



Kirkland Chase Courtyard Townhome Association

Rules and Regulations

Revised December 2018

ASSOCIATION GOVERNANCE

The Kirkland Chase Courtyard Townhome Association is made up of all KCCTA homeowners. Thus whether something is the responsibility of an individual homeowner or the association is more clearly stated as whether it is the responsibility of an individual homeowner or of all homeowners collectively.

We have a three-member board whose primary responsibility, since we are self-governed (we do not employ a management company) is property maintenance. Board members serve three-year terms, and one member is elected each year, ensuring continuity.

In elections and other voting, each *townhome* has one vote, regardless of the number of people living in it.

KCCTA is governed by the Illinois Common Interest Community Association Act.

Board Meetings/Records

Board meetings are open to all homeowners. There may be a portion of the meeting that is closed to the general members, in which confidential information, such as dues in arrears, foreclosures and other issues, is discussed.

The Association's records and books may be inspected upon the prior written request of any homeowner, for any purpose, at any reasonable time. Any costs of such inspection will be paid by the homeowner.

Association Dues

The Association pays for maintenance and repairs with member dues. Dues are set for each year based on the annual budget and are discussed at the Association's annual meeting.

Almost all homeowners pay dues monthly via a direct transfer (ACH). Dues may also be paid annually by check or ACH. If dues are paid monthly by check, a service fee will be added (currently \$5 per month).

Paying via ACH avoids the possibility of dues payments being late. Monthly dues are due on the first of every month. If payment is not received by the 15th of the month, the homeowner will be charged a \$25 late fee and sent a statement notifying them of this charge. If an owner fails to pay the accumulated late fees or unpaid balance within 60 days, the account will be assigned to the Association's attorney for legal collection. The entire annual dues balance, plus late fees, administration fees and legal fees, will be due immediately.

Purpose of Rules and Regulations

The 1999 *Declaration of Party Wall Rights, Covenants, Conditions, Restrictions and Easements for Kirkland Chase Courtyard Townhomes* specifically enables the Association, through the Association's Board, to make whatever rules and regulations are necessary to help us live amicably together (Sections 3.12, 4.06c and 8.15).

Please note:

- These rules and regulations supplement and clarify the existing rules, regulations, restrictions and covenants of the Declaration and are not a waiver of them. If any rule conflicts with the applicable section of the covenants, the covenants shall control.
- The rules and regulations are binding upon all owners, residents, their families and guests. Exceptions to the rules may be made only via a request in writing by the homeowner to the Board and upon approval by the Board.

Changes in December 2018 revision:

- All sections edited for grammar and clarity.
- Clarification of association and individual homeowner added.
- Property Maintenance section: table updated to add trim painting as responsibility of Association, mailbox maintenance corrected to USPS, redundant entries deleted.
- Standardization section expanded to include maintenance information from newsletter. Photos added.
- Security section removed as unnecessary.
- Governance section added.
- Dues collection section updated to reflect near-universal use of ACH.
- General Rules section: Satellite dish section changed to a reference to the Covenants as these dishes are now little used, parking section added.
- Implementation of fines for certain violations.

TOWNHOME OWNER AND ASSOCIATION RESPONSIBILITIES

	Association Responsibility	Homeowner Responsibility	Comments
Air conditioning unit			
Courtyard landscaping, paver brick, faucet fixtures, lighting fixtures, electrical outlet, cement stoop, patio door(s)			Includes any courtyard appurtenances except as noted below.
Wooden privacy fence separating the courtyards of two townhomes			Shared fencing is the responsibility of the co-owners. Replacement wooden privacy fences must meet Association standards.
Back gate and latch of wooden privacy fence			All replacement wooden back gate and latches must meet Association standards.
Landscaping and paver brick adjacent to the alleyway			Includes maintenance of plants, if any.
Alleyway repair and maintenance			
Garage door panels and all mechanical devices			A new door must match the original.
Building siding			
Maintenance of exterior doors, frames, jambs, windows, screens, storm doors			Caulking is also homeowner's responsibility.
Window, front door and garage door trim painting			
Front stoop or porch maintenance			
Front porch railing maintenance and painting			
Front lighting, electrical & faucet fixtures			
Common area sidewalk maintenance & repair			
Gutters and downspouts – maintenance, repair and cleaning			
Mailboxes			Owned and maintained by US Postal Service.
Roof repair & maintenance			
Landscape maintenance – common areas			Homeowner may maintain "half-moon" bed in front if desired.
Maintenance of courtyard plantings, if any			
Streets – maintenance of Chemes, Swan and Peterson (private roads)			Note that Wagner is a city street.
Snow and ice removal – common sidewalks, porches/stairs, alleys, Chemes, Swan and Peterson			
Gazebo repair and painting/staining			
Retention pond and detention area maintenance and repair			Shared by Master Association.
Sewer service from individual townhouse to nearest outdoor connection			
Any approved change or improvement by homeowner			
Insurance – individual townhomes			
Hot air escape/laundry vent			
Damage to the interior of a unit caused by an exterior issue			

