

**Indian Creek Park Estates
Homes Association**

RULES AND REGULATIONS



Version 2.2

INDIAN CREEK PARK ESTATES

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INDIAN CREEK PARK ESTATES

INDIAN CREEK PARK ESTATES RULES & REGULATIONS

These rules and regulations provide for the safety, convenient living and welfare of all residents in the Indian Creek Park Estates subdivision. Owners and tenants are expected to abide by these rules and regulations. These rules and regulations are compatible with and enforceable by the Overland Park City Codes. When appropriate the City of Overland Park, Kansas will be notified of non-compliance.

PETS

1. Only two (2) pets per household unit will be allowed. Existing ordinances of the City of Overland Park specific to animal permits are to be followed regarding household pets. Consideration should always be given to neighbors in keeping pets under control and not allowing them to be a nuisance because of noise, etc. Pets must be "exercised" in the Owner's patio area. Outside the patio area pets must be on a leash and the Owner is responsible for "clean up" after the pet. Poultry and Livestock are prohibited.

TRASH AND/OR SOLID WASTE DISPOSAL

1. Trash must be placed in a securely tied plastic bag or in a closed container. Trash and recycle bins are to be placed near the curb no earlier than sundown on the day prior to scheduled pickup. If a holiday falls on the scheduled pickup day, trash will be picked up the following day.

2. When solid waste, unusually large articles or piles of trash are to be placed outside for pickup, the resident should contact a trash removal company regarding special pickup. All solid waste is collected by private contractors who must have a permit from the City. Call 913-895-6270 for a list of approved contractors or visit the Overland Park website, www.opkansas.org.

3. Blowing or scattered trash is the responsibility of the individual unit owner or tenant and should be picked up immediately.

4. Trash placed next to street prior to sundown before the scheduled pickup day can be subject to immediate removal by the City of Overland Park, Kansas with associated actual and administrative cost charged to involved tenant and/or property owner.

5. Trash containers cannot be placed in or on any curb, drainage area, gutter, sidewalk or street at any time. Dumping on private property or in storm drains is prohibited.

6. Trash containers must be promptly removed from the curb after pickup and be stored out of sight.

VEHICLES

1. Vehicle Size

- a. The length of vehicle does not exceed twenty-one (21) feet
- b. Width does not exceed seven (7) feet
- c. Height does not exceed eight (8) feet

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- d. Top of highest sidewall is not more than three (3) feet
- e. No truck is allowed to have permanently mounted equipment

2. Vehicles Inoperable, Abandoned or Illegally Parked

- a. "Inoperable" vehicles include but are not limited to flat tires, missing wheels, under repair or no current license or registration.
- b. Fifteen (15) days are allowed for repairs for a vehicle when properly parked on a driveway or other approved parking surface. If still inoperable after fifteen (15) days it must be stored in a garage or in an enclosed structure.
- c. "Abandoned Vehicle" - Any vehicle parked or stored unattended on the street for a period of at least forty-eight (48) hours is considered abandoned. Call Overland Park Police at 895-6300.
- d. When a vehicle license plate is screened or covered from view said vehicle is considered "inoperable".
- e. Vehicles are not allowed to be parked on grass or any area intended for landscaping.
- f. No vehicles, campers, boats or machinery that are not considered to be in daily use shall be parked on any lawns or the street.
- g. As a matter of common courtesy to neighbors, street parking opposite a driveway should be avoided if at all possible. Cars should be parked on the driveway or in the garage with the garage door kept closed.
- h. Third and fourth cars must be parked in the driveway and not on the street. At all times, streets must be kept clear for EMERGENCY VEHICLES, delivery vehicles and snow removal.
- i. Parking is prohibited from blocking US Postal Services Community Mailboxes at all times, especially in times of snow removal.
- j. The speed limit within Association is 25 miles per hour and will be enforced by the Overland Park Police Department.

