

**RULES & REGULATIONS
OF
LAKEWOOD PROPERTY OWNERS ASSOCIATION, INC.
Amended 2/12/09**

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**ARTICLE I
PURPOSE, SCOPE, AND AUTHORITY**

These regulations are promulgated by the Board of Directors of the Lakewood Property Owners Association pursuant to Article XV of the Association By-Laws in order to promote and protect the health, safety and general welfare of the residents of Lakewood who are members of the Association.

These provisions are applicable to all members, their families, guests and others owning or residing on private property or utilizing the lakes, common ground and amenities within the covenant boundaries of Lakewood.

Violation or infractions of these provisions shall result in consequences contained hereinafter.

**ARTICLE II
THE LAKES - BOATS, WATERCRAFT, BOAT SLIPS AND BOAT RACKS**

2.010 DEFINITIONS

As used in this Article of the Rules and Regulations of the Lakewood Property Owners Association relating to Boats, Watercraft and the Use of the Lakes, the hereinafter enumerated terms shall be defined to mean and include:

- (a) Association - shall mean and refer to the Lakewood Property Owners Association, Inc.
- (b) Properties - shall mean and refer to all real estate subject to regulation and control by the Association by virtue of any Declaration of Covenants, Conditions, and Restrictions filed of record and subjecting such property and the owners and occupants thereof to regulation by the Association. It shall also refer to property owned, leased, managed or otherwise lawfully controlled by the Association.
- (c) Common Area - shall mean all property owned or leased by the Association for the common use and enjoyment of the members of the Association.
- (d) Member - shall mean and refer to every entity or person who holds membership in the Association pursuant to Article III of the By-laws.
- (e) Boat - shall include every vessel capable of traveling on water and carrying one or more persons, including, but not limited to sailboats, motor boats, row boats, jet skis, rafts, canoes, and paddle boats.
- (f) Watercraft - shall mean and refer to any and all objects capable of and intended to float on water, or to be used on, upon or in water for the purpose of carrying, propelling, or floating a person.
- (g) Water Ski - shall include all apparatus designed to be attached to the feet and towed by a boat at a speed greater than 10 mph or makes a wake and carrying one or more persons.
- (h) Lakes - shall mean and refer to all bodies of water impounded within the properties, except swimming pools, of sufficient size to float a boat. The "West Lake" shall include the water impounded by the western-most Lakewood dam and the boat channel between the two largest lakes within the properties. The "East Lake," shall mean the water impounded by the eastern-most Lakewood dam, but no part of the channel between the Lakes.
- (i) Owner - shall mean and refer to the person(s) or entity holding title to any boat or other watercraft, unless the context clearly indicates another meaning.
- (j) Community Services Personnel - shall mean persons expressly authorized by the Board of Directors of the Association to enforce these regulations and other

rules and regulations promulgated by the Board of Directors and designated to be Lakewood Community Services Personnel.

- (k) Wake - shall mean a swell, wave or whitewater produced by the bow or stern of a watercraft being propelled through the water.
- (l) All other terms not defined in this paragraph, or any sub-paragraph thereunder, which are defined in the Declaration of Covenants, Conditions, and Restrictions creating the Association (and filed of records as Document I-162473 at the Jackson County Courthouse in Independence) or in the Articles of Incorporation or By-Laws of the Association shall have the same meaning herein as in the instrument or instruments aforesaid in which they are defined.

2.020 REGISTRATION OF BOATS

All boats used on the lakes or owned by a member and stored or left unattended within the Properties and on public streets within Lakewood must be registered with the Association. Only boats owned by members may be registered and registration, once approved, is not transferable. In order to register a boat, a member must:

- (a) Present proof of ownership of the boat to be registered. Binders and application for insurance shall not be accepted as proof of insurance for registration purposes.
- (b) Make proper payment for each boat sticker required for registration.
- (c) No watercraft exceeding 24 feet in overall length shall be placed in a marina slip with the motor in an up position.
- (d) Modification to alter the manufacturer's original horsepower will not be acceptable for registration.
- (e) Watercraft will be registered as either motorized or non-motorized and appropriate registration stickers affixed to that watercraft by May 1st each year.

2.021 REGISTRATION STICKERS.

All boats which are required to be registered in accordance with paragraph 2.020 shall have annual registration stickers affixed to the rear (stern) portion of each side thereof in such a position that both stickers will be fully visible above the waterline.

