

3. An adopter who signs an agreement as provided in subparagraph 2 of this section shall have the adopted animal inoculated and sterilized on or before the completion date specified in the agreement. If the completion date stated in the agreement falls on a Saturday, Sunday or legal holiday, the completion shall be extended to the first day that is not a Saturday, Sunday or legal holiday. The County may extend the deadline for thirty days on the presentation of a letter or telephone report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization.

4. The county shall agree to give title, possession and control of the animal so long as the adopter complies with the terms and conditions of the adoption agreement.

5. The sterilization requirements of this sections shall not apply to a dog or cat that is claimed by a person who already owns the animal.

6. All costs of sterilization pursuant to this order and Senate Bill 636 shall be paid by the prospective adopter.

7. Sterilization requirements shall not apply to canines of a breed regularly used for lawful hunting or livestock production or management, as specified by rules of the Department of Agriculture of the State of Missouri, to be used in the practice of livestock production or management or the practice of lawful hunting. The adopter may sign a statement that states they are going to use the canines for such purposes in lieu of the sterilization agreement.

8. The failure of a person to perform an adoption agreement shall be a violation of this order and a misdemeanor.

## **SECTION VIII. DUMPING AND ABANDONING CATS AND DOGS**

It shall be unlawful for any person to leave unattended, abandon or dump a cat or dog on the real estate of another unless the person leaving such cat or dog has express permission of the owner of the real estate, or leave unattended, abandon or dump a cat or dog on public property, streets or roads or the right-of-way thereof. Leaving, abandoning or dumping an animal in violation of the provisions of this

section, shall be in violation of this order and a misdemeanor, and it shall be a separate violation for each such animal left, abandoned or dumped.

**SECTION IX. INTERPRETATION AND SEVERABILITY**

The regulations enacted by this order are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation there under. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provisions and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

**SECTION X. JURISDICTION**

The regulations contained in this order shall be applicable to all unincorporated areas within Jefferson County, Missouri and by order of the Jefferson County commission in incorporated municipalities which petition to be included and contract with the County. Any petitioning municipality shall also be defined as a restricted area under Subsection 3 of section IV if the petitioner so requests.

**SECTION XI. PENALTIES**

Any person who violates any requirement or provision of this order shall be deemed guilty of a misdemeanor and shall be punished as provided by law.

**SECTION 2. EFFECTIVE**

This order shall be in full force and effect from and after its date of adoption.

Presiding Commissioner Elizabeth Faulkenberry seconded the motion, and Presiding Commission called for a vote on said resolution and order, and the vote was as follows:

Presiding Commissioner, Elizabeth Faulkenberry	YES
First District Commissioner, Charles Heisler	YES
Second District Commissioner, Ron Casey	YES

Presiding Commissioner announced that the order was adopted.

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**APPENDIX: L** *(Board Approved 6-9-03)*

**LANDSCAPING STANDARDS**

**1.0 Purpose.** The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the subdivision residents, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants.

**1.0 Purpose.** The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the subdivision residents, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants.

Planting yard regulations are established herein to minimize potential conflicts between abutting developments, enhance the appearance and moderate climatic effects of parking lots, minimize noise and glare and create a unified and attractive streetscape. These requirements will:

- Reduce soil erosion
- Mitigate air, dust, noise and heat pollution
- Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement
- Preserve existing vegetation as an integral part of the wildlife habitats and incorporate native plants and ecosystems into landscape design
- Promote healthy and attractive lawns and landscapes
- Screen unsightly areas or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses
- Promote safe and unobstructed access for emergency service personnel, vehicles and equipment.

These standards herein support the Declaration of Covenants, Conditions and Restrictions for Country Club of Sugar Creek. All plats within the Country Club of Sugar Creek and Greens I & II shall be subject to these standards.

**2.0 Exceptions.** Any exceptions to these standards must be submitted to the Architectural Review Committee (ARC) in the form of a construction/home improvement application. The ARC will review the request and respond with an approval or disapproval to the homeowner.

### **3.0 General Standards.**

**3.1 Retention of Existing Vegetation.** Existing trees, shrubs, and ground cover shall be retained and incorporated into a landscape plan to the extent possible. In observing good forest practices, attention should be given to the following:

- The preservation of significant trees which form a continuous canopy;
- The preservation of significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
- The preservation of significant trees which provide winter wind protection or summer shade;
- The preservation of groups of significant trees which create a distinctive skyline feature;

- The preservation of significant trees in areas of steep slopes or adjacent to wetlands;
- The preservation of single or groupings of trees (smaller trees) of aesthetic value;
- The preservation of native ornamentals, such as Serviceberry, Dogwoods, and Redbuds.