PROPERTY MAINTENANCE

A key responsibility of the Association is maintaining our common property.

Please understand the following:

Each townhome *and the property it sits on*, including the courtyard, is the property of the homeowner. (This is different from condominium ownership.) Everything outside each townhome's walls, doors and windows is common property and belongs to the association, which is to say all of us.

Homeowners are not to instruct one of the Association's contractors (landscapers, painters, carpenters, etc.) to perform a task on behalf of the Association or to change or modify what they have been contracted to do. The homeowner should contact a Board member.

Homeowners can employ any contractor to perform a task that is the responsibility of the homeowner, at the homeowner's own cost. Any questions about whether the task is the responsibility of the Association or homeowner should be directed to the Board before any work is done, or the owner will be responsible for all costs.

In general, the Association is responsible for maintenance of things that serve more than one townhome. The homeowner is in general responsible for anything that serves only his/her/their individual townhome. The chart on the facing page provides details.

Homeowners are responsible for ensuring that our standards are met. Suppliers and contractors are not. If non-standard doors, fences, etc. are installed, you are responsible for replacing them at your expense.

KCCTA STANDARDS

Doors and Windows

The **front entry doors** must be six-panel, steel or aluminum, and hunter green. The trim around the door and sidelight must be white.

Door hardware must be brass in color and as similar to existing fixtures as possible. Reuse the existing hardware when possible.

If your door is in good shape but faded, you are responsible for buying the paint and painting the door. See color information below.

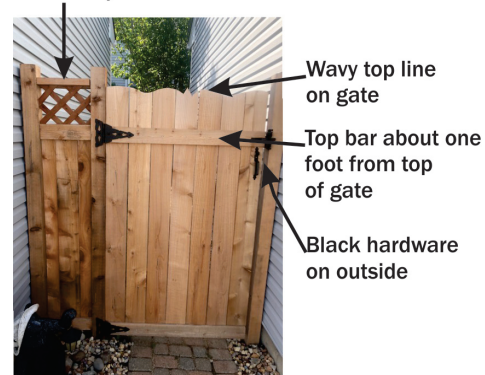
Front **storm doors** must be hunter green, aluminum, with a full glass pane. If your storm door is faded, a rubdown with rubbing compound, available in the automotive section of hardware stores, may help restore the color.

Replacement windows must exactly match the style (appearance) of the original windows.

Gates and Fences

- Fence should be six feet tall, untreated western red cedar wood with lattice trim on top.
- Posts should be six inches by six inches for stability, set a minimum of three feet deep in cement and a maximum of eight feet apart, and be either treated lumber or cedar.
- Hinges, latches and hardware should be as similar as possible to the originals; reuse originals if possible.
- You may let the fence age into its natural grey or use one of these stains: Sherwin Williams Redwood SW3563, Olympic Redwood 704 or Cabot Redwood.
- Back gate, fencing, hardware and latch must be identical to the original style.

Lattice-top fence



- The style of a dividing wooden privacy fence (courtyard area) must be identical to the original style.

The City of Batavia may require a permit for a new fence installation.

Outdoor Light Fixtures

Owners are responsible for all outdoor light fixtures. Light fixtures at the front door and garage door must be identical to the original/existing ones.

The fixture is **Progress Lighting P5878**

Renaissance 1-Light Outdoor Wall Sconce

from the **Onion Lanterns Collection**. It is available on line.

If your light fixture has just gone gray, it can be painted. Use a matte black paint made for metal.