2.022 VERIFICATION OF OWNERSHIP AND AFFIXATION OF REGISTRATION STICKERS

Members registering boats shall obtain stickers from the Association Office during normal business hours. All boats required to be registered in accordance with Paragraph 2.020 shall be currently registered with numbers affixed in accordance with Paragraph 2.021 when operated on Lakewood lakes. In any event all watercraft in marinas, on boat racks or common ground shall have current registration affixed in accordance with Paragraph 2.020 not later than May 1 of each year.

2.023 REGISTRATION RENEWABLE ANNUALLY.

Every owner of any registered boat must renew such registration annually by following the procedures set forth in paragraph 2.020 through 2.022. All registrations shall expire December 31 of each year. However, Members shall have to May 1st of the upcoming year to affix annual registration stickers. Only the current year's sticker needs to be displayed.

2.030 LIMITATIONS ON SIZE AND HORSEPOWER.

Recognizing the limited size of the boating facilities at Lakewood:

- (a) No watercraft shall exceed 26 feet in length unless exempted and approved before July 1, 1978 and continuously registered. This includes pulpits, planks, transoms, and all extensions from the bow and stern, including the motor in the down position, whether part of the hull design or permanently attached to the water craft.
- (b) Horsepower on motors may not exceed a watercraft's manufactured specifications.

2.040 BOAT LIGHTS AND OTHER SAFETY EQUIPMENT.

- (a) All boats operated on the Lakes shall be equipped with and, when operated during the hours from one-half hour after sunset until one-half hour before sunrise, shall utilize the following lights:
 - (1) Sailboats shall have a white light so affixed to the boat as to cast sufficient light on the sails to make them visible for a distance of one mile.
 - (2) Motorboats in excess of 16 feet in length shall have a bright white light mounted near the stern of the boat which is visible from any angle for a distance of one mile. Such boats shall also have a combination lantern mounted on the fore part of the boat so that it is lower than the white light to the aft. This combination lantern shall be green on the starboard (right) side and red on the port (left) side, and shall be fixed so as to throw light from the right ahead, two points to the rear of the beam on each side.
- (b) All boats not subject to the requirements of subparagraphs 2.040 (a) (1) or (2) shall have mounted on the boat a white light which is visible from all angles.
- (c) Every boat, regardless of size or type, shall carry at least one U.S. Coast Guard approved life preserver for each passenger whenever it is operated on the lakes.
- (d) Every boat carrying fuel in any tank or can, except in a gas tank built into the motor, shall carry an operational fire extinguisher.

2.050 LAUNCHING, STORAGE, TEMPORARY PARKING & ON-SITE MAINTENANCE OF BOATS.

- (a) Boats may be launched from designated launching ramps. Ramps shall not be occupied for more than 10 minutes following the launching or removal of a boat. Boats may not be left overnight in a launch area or parking lot adjacent thereto.
- (b) Boats shall not be left on the Lakes overnight unless stored in or on an LPOA storage facility. This limitation prohibits tying boats to trees or buoys or pulling them onto the shoreline or common area or occupying an unauthorized boat slip. Watercraft shall not be left unattended for more than 15 minutes between the hours of 12:00 midnight to 6:00 a.m. unless stored in or on an LPOA storage facility. Unattended means no person physically present on watercraft for a continuous 15 minute period of time. No watercraft may be parked or stored on any public or private property anywhere in Lakewood except within enclosed garages or other designated storage areas, unless a temporary parking permit has been issued (see Article III, Section 3.020 of these Rules).
- (c) Boats may only be tied to or parked at pleasure docks for a period not to exceed 15 minutes. Members and their guests are expected to exercise courtesy in the use of the pleasure docks.
- (d) In the event any member shall fail to remove a boat from the Lakes or common area as required by the paragraph 2.050(b), the member is subject to a citation and the Association may move the boat to its storage area for which the owner will be charged all fees for moving the boat, as well as a daily storage fee.
- (e) One specific area at both Marinas has been designated and may be used to change oil in and/or winterize a LPOA member's boat, ONLY under the following conditions:
 - Lakewood Patrol or Administrative Office must be given notification before any fluids are changed or maintenance on a boat is performed
 - Boat MUST always be removed from the water

- Oil and lower units shall only be changed in the designated area at each Marina
- In an effort to prevent ramps from becoming slick, no fluids shall ever be handled near the boat ramps
- All fluids must be caught and removed from LPOA property and disposed of properly
- A 10-foot square plastic tarp must be placed on the ground with piece of cardboard under the motor to catch any drips, spills, or leakage
- If any problem arises, Lakewood Patrol must be notified immediately
- Lakewood Patrol must be given a 15-minute notice before boat is removed from the work area
- Boat dealers who use Marinas to provide boat maintenance for LPOA members must accept marine fluids from Lakewood residents, at a minimum charge, for proper disposal.
- Any deviation from these rules will result in a \$100.00 fine & assessment of 6-points for the LPOA member to whom the boat is registered