Site plans for construction and/or re-construction shall include the location of all significant trees, and shall identify which trees will be retained on the site. Care should be taken in the grading and construction process so as not to damage the trunks or disturb the roots within the drip line of existing trees to be retained, and to ensure proper irrigation.

**3.2 Type of Plant Materials.** Plants should not cause adverse impacts to public improvements such as sidewalks, utility poles or lines, and should not adversely affect private property (weeping on vehicles, malodorous fruits or flowers and similar effects).

**3.3 Landscaping Terms.**

**Arborist.** A qualified professional who has studied the science or art of cultivating trees; especially for ornamental use.

**Buffer Zone/Screen.** Vegetation, that partially or completely blocks the view of, and provides spatial separation of, a portion or all of a site from an adjacent property or right-of-way.

**Deciduous Tree.** A tree that sheds or loses foliage at the end of the growing season.

**Drip Line.** A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

**Evergreen Tree.** Tree that holds green leaves, either broad-leaf or needle-shaped, throughout the year.

**Ground Cover.** A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.

**Improved Lots.** Lots that are platted and zoned for residential use only, and have completed construction of a residential dwelling.

**Landscaping.** The process or result of site development including grading, installation of plant materials and seeding of turf or ground cover.

**Non-Living Materials (Organic and Inorganic).** Landscaping materials used to complement plants such as rock, stone, bark and similar materials.

**Nuisance.** Any vegetation that grows upon private or public property which 1) interferes with the use of any public area: 2) is infected with an infectious plant disease or insects: 3) is invasive or damaging to buildings or other plants or 4) which endangers the life, health or safety of persons or property.

**Ornamental Tree.** A small to medium tree growing to a mature height of 15-40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark, or brilliant fall foliage.

**Parking Lot.** Parking lots, for the purpose of this document, shall be defined as a strip, or strips of land being used to park five (5) or more vehicles.

**Prune.** Removal of dead, dying, diseased, weak, or objectionable branches.

**Screen.** Vegetation, fence, wall, berm, or a combination of any or all of these that partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

**Shade Tree.** A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

**Shrub, Large.** An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

**Shrub, Medium.** An upright plant growing to a mature height of 4 to 8 feet.

**Shrub, Small.** An upright plant growing to a mature height of less than 4 feet.

**Significant Stands of Trees or Shrubs.** A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular value.

**Street Tree.** A tree planted along a public street or roadway behind or within the right-of-way.

**Topsoil.** A medium composed of naturally occurring mineral particles and organic matter that provided physical, chemical and biological properties necessary for plant growth.

**Unimproved Lot.** Lots that are platted and zoned for residential use only, and that have not started construction of a residential dwelling.

**Vines.** A woody plant that spreads as it grows over the ground, walls or trellises.

**Weeds.** The word "weeds" as used in this document include:

- weeds which bear seeds of a downy or wingy nature, and any other brush or weeds which attain such growth as to become, when dry, a fire menace to adjacent improved property,
- weeds which are otherwise noxious or dangerous, poison oak and poison ivy when conditions of growth are such as to constitute a menace to the public health, and
- weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health or public safety, and

- dry grass, stubble, brush or other flammable material which endangers the public safety by creating a fire hazard; and

- vegetation, vines and shrubs of every kind and nature overgrowing curb lines or draping over walls or fences along, or projecting into, public streets, including alleys, thereby interfering with public street use and maintenance and the public safety.

**Xeriscape.** Landscaping with native plants that utilize the existing environmental conditions to the best advantage, conserve water, and protect the native environment.

### **3.4 Descriptive Diagrams.**

**3.5 Safety Features/Utilities.** Installation of landscape materials shall not obstruct access to fire connections, post indicator valves (PIVs) and hydrants, standpipes, sprinkler connections, utility vaults, pedestals, and other public and private utility facilities.

**3.6 Visibility Triangle.** Along street frontages, within 30 feet of an alley or un-signalized street intersection, or within 25 feet of a driveway, no shrub shall be higher than 30 inches from street gutter grade and no tree shall have branches or foliage below eight feet above street level.