DAMAGE TO UNITS

- 1. In case of damage or destruction to unit or units for whatever cause, there will be a lien placed on the property or properties involved to ensure insurance coverage will be used to repair or replace the unit or units.

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PROPERTY MAINTENANCE RESPONSIBILITY OF UNIT OWNER

1. You must repaint exterior surface and trim when more than twenty (20%) percent of the surface of any one area is scaling or peeling or every six years whichever occurs first, including garage and front doors.
2. Glass windowpanes must not have open cracks or holes. Repair methods must be those specifically designed for glass repair. Screens and frames must be kept in good condition.
3. Awnings must be approved by the Association Board and kept in good repair.
4. All hard surfaces, concrete and asphalt must not be deteriorating to the extent it is a safety hazard.
5. Roof, eaves and cornices must be structurally sound, tight, and not open to the elements or animals.
6. Roof replacement requires Association Board approval and is limited to wood shakes, Timberline or equivalent.
7. Fences and gates must be kept in good repair or be replaced.
8. Defective gutters must be replaced.
9. Sidewalks will be repaired as part of driveway repair or replacement.
10. Dead trees, limbs or any broken limbs which represent a hazard to the public must be removed immediately. All trees should be pruned.
11. Shrubs and trees on corner properties must be trimmed to eliminate sight-distance traffic problems.
12. Trimming of trees should be done as to not create obstacles for proper lawn mowing.
13. Public right-of-way such as streets and sidewalks must remain clear of limbs and branches. The minimum height clearance over sidewalks is eight (8) feet. The minimum height clearance over streets is twelve and one half (12 1/2) feet.
14. Grass and weeds must be kept from exceeding more than six (6) inches in height or more than six (6) inches in length if matted down.
15. Vegetation which is poisonous to the touch must be controlled.
16. Firewood must be neatly stacked and free of insects and rodents.
17. Radio and TV antennas and conventional mini-satellite dishes must be installed so as not to be detrimental to the esthetically pleasing Association residential living environment.

PROPERTY MAINTENANCE RESPONSIBILITY OF HOMES ASSOCIATION

1. The Homes Association is responsible for the maintenance and construction of entrance markers, and associated shrubs, bushes and flowers.

PROPERTY MAINTENANCE POLICY & FINES

1. Level 1 -Warning: The homeowner will receive a written request ("First Warning") to remedy the violation(s) within 20 days or contact the Association with a scheduled completion date of 45 days or less. The First notice states that If the violation is not remedied or a completion date approved by the Board, a fine will be placed on their account at the end of the 20-day period.

2. Level 2 - Fine Notice: 20 days from first notice, if the violation remains, and there is no Board approved completion date scheduled, the homeowner will receive a second written Notice ("Second Notice") which includes a fine invoice per violation, (see fine chart).
3. Level 3 – Additional accruing fines, and lien: After an additional 25 days (45 days from original notice), if the violation(s) remain(s), the owner will receive another written notice ("Third Notice") including an invoice for an additional fine of \$100 (per violation), and stating that each violation(s) will incur additional monthly fines (see chart) per violation that will be assessed to the owner's account. Fines will be applied to the owner's account Monthly until the violation(s) has been remedied. If at any point fines become 30 days past due, a lien may be placed on the owner's property and the homeowner's account charged a \$150 lien fee per recording and release, in addition to the assessed fine(s).
 - A A 'no-response' also includes a response that is received which does not include a plan addressing the individual violations and a completion date.
 - B If the owner has responded with an action plan and remediation date within the initial 20 days and agreed to by the Board, then fines will not begin until the end of the agreed-to remediation date and only if the action has not been completed or no extension of the remediation period has been agreed to with the Property Manager. A response without an action plan, approved by the Property Manager, is considered a non-response.

