

When to Change the CCR

CCR = Covenants, Conditions and Restrictions. Our CCR has not been changed since 03/13/11. Changing it requires specific formatting, must be filed in person with the Recorder of Deeds and costs \$21/first page + \$3/addtl (as of 2010).

St. Charles County Subdivision Trustee Handbook - "Subdivision trust indentures are legally binding recorded documents recognized by the State of Missouri and recorded with the St. Charles County Recorder of Deeds."

Criteria for Changing CCR

1. If proposal needs to be legally binding. If we might need to **enforce** a decision, it should be made legally binding.

Examples of what does NOT need to be legally binding:

- what color to paint the pumphouse
- changing the entrance sign
- who is volunteering to fix something
- whether to build a beaver deceiver
- date for community garage sale
- how often to salt the roads
- whether to buy a piece of equipment
- change fishing catch rules

Examples of what DOES need to be legally binding:

- Permanent charges for regular dues, water, interest, fines, etc. This can be a *rule* instead of an amount.
- property usage rules (fences, buildings, livestock, etc.)
- meeting and voting procedures

2. If proposal is in conflict with existing CCR.

- The current CCR *is* legally binding as per St. Charles County.
- Robert's Rules of Order: "No motion is in order that conflicts with the constitution, by-laws, or standing rules or resolutions of the assembly, and if such a motion is adopted it is null and void. Before introducing such a motion it is necessary to amend the constitution or by-laws, or amend or rescind the conflicting standing rule or resolution."

When to NOT Change CCR

1. If proposal is already covered by the CCR in a general manner with rules for determining the specifics.

- Annual Budget
- Special Assessments - already allowed and voting procedures are specified.
- Trustee elections - procedures are specified; specific names do not need to be recorded in CCR.

2. If proposal is already covered by the CCR in a general manner and the *specifics* of how we might implement it a) are not in conflict and b) do not need to be legally binding. Such a motion would be an official recommendation to trustees for how to practice the CCR policy.

- Special Assessments - already allowed and voting procedures are specified.
- When to record a lien on someone's property - technically a lien is in effect as soon as the account is delinquent. When we actually physically go to the county and record the lien is not specified.
- Temporarily lower the annual assessment - currently allowed. (Permanent changes must be in CCR.)

3. If it is an issue that we don't need to be involved in at all because County ordinances already cover it.

(If we want to enforce more restrictive rules, it should be in our CCR.) Standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance and occupancy rules are covered by the Property Maintenance Code of St. Charles County.

Any resident wishing to enforce such ordinances can contact and inspector from the County's Neighborhood Preservation office. Paraphrased examples :

- Setback requirements as designated by the Planning and Zoning Division (whatever is recorded for our plat).
- Rubbish - All exterior property and premises, including setback areas and the interior of every structure shall be free from any accumulation of rubbish or garbage or sewage. No rubbish or garbage or sewage may be collected, stored or sorted on or within any vehicle or container other than a container designed or constructed for such use. (Section 208)
- Weeds - All developed premises or exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches (not in rear yard). (Section 302.4)
- Pets - All owners of dogs, cats and ferrets shall control their animal when such animal is off of their premises. Rabies vaccinations are also required. No owner or competent person shall keep or harbor upon his premises any dog that by frequent and habitual barking, yelping or howling causes fear or annoyance to the person or persons living in the immediate area or to persons passing upon the streets. (Section 205)
- Accessory Structure Maintenance - detached garages, detached carports, fences, boat docks, antennas, satellite dishes, tents, and walls, shall be maintained structurally sound and in good repair. (302.7)
- Outdoor Storage - restricted to (a) firewood stacked and stored for personal use on the same lot (b) composting of residential yard waste and (c) other items incidental to residential occupancy such as mulch, building materials, or landscaping materials, that are used for on-premises improvement projects related to such uses. But storage of such other items may be allowed only for a limited time, not to exceed 270 days, to complete such projects. (302.10)
- Unregistered/Unlicensed Vehicles - Except as otherwise provided below, no vehicle or trailer may be parked, kept or stored on any premises, if such vehicle is: unlicensed, or unregistered, or in a state of disassembly or disrepair, or in the process of being stripped or dismantled. Exception: An unlicensed or unregistered vehicle or trailer may be parked in residential zoning districts or in residential subdivisions provided that the vehicle or trailer is parked in an enclosed garage or is kept within a carport under a tarpaulin or car cover that is form fitting and covers the entire body of the vehicle or trailer. (302.8)
- Building permit issues that are covered by the Codes used by St. Charles County, including 2003 International Residential Code, 2003 International Building Code, 2003 International Plumbing Code, 2003 International Mechanical Code, 2003 International Fire Code, and 2002 National Electric Code.
- Unsafe Premises - Premises found that present hazards to owners, occupants, visitors or the public because of such conditions as contamination, outdoor storage or use of explosives, hazardous materials or chemical, unstable ground, sinkholes, or falling or failing trees can be deemed Unsafe and Condemned. (108.1)
- Swimming pools - shall be maintained in a clean and sanitary condition, and in good repair. (303.1)