**3.7 Erosion Control Plan.** The ARC may require temporary erosion and sediment control measures as part of the landscape plan for the development. Erosion or sediment control plans shall be reviewed prior to or in conjunction with a construction/home improvement application.

**3.8 Xeriscape Process.** Xeriscape is a process by which sound horticultural, landscaping, and efficient water-using principles come together. The style of the xeriscapes can be quite variable. Drought resistant landscaping, such as a contemporary design or a Spanish garden, could qualify as xeriscape when constructed to meet the following six principles:

1. **Good Design.** Based on careful selection of low-water-use plants or drought tolerant plants;
2. **Soil Improvement.** Improvements including the addition of manure, compost, or other organic materials which can be amended into the soil;
3. **Use of Mulch.** Beauty bark or other organic substance to beautify the landscape and help maintain moisture in the soil;
4. **Limited Lawn Areas.** Minimal grassy areas resulting in minimal requirements for lawn maintenance and minimal requirements for water.
5. **Efficient Water Use.** Water between 12:00 midnight and 6:00 a.m. to help prevent fungus growth, and lower the evaporation rate of water;
6. **Good Maintenance.** Maintain the landscape to reflect a weed- and trash-free environment.
7. **Natural Grass Material –** Grasses adapted to full sun landscapes (prairie, glade or savanna) and beneficial to native wildlife.

**4.0 Maintenance.** All owners of lots or their agents shall be responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition appropriate for the growing season, so as to present a healthy, neat and orderly appearance and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area.

In improving the aesthetic qualities of the community, landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material and removal of low hanging branches. Landscaping shall be maintained in accordance with the following standards:

- 4.1 Replacement requirements.** An owner is responsible to ensure that the minimum vegetation (grass/turf), that is required by the covenants, is replaced if such vegetation dies or is abused, within the next planting season.
- 4.2 Trees** located outside approved development areas shall be left in place and maintained. If a tree or shrub dies in a "landscaped area", it should be removed in the same season or replaced in the next planting season.
- 4.3 Root systems** shall be pruned if they show evidence of destroying public or private property.
- 4.4 Utility and recreational easement** entities shall comply with landscaping standards.
- 4.5 Diseased or Dead Vegetation.** The diseased or dead portions of vegetation interfering, obstructing, or a threat to public safety, or to an adjacent property, shall be removed.
- 4.6 Area to be maintained.** Many of our lots have inclining and declining slopes that are difficult to maintain. The area of the lot adjacent to the roadways must be landscaped and maintained extending to the primary rear building line(s) of the home. Extending to the rear of the property from the primary rear building line of the home, that area which has a grade less than an 18-inch decline/incline in four feet, must be maintained.



## 5.0 Residential Standards for Improved Lots.

- 5.1 Minimum plantings.** The portion of the lot in front and side of the residential unit extending back to the primary rear building wall shall be seeded or sodded except where otherwise landscaped. This area must be properly maintained as not to exceed 10% of weeds.
- 5.2 Landscaping.** Landscaping is encouraged to promote an overall consistency throughout the neighborhood and increase property values. It is suggested to have a minimum of 15% landscaping for the portion of the lot in front of the residential unit.
- 5.3 Organic Ground Cover.** Organic ground covers (such as seeding) shall provide 100% coverage within 2 years of completion of the residential unit except where otherwise landscaped. Except for seeding, grass or turf (sod) shall provide 100% coverage upon installation (at completion of the residential unit) except where otherwise landscaped. Sod shall be laid in a contiguously.

Ivy-type ground covers will be considered a landscape planting. Organic mulch may be used around landscape plantings to maintain soil moisture and prevent the growth of weeds, provided they do not exceed 20 percent coverage for the portion of the lot in front of the residential unit. When organic mulch is used, it must be as a decorative accent feature. It must be incorporated as an integral part of the landscaping. Large areas containing nothing but organic mulch (no plantings) will not be permitted. Areas of organic mulch must incorporate a minimum of 25% of that area with landscape plantings.

- 5.4 Inorganic Ground Cover.** Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage for the portion of the lot in front of the residential unit. When inorganic ground cover is used, it must be as a decorative accent feature. It must be incorporated as an integral part of the landscaping.

Large areas containing nothing but inorganic ground cover (no plantings) will not be permitted. Areas of inorganic ground covers must incorporate a minimum of 25% of that area with landscape plantings.

Inorganic ground covers consisting of river rock or similar materials may not be used adjacent to the street.