2.060 WATER TRAFFIC CONTROL DEVICES.

All boats, except boats operated by Lakewood Community Services Personnel, shall be required to observe all water traffic control devices at all times. No person shall attempt to or alter, deface, destroy, remove or relocate any water traffic control device or any part thereof. Water control devices shall not be used as tie-ups. No person shall place, maintain or display upon or in view of the Lakes any unauthorized sign, signal, painted marking, buoy or barrel which is designed to affect the movement of water traffic on the Lakes which interferes with the effectiveness of authorized water traffic control devices, or which might be confused with or mistaken for an authorized water traffic control device.

2.070 GUESTS IN COMPANY OF MEMBER

Guests must be accompanied by a member of the Association at all times when using the Lakes for swimming, boating, watercraft operation, or other purposes.

2.080 MEMBERS RESPONSIBLE FOR CHILDREN AND GUESTS.

All dependents and/or minor children are the responsibility of their parents or guardian at all times when utilizing the Lakes. Violations of these regulations committed by children will result in the assessment of points and the imposition of appropriate disciplinary action against parents, as if such violations had been committed by the parents of offending children. Similarly, guests of members are the responsibility of the members. Any violations of these regulations by guests will result in the assessment of points and the imposition of appropriate disciplinary action against sponsoring members as if such violations had been committed by the members.

2.090 MINIMUM AGE FOR OPERATION OF MOTORIZED WATERCRAFT

No person under fourteen (14) years of age shall operate any motorized watercraft upon Lakewood lakes, and must have passed the Missouri Watercraft Safety Course, unless such person is under the direct supervision of a parent, guardian or other responsible person twenty-one (21) years of age or older.

2.100 LITTERING PROHIBITED.

No person shall throw refuse, garbage, trash, cans, or other litter into the Lakes, on the shore or common area, or leave such items thereon or on the docks, common area or otherwise within the common area. Violation will result in assessment of 3 points and a minimum fine of \$50.00.

2.110 RIGHTS OF WAY FOR BOATS.

None of the following rules relating to right of way shall give one boat precedence over another. When two boats are approaching each other head on, the operator of each boat shall alter his course to the right so as not to pass closer than fifty feet to the other boat, and when boats are approaching each other at a right angle or obliquely, so that their courses will cross, the boat which it to the right shall have the right of way. The foregoing notwithstanding, the following rules shall control right of way regardless of the courses of boats which shall be approaching each other.

- (a) Rowboats, canoes, and boats operated by human power alone shall have the right of way over all other boats.
 - (b) Sailboats shall have the right of way over motorboats and motor-powered boats.
- 2.120 SPEED LIMITS
- (a) No watercraft may be operated at a speed which is not prudent and safe for the existing conditions.
 - (b) No wake or speed exceeding 10 mph is permitted. A wake shall mean a swell, wave or whitewater produced by the bow or stern of a watercraft being propelled through the water.
 - (c) No person shall operate any boat other than a sailboat in any race or speed competition with any other boat on the Lakes.
 - (d) Idle speed only shall be used within 100 feet of the marinas, launch areas, pleasure docks, and anchored boats.
- 2.130 WATER SKIING - JET SKIS/WAVE RUNNERS
- (a) Water Skiing is not permitted on any Lakewood lakes.
 - (b) Personal watercraft such as jet skis, wave runners, etc. are not permitted on any Lakewood lakes.
 - (c) Apparatus other than water skis permitted in accordance with the following guidelines:
 - (1) Wakes are not permitted;
 - (2) Tow line shall not exceed 50 feet in length;
 - (3) Towing is not permitted in any part of the channel;
 - (4) Towing is not permitted within 100 feet of the marinas, launch areas, pleasure docks or anchored boats;
 - (5) Apparatus shall not be used in excess of manufacturer's recommendation or specifications, or as determined safe by Patrol;
 - (6) Users of apparatus must wear approved life jackets or ski belts.
- 2.140 SWIMMING IN THE LAKES
- (a) Swimming on the Lakewood Lakes shall be restricted to areas within 50 feet of the shore, a dock, boat or watercraft.
 - (b) No swimming shall be permitted in the channel between the East Lake and the West Lake.
 - (c) No jumping or diving from the channel bridge on Dick Howser Drive. Violation will result in assessment of 3 points and a minimum fine of \$50.00.
 - (d) No swimming shall be permitted from any portion of the boat slips and marina docks which are on the lakes.
 - (e) No person shall use a scuba device, oxygen tank or other device which permits the user to remain under water more than one minute without written authorization from the Association. In the event such devices are used with authorization, persons engaging in such activity must provide the LPOA office with proof of certification, and shall notify Lakewood Community Services Personnel in advance of the nature and location of the diving in which they will be engaged and will display a previously approved "diver below" flag.
- 2.150 FISHING
- Fishing by members will be allowed on all lakes, subject to the following regulations:
- (a) Members engaged in fishing shall have a valid Missouri State Fishing License, unless exempted by law, and a Lakewood Property Owners Association identification card on their person at all times while fishing.
 - (b) Trot lines and bank lines will not be allowed.