Green Trim Paint (Front Door)

Below is the formula for one gallon of green paint (Note: you don't need to buy a full gallon; just be sure to tell the person at the paint counter that this is the formula for a gallon):

Dutch Boy Exterior Acrylic Latex Satin House Paint

Colorant Name		OZ	48	96	192	384
KX	White	-	14	1	-	-
B	Lamp Black	1	25	-	-	-
AXX	Organic Yellow	2	35	1	-	1
E	Phthalo Blue	5	21	-	-	-

KCCTA Standards, Continued

White Trim Paint

Sherwin-Williams “Duration” Exterior Acrylic Latex
Super White 6403-22905 Satin
Available at Sherwin-Williams stores

Non-Compliance

In the event of non-compliance with KCCTA standards, the Board shall send written notice to the townhome owner. Should the owner fail to cure and remedy said noncompliance within three weeks after notice is issued, the owner shall be liable to the Association for payment of a fine in the amount of \$100 per week or portion thereof.

GENERAL RULES

Damage Caused by Homeowners or Their Guests

Repairs to ANY common property damaged by homeowners, including plant material, must be paid for by the responsible homeowner. The KCCTA Covenants state, in Section 5.01:

In the event that the need for maintenance or repair is caused through the willful or negligent act of the Owner, his Family, his Occupants, guest or invitees, the cost of such maintenance or repair shall be added to and become a part of the assessment to which such Parcel is subject.

In the event of intentional damage, the owner shall also be liable for payment of a fine to the Association in an amount not to exceed \$500, the exact amount of which shall be set by the Board at the Board’s sole discretion.

Parking

According to the covenants, common areas are for the “use and benefit” of all homeowners, so we all have the right to park our cars on Swan, Peterson and the alleys. However, we all also have the right to get in and out of our own townhouses, garages and courtyards.

Condensed from Section 8.16 of the Covenants, here are the parking rules for Chemes, Swan and Peterson (as a city street, Wagner falls under Batavia parking rules):

- Operable automobiles — but nothing else — may be parked on Swan, Peterson and the alleys. That means campers, trailers, vans, snowmobiles, motorcycles, boats or anything other than an operable automobile must be parked in a garage. The length of time does not matter: The covenants say “temporarily or permanently on any street within the Property or any Common Areas.”
- No commercial trucks or other vehicles, defined as those “with commercial lettering or signs painted on or affixed to any portion of the exterior thereof” may be parked on streets or in alleys, unless they are making a delivery or pick-up or parked temporarily for a service call.

- There is no parking on Chemes and the Peterson alley access road across from it, where the no parking signs are posted. This applies to contractors and commercial enterprises as well as homeowners. The only exception is emergency vehicles.
- No board member can give you permission to ignore the rules.
- The violation of a parking rule or regulation by an owner, his/her family, occupants, guests or invitees shall result in the imposition of a fine against the owner, payable to the Association in the amount of \$25 per day or portion thereof, per violation.

Garbage, Yard Waste and Recycling Pickup

Garbage, recycling and yard waste receptacles are to be placed outside your garage door in the alley NO EARLIER than 7:00 p.m. on the evening before garbage collection. Empty receptacles are to be removed from the alleyway no later than 7:00 p.m. on the day of garbage collection. If you are not able to be home on garbage pickup days, arrange with a neighbor to put out your garbage and pick up your garbage can.

Put the lid on your garbage cans or recycling bins. You are responsible for picking up any garbage that is strewn around.

Satellite Dishes

Satellite dishes are covered in Section 8.08 of the Covenants.

Pets

- No more than two pets may be kept in one townhome. Pets are defined as “domesticated” animals: dogs, cats, birds, etc. Any pet causing a disturbance may be permanently removed from a townhouse. Homeowners are responsible for the cost of any damage to common property caused by the pet.
- Pet waste in any common area must be removed immediately. It may not be stored temporarily or permanently in any common area.
- All animals need to be under the owner or caretaker’s control at all times. No pet may run loose or be tethered or left outdoors. Any person walking a pet on the common area must have pet securely on a leash at all times, according to the City of Batavia ordinance.

Fines for Other Violations

In the event of violation of any rule or regulation for which a fine is not otherwise provided for herein, the owner shall be liable to the Association for payment of a fine in the amount of \$25 per day per violation.