- 5.5 Xeriscapes** are allowed if they meet the true definition of a xeriscape (refer to section 3.8). They must be properly weeded, trimmed, and maintained in a healthy condition. Xeriscapes should not exceed 20% of the lot in front of the residential unit. The ARC must approve any plan covering over 40% of the rear of the lot.

- 5.6 Vegetable Gardens** are permitted if the following criteria are met:

- a) Size cannot exceed a single-family usage. This would equal approximately a 20' x 20' space or a 400 sq. ft. area. Height of plants cannot exceed 6 ft.
- b) The location must be behind the primary rear building wall line of the residence.

- c) Consideration must also be given to the view from the neighboring properties. Buffer zones may be necessary to block the view from the street or the neighboring properties.
- d) Vegetable gardens must be properly maintained. They must be properly weeded and be kept in healthy condition.
- e) Abandoned vegetable garden areas must be replaced with grass or other landscaping.

**5.7 Landscaping Materials** should not be stored on a lot more than fifteen (15) days (mulch, rock, etc). An ARC permit must be obtained for projects that require storing landscape materials for more than 15 days.

**5.8 Yard Waste or Compost** should not be stored on a lot in front of the primary building line (grass clippings, leaves, compost, etc.).

## **6.0 Residential Standards for Unimproved Lots.**

**6.1 Minimum Maintenance.** It shall be against policy for any owner, agent, lessee, tenant, or other person having charge or control of any premises to permit weeds or other brushy growth and plant matter to cover the unimproved lot and grow above eight inches in height.

### **6.2 Definitions**

- q Brush and woody vines shall be classified as weeds.
- q Vegetation that bears or may bear seeds of a downy or wingy nature is to be considered weeds.
- q Any vegetation growing above eight inches in height shall be considered weeds.

**6.3 Right of Entry.** The Country Club of Sugar Creek Property Owners Association Board of Trustees and Architectural Review Committee, their authorized assistants, contracting agents, or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, and/or removing such weeds in accordance with this policy.

**6.4 Miscellaneous.** The owner, agent, lessee, tenant, or other person having charge or control of any premises must keep all unimproved lots free from refuse and debris (grass clippings and leaves, etc.). In addition, landscaping and building materials shall not be permitted on the unimproved lot until a valid building permit has been granted by the ARC and Jefferson County Planning and Zoning, and construction has commenced.

**6.5 Area to be Maintained.** The entire lot must be maintained except those areas where the incline/decline exceeds 18 inches within four feet.

## **7.0 Parking Lot Yard Standards.**

**7.1 Purpose and Applicability.** The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots, reduce the "heat island" effect of impervious surfaces by cooling and shading the surface area. Parking lot yards shall be

located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot.

The size of the parking lot yard shall increase as the size of the respective parking lot increases. Minimum dimensions shall apply, and be measured, horizontally. If an existing parking lot (paved or unpaved) is expanded or improved to add 10 or more spaces, it shall comply with the parking lot landscaping requirements within the expanded or improved portion. If a parking lot is expanded or developed, then buffer yard and parking lot yard landscaping requirements shall be applicable.

## **7.2 Design Criteria.**

**7.2.1 Minimum Net Area of Landscaping.** Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots.

**7.2.2 Minimum Quantity of Landscape Plantings.** Landscaped planting areas and islands for parking lots shall have one (1) shade tree, or two (2) ornamental trees, and eight (8) small shrubs per each ten (10) parking spaces.

**7.2.3 Minimum Planting Area Dimensional Requirements.** Planting areas and islands shall be not less than eight (8) feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for canopy trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete or asphalt curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

**7.2.4 Condition of Plant Materials.** All plant materials shall conform to the standards of the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), *The American Standard For Nursery Stock*, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900). Plants shall be healthy, vigorous, well-rooted and free of defects, decay, disease or infestations. After implementation, all required the property owner should maintain plant material. The property owner shall replace all dead, dying, or diseased plant material.

**7.2.5 Required trees.** Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.

**7.2.6 Perimeter Landscaping.** Parking lots adjacent to public roads shall provide plantings along the perimeter adjacent to the roadway and storage areas. At minimum, a continuous six (6) foot wide planting strip, exclusive of easements, shall be located in areas adjacent to an existing or proposed public road. Up to five feet of this planting strip may be devoted to sidewalk.