- (c) The rules of the Missouri Department of Conservation will be applied to all other practices, limits, minimum sizes and procedures.
- 2.160 AIRCRAFT PROHIBITED
No person operating any type of aircraft shall land on or take off nor shall they attempt to land or take off from the lakes.
- 2.170 LAKEWOOD COMMUNITY SERVICES PERSONNEL AND ENFORCEMENT PROCEDURES
Enforcement of these rules and regulations relating to Boats, Watercraft and Use of the Lakes shall be the responsibility of Lakewood Community Services Personnel. All operators of boats and watercraft, and other persons using the Lakes or common area, shall follow reasonable instructions and directions from Community Services Personnel.
- (a) Upon the approach of an authorized patrol boat operated by Lakewood Community Services Personnel utilizing a siren or flashing light, or otherwise signifying the existence of an emergency or a violation of the Lakewood Rules, the operator of every boat shall immediately stop his boat (or slow it to as nearly a stationary position as possible under existing circumstances) and yield the right of way.
 - (b) In the event of an accident involving personal injury or property damage, all parties shall remain at the scene until released by Lakewood Community Services Personnel.
 - (c) In the event that an accident causes property damage to another LPOA Member's watercraft and/or other property and the party responsible for that damage fails to report the accident/damage to LPOA Community Services, LPOA Administrative Office or the owner of the damaged boat/property then steps shall be taken to ascertain who is responsible for the damage. If these steps have to be taken, or if there is a witness to the accident who contacts the General Manager with witness information that determines who caused the damage, then the incident will be treated as an act of vandalism (see Rules & Regulations Article X, Section 10.030 - Vandalism, Theft & Destruction of Property).
 - (d) Verbal abuse directed toward Lakewood Community Services Personnel, failure to comply with directions from such personnel and otherwise showing disrespect toward Community Services Personnel shall constitute violations of these rules.

ARTICLE III REGULATION OF VEHICLES

- 3.000 DEFINITIONS.
As used in this Article of the Rules and Regulations of the Lakewood Property Owners Association, and in the LPOA Use Restrictions, relating to Vehicles hereinafter enumerated terms shall be defined to mean and include:
- (a) Truck - shall mean any non-commercial vehicle licensed over 3/4 ton.
- 3.010 VEHICLES ON COMMON AREA.
No trucks, vans, automobiles, commercial vehicles, motorcycles, boats or other similar water borne vehicles, house trailers, trailers of every other description, campers, or camping units or any other type of motorized vehicles shall be driven, parked or stored on any common area without permission by the General Manager.
- 3.020 PARKING AND STORAGE OF VEHICLES ON PRIVATE PROPERTY
Vehicles shall be parked in an enclosed garage or on a paved drive only. Recreational vehicles (including boats/water borne vehicles, house trailers, trailers, campers or camping units) will not be stored on driveways or lots, but may be parked on driveways for up to three (3) days for loading and unloading, without a temporary parking permit. A temporary parking permit for parking of recreational vehicles for no longer than five (5) days, will be issued by LPOA Community Services,

upon request. These temporary parking permits will NOT be issued "back-to-back" at any time and only six (6) per year will be issued to any one resident.

No school buses, autos, campers, camper trailers, recreational vehicles or trucks shall be parked at the curb for more than forty-eight (48) hours at any one time. No major repair work will be done on any car, truck, trailer or other vehicle while parked outside the garage or in the street. No cars, buses, boats, trucks, race cars, wrecked cars, modified stock cars, trailers or other vehicles that are not in operating condition or whose presence might make an unsightly appearance, or create a nuisance, or be a hazard to life or health shall be allowed to be parked or left on any lot or on the street in front of any lot for more than forty eight (48) hours.