4. **Fine Schedule** – Alpha order

Violation	Amt	Violation	Amt
Deck Repair	\$50	Painting - Whole House	\$200
Deck Replace	\$100	Painting Touch Up	\$50
Driveway/Sidewalk Repair/Mud Jacking	\$100	Roof Repair	\$50
Driveway/Sidewalk Replacement	\$150	Roof Replace	\$200
Eaves/Soffits/Trim Replacement	\$200	Siding - Large Area (Entire Side/House)	\$200
Fence Repair	\$50	Siding Touch Up	\$50
Fence Replace	\$100	Trash in Yard	\$50
Garage Door Repair	\$25	Tree/Stump Removal	\$100
Garage Door Replacement	\$100	Utility Cables/Utility Boxes and etc.	\$100
Gutter Repair	\$25	Weeds	\$25
Gutter Replace	\$75	Window Air Conditioner	\$200
Misc. Major/Safety Violations	\$150	Window/Frame Replacement	\$100
Misc. Minor Violations	\$25	Yard Bare Spots	\$25
Overgrown Brush	\$25		

Rev. 4/16/20

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HOME BUSINESSES

1. Home businesses are only permitted to operate inside the residence and are not permitted to be located in the garage or in any accessory structure on site.
2. Home businesses are only permitted to use twenty (20%) percent of the floor area of the residence
3. Employees of home businesses are limited to family members residing on the premises. No other individuals or groups are permitted as employees.
4. PARKING IN STREET as a result of a home business is not permitted. Businesses that generate excessive amounts of traffic will not be permitted in residential areas.
5. No signs or advertising on site may be used.
6. Further guidelines on "Home Businesses" should be directed to Overland Park Planning Department, 8500 Santa Fe Drive, Overland Park, Kansas 66212, phone number 913-895-6217 or 913-895-6229.

GARAGE AND/OR UNIT SALES

1. No more than two garage sales per year are allowed.
2. A garage sale may last no longer than four (4) days. It is not permitted to display items in the yard or within thirty (30) feet of the curb.
3. One sign is allowed at the location of the sale, either garage sale or For Sale signs. Locating a sign anywhere else is a violation of the Overland Park City Ordinance.
4. Sample sales are permitted if operated by Sales Representative and held at the unit.
5. Garage and estate sales must not cause disturbance to the Association community.

GENERAL CONDITIONS

1. Noisy activities that disturb neighbors will not be tolerated. ICPE residents are required to comply with the City of Overland Park's noise ordinance.

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ASSESSMENTS AND OTHER CHARGES

1. All assessments, special assessments and any other fees, charges, and fines are due and payable on or before the first (1st) of each month.
2. As a convenience to Owners, the Management Company may provide for direct electronic debit of monthly assessment invoices at no additional charge to Owners or the Association as a whole. Contact the Management Company to arrange for direct debit payment.

DUES/ASSESSMENT PAYMENT POLICY

1. **Monthly dues/assessments--** are due on the first (1st) of each month.
2. **Thirty (30) Day Period**—after the 30th of each month or the last day of the month if a month has less than 30 days, a late fee is added to all delinquent accounts. A delinquency letter, notice file certificate of lien and an updated statement is mailed to the homeowner that includes the dues/assessment payment policy. Fees will be added if any balance is due on the account.
3. **Sixty (60) Day Period**—after the last day of the second month, a certificate of lien is filed; trash &/or snow removal services are suspended. Total fees for the remainder of the entire year may also be billed as due consistent with Article 5, Section 5 of our Association Deeds & Declarations. Lien fee is added to the account along with additional late fees. Notice of attorney demand letter to be sent at 90 days. All legal fees will be added to the account.
4. **Ninety (90) Day Period**—after the last day of the Third Month, the Association Attorney sends a demand letter with threat of legal action. All legal fees are added to the delinquent account along with additional late fees.
5. **One Hundred Twenty (120) Day Period**—after the last day of the Fourth (4th) Month, the Association Attorney files lawsuit, all associated legal costs are added to the account. Late fees continue to accrue.
6. All payments received are applied to the oldest balance first, regardless of any correspondence received with payment or what is written on the memo line of the check.