The planting strip shall be located generally parallel to the existing or proposed road and shall not be located in areas identified for road widening or drainage

areas. The ARC may approve minor encroachments in the planting strip by drainage easements.

One (1) large tree shall be required every fifty (50) feet, or fraction thereof, in the perimeter planting area, or, one medium tree shall be required every twenty-five (25) feet or fraction thereof. Trees shall be planted in an even, linear spacing. If minor shifts to the linear spacing are required due to the location of existing infrastructure, development or required sight distance, the ARC may approve these shifts.

A row of shrubs, ornamental grasses, and flowers shall be planted within the perimeter planting area. Effort shall be made to locate this vegetation so to provide the most effective screening of parking areas. Berms, three feet in height and a maximum 2:1 slope, may replace shrubs to a maximum of fifty (50) percent.

**7.3 EXCEPTIONS.** In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase storm water runoff, or create ponds or pooling of water so as to interfere with traffic circulation, the ARC may permit a portion of the required landscaping to be located near the perimeter of the lot.

**7.4 COMPLIANCE.** Existing parking lots with 20 or more spaces must comply with this standard by June 30, 2005.

**8.0 Buffering Zones.** The purpose of a buffer zone is to:

- provide a transitional buffer between uses that may differ in development intensity and density; or
- provide a minimum buffer between uses of similar intensity and density.

These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses.

Minimum dimensions shall apply and be measured horizontally. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

### **8.1 Standards For Buffer Yard Development.**

**8.1.1 Prohibited Uses.** The construction of any building or the placement of any mechanical equipment within the landscape buffer yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within the buffer yard as permitted by the Covenants. Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts or other active, structured recreational uses, or circulation drives and parking lots, shall not be permitted in the buffer yard.

**8.1.2 Permitted Uses.** The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended

screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:

- passive recreation;
- sculpture, outdoor furniture, picnic areas; pedestrian or bike trails
- parks and open space.

**8.1.3 Minimum Requirements.** The minimum required screen-landscaping strip should be ten (10) feet in depth, at minimum. The screen-landscaping strip shall not be located in areas identified for road projects, drainage areas, or other public improvement projects. The planting strip shall contain existing or proposed vegetation, berms, walls and/or fences, or a combination thereof, to the reasonable satisfaction of the ARC. Unless approved by the ARC, walls and/or fences shall not be permitted exclusively for screening.

Where only vegetation is used, screening shall consist of a double staggered row of evergreen trees spaced twenty (20) feet on center with a minimum height of 6 (six) feet.

When fences are used in combination with vegetation, the fencing must be approved by the ARC and must be a minimum of 54 inches in height.

For property designated as, or adjacent to, residential uses, the length of the buffer zone must be equal to the length of the landscaped area of the adjacent residential lot.

**8.1.4 Visual Separation.** For complete visual separation, that may be accomplished through the use of landscaping which provides year-round opaque screening within 3 years of planting, earth berms, or masonry walls, or a combination of two or more of these techniques.

**8.1.5 Condition of Plant Materials.** All plant materials shall conform to the standards of the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), *The American Standard For Nursery Stock*, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

Plants shall be healthy, vigorous, well rooted and free of defects, decay, disease or infestations. After implementation, all required the property owner should maintain plant material. The property owner shall replace all dead, dying, or diseased plant material.

## **9.0 Safe And Unobstructed Access For Emergency Service Personnel.**

- 9.1** In the event of an emergency, personnel such as fireman, paramedics and police should have safe, unobstructed access to your property and home. Vegetation should not obstruct entryways (doors and windows), walkways, and driveways.

- 9.2 Homes should be clearly marked with the street number as per High Ridge fire code PM-303.3 (see below). Vegetation should be kept trimmed so as not to obstruct the view of street number indications.

A copy of the code is provided for reference only. Enforcement of the following code is not part of the community covenant enforcement responsibilities.