No trucks or commercial vehicles, boats or other similar water-borne vehicles, house trailers, boat trailers, trailers of every other description, campers or camping units shall be permitted to be parked or stored on any Lot unless they are parked or stored in an enclosed garage or in such other enclosure approved by the Architectural Review Board or Alterations Review Committee, except only during periods of approved construction on the Lot. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles, such as for pick-up, delivery, and other commercial services.

3.030 PARKING IN LPOA PARKING AREAS OR DRIVES

Trucks, vans, automobiles, commercial vehicles, motorcycles, motor homes or any other type of motorized vehicle shall not be parked or left standing in any LPOA parking areas or drives designated as "No Parking", without permission of the General Manager. No "for sale" signs will be allowed on vehicles in LPOA parking areas.

3.040 HANDICAP PARKING

Only trucks, vans, automobiles, motor homes or any other type of motorized vehicle displaying and approved "Handicapped" sign shall park in designated handicapped parking areas. Those vehicles parking in the "Handicapped Parking" areas must display their state's authorized identification for permission to utilize handicapped parking.

**ARTICLE IV
USE OF COMMON AREA AND OTHER AMENITIES**

4.010 MEMBERS RESPONSIBLE FOR DEPENDENTS, GUESTS AND CONTRACTORS

Members will be responsible for their dependents, guests and any contractor they might hire who would access the member's private property across LPOA Common Ground. In cases of improper conduct a Member, their dependents and/or guests will be asked to leave the premises. Vandalism, theft, defacing or destruction of property will result in enforcement of these rules as outlined under Article X.

4.020 CLARIFICATION OF RESIDENT FAMILY MEMBERS

Resident family member shall mean Owner of the lot in question and related persons residing in the member's home. This may include domestic employees, provided the member's home becomes their legal residence. Proof of family residency, such as legal custody/visitation documents, drivers license, voter registration, etc. may be required. All other relatives shall be considered extended family and will be considered guests of the member. LPOA identification cards will be issued to each record Lot or Multi-family Unit Owner (whether one or more persons) and resident family members of that dwelling.

- (a) Resident family members over eighteen (18) years of age must show proof of residency in Lakewood.
- (b) Resident family members between the ages of six (6) and eighteen (18) shall be issued an LPOA picture identification card upon authorization of the Lot or Multi-family Unit Owner.
- (c) Resident family member privileges may be assigned to lessees upon completion of a Delegation of Rights form at the LPOA office. Upon delegation, the Lot Owner must forfeit all LPOA identification cards previously issued.

4.030 CARE OF AMENITIES & COMMON GROUND

When using LPOA amenities, members shall use those amenities for the purpose which they are intended and strive to leave the amenities in as good repair as was found. This includes common ground, recreational facilities, clubhouse facilities, swimming pool facilities, pleasure docks, and boat docks/slips. Members shall make no alterations to LPOA amenities without consent of the LPOA Board of Directors or General Manager. Violation will result in assessment of 3 points and a minimum fine of \$50.00.

4.040 USE OF AMENITIES

When using LPOA amenities, members shall not allow the amenities to be used for any purpose other than that for which the amenities are intended and shall ensure that the use is carried out and conducted in a reasonable manner which complies with LPOA Rules & Regulations as well as local, state and federal laws.

All LPOA residents using the common area amenities must have their LPOA I.D. with them at all times - this rule will be enforced for residents age six (6) and over - with the exception of children who are accompanied by a parent who carries his/her LPOA I.D. or proof of Lakewood residency. There will be zero tolerance for use of any amenity by any resident who cannot produce their I.D. card, or proof of Lakewood residency, when requested. If the individual does not have an I.D. they will be unable to use the amenity - this includes the playgrounds, tennis courts, basketball courts, volleyball courts, beach, pools and lakes and/or ponds.

Children under the age of ten (10) may not use LPOA pools unattended. Any child under the age of ten (10) must be in the care of a responsible person who is fourteen(14) years of age or older.

No alcohol or tobacco use by minors will be permitted at any time on LPOA common ground.

No minors allowed on LPOA common ground or lakes after 12 midnight on week-ends and 10:00 p.m. on week nights, unless supervised by a responsible adult over twenty-one (21) years of age.

4.050 AGREEMENT TO RENTAL CONTRACT STIPULATIONS

Members will be responsible for adherence to stipulations in the rental contract for any LPOA amenity that they may rent.

**ARTICLE V
INTERFERENCE WITH MIGRATORY WATERFOWL**

There will be no feeding of migratory waterfowl on the Common Area. Each offense shall constitute a separate violation. The incident may be referred to the Missouri Conservation Commission and the U.S. Department of Agriculture, Wildlife Damage Control, for further punitive action

**ARTICLE VI
ARCHITECTURAL REVIEW BOARD/ALTERATION REVIEW COMMITTEE (ARB/ARC) GUIDELINES AND RULES**

6.000 PURPOSE, SCOPE AND AUTHORITY

These rules and regulations are promulgated by the Board of Directors of the Lakewood Property Owners Association pursuant to Article XV of the Association By-Laws to regulate the construction, external design, appearance, use, location and maintenance of improvements, alterations, repairs, change of paint colors, excavations and other work which in any way alters the exterior of any property or improvements located on the subdivision lots or common areas of subdivision known as LAKEWOOD, for the common welfare and enjoyment of residents and members of the Association. These provisions are applicable to all members, residents, owners and tenants constructing or creating improvements on a parcel of property located within the property covered by the Declarations, pursuant to the authority outlined in Article VII of the basic Declarations and Article VIII creating the General Use Restrictions applicable to all properties.

6.010 DEFINITIONS

As used in this Article of the Rules and Regulations of the Lakewood Property Owners Association relating to parcels, lots and common area and construction of improvements, the hereinafter terms shall be defined to mean and include:

- (a) Association - shall refer and mean the Lakewood Property Owners Association, Inc. ;
- (b) Property - shall refer to all real estate subject to regulation and control of the Association by virtue of any Declaration of Covenants, Conditions and Restrictions filed of record and subjecting such property and the owners and occupants thereof to regulation by the Association. It shall also refer to property owned, leased or managed or otherwise lawfully controlled by the Association.
- (c) Common Area - shall mean all property owned or leased by the Association for common use and enjoyment of the members of the Association.
- (d) Members - shall mean and refer to every entity or person who holds membership in the Association pursuant to Article III of the By-laws.
- (e) Lots - shall mean and refer to any plot of ground shown upon any recorded subdivision plat relating to the properties, excepting the common area, Developer owned acreage, and land devoted to multi-family residential, commercial or industrial units.
- (f) Improvements - shall mean and refer to any structure or landscaping including, but not limited to, exterior alteration, detached structure deck, storage building, fencing, sprinkler system, fireplace and water lines or change of paint colors, repairs or excavations which are located on subdivision lots or common area.

All other terms not defined in this paragraph or any sub-paragraph hereunder which are defined in the Declaration of Covenants, Conditions and Restrictions creating the Association and filed of record as Document I-162473 at the Jackson County Courthouse

in Independence or in the Articles of Incorporation or By-Laws of the Association shall have the same meaning herein as in the instruments or instruments aforesaid in which they are defined.

6.020 APPLICATION FOR IMPROVEMENTS

- (a) Any addition to an existing building, exterior alterations, change in an existing building, change of exterior paint color, excavation, or any new detached structure must have the approval of the Architectural Review Board/Alterations Review Committee (hereinafter ARB/ARC) before any work is undertaken. Examples of such projects include, but are not limited to, a deck, storage shed/outbuildings, fireplace, fencing, sprinkler system, water lines. Any such addition, exterior alterations or change in existing buildings, shall be compatible with the design character of the original building.
- (b) The guidelines with respect to awnings, materials and cover, roofs, fences, walls and screens, height restrictions on fencing and improvement, quality and type of materials and finish, landscaping and planting, exterior antennas, swimming pools, driveways and patios, retaining walls, play equipment and flag poles are contained in the Lakewood ARB/ARC Guidelines, which are herein incorporated by reference and a copy of which may be obtained by any member upon request at the Association office.
- (c) The ARB/ARC Guidelines referred to in paragraph (b) above represent specific written interpretations issued by the ARB/ARC Committee as the means of satisfying the Associations obligation to regulate property use at Lakewood.