**High Ridge fire code PM-303.03 (as of Jan 2003)**

**“PM-303.3 Residential Property (Addresses)**

**Residential Building shall be clearly marked with their Numerical Address. Minimum Height is three (3) inches. Written and or Script Type Numbers shall not be accepted. Color of Numbers must be contrasting to the Exterior of the Building.**

**No Gold, Silver or Brass Numbers accepted. Numbers must be Permanently affixed, No stick-on or Velcro Numbers accepted. Numbers must be located either over the garage door or within six (6) feet of the front door. If not visible from the street the address must be posted next to the street by the driveway on a post four (4) feet high or as approved by the Fire Marshal.”**

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**APPENDIX: M**

**Country Club of Sugar Creek Property Owners Association, Inc.**

**MAINTENANCE CHECKLIST - EXTERIOR PROPERTY  
AREA**

**Sanitation**

- r Accumulation of litter, garbage or waste

**Grading/Drainage**

- r Areas of erosion
- r Low areas allowing ponding of stagnant water

- r Discharging storm water directly on public streets or neighboring property

### **Sidewalks/Driveways**

- r Significant cracks in pavement
- r Broken areas
- r Uneven slabs creating a possible trip hazard

### **Accessory Structures: fences, detached garages, barriers, mailboxes, or retaining walls**

- r Structurally sound
- r Peeling or flaking paint
- r Rusting surfaces
- r Missing or unsecured components

### **Lawns**

- r Weeds more than 10%
- r Dead lawn or significant bare patches

### **Landscaped Areas**

- r Dead trees or shrubs
- r Low hanging branches over walkways, driveways, or street
- r Unkempt landscaped areas
- r Vegetation blocking fire connections, swales, storm water inlets and utility facilities
- r Vegetation blocking walkways, doorways, and windows
- r Diseased vegetation

### **Vegetable Gardens**

- r Weedy
  - r Abandoned
  - r Adequate buffering from neighboring property
- 

### **Street Numbers**

- r Visible from the street and at least 3 inches in height

### **Exterior – General**

- r Peeling, flaking paint
- r Fading stain
- r Exterior finishes with holes/breaks
- r Deterioration
- r Missing or unsecured components

### **Foundation Walls**

- r Cracks/breaks
- r Tuckpointing

### **Windows and Doors**

- r Glass with cracks and breaks
- r Trim with deterioration
- r Peeling and flaking paint

### **Roofs**



- r Loose shingles
- r Worn, missing, or unsecured roofing materials
- r Flashing
- r Fascia & Soffits

#### **Drainage**

- r Gutters and downspouts with disconnected, unsecured and missing sections
- r Guttering with an accumulation of leaves

#### **Chimneys**

- r Tuckpointing
- r Plumb

#### **Porches/Decks**

- r Handrails and guardrails
- r Stairways
- r Flooring
- r Structural members

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## **APPENDIX: N**

*(Board Approved 9-8-03)*

# **COUNTRY CLUB OF SUGAR CREEK PROPERTY OWNERS ASSOCIATION, INC. ARCHITECTURAL REVIEW COMMITTEE**

John Doe  
9999 Country Club Dr.  
High Ridge, MO 63049

Re: Violations of our Covenants

Dear John,

The purpose of this letter is to make sure that all homeowners are aware of their responsibilities related to on-street parking, commercial vehicles, trailers, boats, RV's, and pets improperly restrained or being a nuisance in the Country Club of Sugar Creek subdivision.

Reference ARTICLE VI, Sections 6.16 of the protective restrictions state "**Storage and Parking of Personal Property and Vehicles. Personal property including, without limitations, boats, trailers, campers, commercial vehicles, camper shells, all-terrain vehicles (ATV's) shall not be placed or stored permanently or temporarily in the open on any Lot or Common Area, nor shall they be parked on any street overnight. The Board may cause any item of such personal property to be towed or removed at the Owner's expense.**"

Section 6.16.1 states "**Recreational vehicles such as motor homes must be stored in an ARC-approved carport, inside a garage or behind a natural barrier.**"

Section 6.16.2 state "**No commercial vehicles will be allowed unless they are stored in a garage and are not visible to uses of the Country Club of Sugar Creek Grounds and neighboring lot owners.**"

Section 6.18 state "**Animals. No livestock or poultry of any kind shall be raised, bred or kept upon or within any Lot. Domesticated dogs, cats, or other household pets may be raised and kept provided they are not kept, bred or maintained for any commercial, breeding or business purpose, and in the judgment of the Board, are not a nuisance to the other residents; and in no event shall more than three (3) such animals be maintained on any Lot. Domesticated dogs, cats, or other household pets must be restrained from running at large and kept at a location not viewable from the roadway.**"

**It is your responsibility to adhere to the Covenants.** Should you violate these covenants you may be subject to ticketing at \$10 per occurrence.

**WARNING: YOU WILL NOT RECEIVE ANY FURTHER NOTICES IN 2004**

If you have any questions, I can be reached on 636-677-4918.

For the ARC,