6.030 PROCEDURE FOR CONSTRUCTION/ALTERATION APPROVAL

- (a) All applications must be made on ARB/ARC approved forms and shall be fully completed prior to submission for approval to the ARB/ARC and will be received by and coordinated by the LPOA Administrative Office.
- (b) Upon receipt of a completed application, the LPOA Administration Office will send the standard notification form to all property owners affected by the application along with the form listing requirements for submitting application.
- (c) The ARB/ARC will meet on the 2nd and 4th Tuesday of each month in the LPOA office at 7:00 p.m. to review pending applications and comments made by others.
- (d) Parcel or Developer approval shall be submitted with the application, if necessary.
- (e) Approval of applications will take place at a valid meeting requiring a quorum of the members of the ARB/ARC to be in attendance. Approval of all applications that have a written objection by another property owner, who is entitled to object, requires the ARB/ARC to have one more positive vote than the majority normally necessary for approval of the application in question.
- (f) Disapproval shall be explained explicitly on the Improvements Permit Application. If the applicant does not agree with the decision of the Committee, an appeal may be made, in writing, to the LPOA Board of Directors within thirty (30) days after the date the application was disapproved by the Committee. The Board of Directors may, upon two-thirds (2/3) majority vote of Directors, overrule and reverse the approval of the ARB/ARC if the Board of Directors find that the original finding was improper or unfair.
- (g) Any parcel committee or affected property owner, who believes the ARB/ARC has improperly or unfairly approved a request for improvements to an existing property, may appeal that finding, in writing, to the LPOA Board of Directors within ten (10) days of the date of the approval. The Board of Directors may, upon two-thirds (2/3) majority vote of Directors, overrule and reverse the

approval of the ARB/ARC if the Board of Directors find that the original finding was improper or unfair.

- (h) The Committee shall submit all applications to the General Manager for approval. All approved applications shall be kept on file in the LPOA Office. The applicant shall be notified in writing by the LPOA Staff of the action taken by the Committee.
- (i) NO NEW CONSTRUCTION, IMPROVEMENT TO AN EXISTING STRUCTURE OR LANDSCAPING MAY BE INITIATED WITHOUT THE APPROVAL OF THE ARB/ARC.
- (j) While the Covenants of the LPOA permit up to thirty (30) days for approval or rejection of submitted plans, the Committee has established a minimum of ten (10) working days as a reasonable time for completion of their review process, but may, at their option, take up to thirty (30) days to make a decision on unusual or complex applications. This process may be expedited by the ARB/ARC with consent of adjoining landowners.

6.040 GENERAL REQUIREMENTS FOR ALL IMPROVEMENT APPLICATIONS

- (a) In addition to a completed ARB/ARC improvement application, the applicant shall submit one (1) copy of a plot plan showing the location of the proposed improvements on the lot, existing grades of the property line with proposed finished grades as applicable to the improvement.
- (b) The applicant shall submit one (1) copy of the rear and side elevations and structural cross sections where applicable. Plans or specifications should indicate the type of materials and color of the exterior.

6.050 LANDSCAPE OR FENCE IMPROVEMENTS

The applicant shall also submit copies of plot plans showing the proposed improvements and type of materials to be used. In the case of fencing, plans to evaluate the appearance and type of construction of the fence, including type of material and finish color.

6.060 CONSTRUCTION PRIOR TO APPROVAL

Pursuant to the authority and means of enforcement of the Lakewood ARB/ARC, provided by terms contained in the Declaration of Covenants, Conditions and Restrictions, Document No. I-162473 filed of record on August 28, 1973 and the Alterations Review Delegation Agreement of August 8, 1986 as modified on February 20, 1990, the ARB/ARC may, pursuant to this rule, authorize action by the General Manager and/or Board of Directors including, but not limited to:

- (a) the removal of the structure failing to conform with architectural guidelines or built without approval of the Alterations Review Board or ARB/ARC in violation of the covenants and restrictions;
- (b) after due notice to the offending landowner, the LPOA and its authorized agents may enter onto the property being modified in violation of these guidelines and correct the violation. The cost of such correction of the violation will be assessed as a citation against the land in violations and if not paid on a timely basis by the landowner, shall become a lien upon the property and may be the subject matter of a suit to enforce said lien or for personal liability of the property owner.
- (c) After-the-fact Fines for Un-approved Alterations
 - Fine A Any alteration started and/or completed without application
 - \$250.00
 - 1. Landscaping changes
 - 2. Tree removal-Private Property
 - ** 3. Irrigation systems w/pump (lake water)
 - 4. Play equipment/Basketball Goals/Trampolines
 - 5. Exterior lighting/Antennas/Satellite dishes
 - 6. Compost bins
 - 7. Awnings
 - 8. Flag poles

9. Room additions/Porches/Dormers/Doors/Windows
10. Decks/Gazebos/Arbors
11. Pools/Spas/Hot tubs/ Jacuzzis/Ponds
12. Fences
13. Garages/Driveways/Sidewalks
14. Patios/Screens
15. Ground water control/Retaining walls
16. All common ground alterations
17. Dog pens
18. Tennis courts

Fine B. Application filed after project started and/or completed (no plot plan is required).
 \$2,000.00

1. Roofing - change of materials. House would then have to be re-roofed with an approved roofing material.
2. House Painting-change of color (This would be colors outside of the LPOA color palette). House would then have to be re-painted with a color selected from the LPOA color palette.

Fine C
 \$2,000.00 1. Tree Removal on Common Ground

** = Resident must also pay \$105 per year stipulated fee for each year in existence.

NOTE: All applications for alterations, including exact replacements, listed under A requires one (1) copy of plot plan showing outline and/or location of improvement, with dimensions, description and colors applicable.

6.070 LACK OF CONSTRUCTION AFTER APPROVAL

Approval for construction stands for one (1) year. Construction must be commenced and completed within one (1) year of said approval or new approval must be sought if the construction or improvement originally approved has not taken place. Once commenced, the construction shall be completed within three (3) months unless a request for extension is made to the ARB/ARC for good cause.

6.080 SETBACKS

No buildings or other structures including but not limited to, decks, patios, or gazebos shall be placed within thirty feet (30') of the rear property line or of a lot abutting a tract or edge of any open water course.

6.090 ENFORCEMENT OF ARB/ARC RULE VIOLATIONS

- (a) Enforcement of the rules, regulations and covenants regarding improvements, alterations, and construction in violation of the ARB/ARC Guidelines shall be the responsibility of the Lakewood General Manager through the use of Lakewood Community Services personnel.
- (b) Whenever a violation is observed by Lakewood personnel or a member of the ARB/ARC, then Lakewood Community Services or the General Manager may issue a warning and if the violation is not corrected shall issue a written citation to the offending member or owner of the property in question, responsible for the construction or owning the land upon which the offending construction exists. The citation shall specify the date, time and nature of the violation.
- (c) Citations issued by the Lakewood General Manager and/or Community Services personnel shall designate the violation. With the exception of the After-The-Fact Fine policy, every violation of the rules and regulations shall result in the assessment of points against the responsible party and fines assessed in the amount indicated below:
 - (1) Warning Issued
 - (2) Citation will be issued for violations, and may be issued daily as follows:
 - (a) First three (3) point violation - \$25.00
 - (b) Second three (3) point violation - \$50.00
 - (c) Third three (3) point violation - \$100.00
 - (d) Fourth three (3) point violation - \$200.00
 - (e) Each day thereafter shall constitute a separate violation for which further three (3) point violations will be issued - \$200.00

6.100 PROCEDURES AND APPEALS OF ARB/ARC CITATIONS

In accordance with Section 5, Article XV of the Association By-Laws, action to assess points, levy fines or impose sanctions against a member for violation of ARB/ARC standards or the Covenants shall be in accordance with the following procedure:

- (a) When a member is issued a citation justifying the position of a fine and the assessment of points, he or she shall be given written notice of the alleged offense and action to be taken by the Association, which shall be mailed to the member's residence by First Class Mail.
- (b) The member shall have thirty (30) days following the date of the notice required by sub-paragraph (a) to request a hearing in front of the Appeals Committee. Such request shall be made in writing to the General Manager. If such a hearing is requested, all sanctions shall be stayed. If no hearing is requested, the citation shall be effective upon the expiration of the thirty (30) day period unless the member shall remove the offending structure or cure the alleged offense.
- (c) If a hearing before the Appeals Committee is requested, it shall be held at the next scheduled meeting of the Committee from the receipt of notice from the General Manager. At the hearing, the member shall be allowed to present

evidence or witnesses and cross-examine witnesses for purposes of establishing the violation as alleged.

- (d) All evidence to be presented to the Appeals Committee shall be presented in the presence of the appellant. If there is an architectural violation, information or input on the background of the violation shall be furnished by a representative of the ARB/ARC to the Appeals Committee and it shall be received in evidence before the committee in the presence of the appellant. The Appeals Committee shall announce their procedure to all appellants that all evidence will be taken in open session. Decisions in all cases shall be made in open session and announced to the parties, and then shall be mailed to the parties. Requests for continuance of an appeal should be made in writing and received by the Board prior to the start of the hearing.
- (e) The member shall have ten (10) days following the date of the preliminary action by the Appeals Committee to request a hearing before the Board of Directors. Such request shall be made in writing to the General Manager. If a request is made to the Board of Directors, the preliminary decision shall be stayed. If no hearing is requested, the preliminary decision shall be effective ten (10) days after delivery of the decision to the member.
- (f) Once the hearing is requested before the Board of Directors, it shall be held at the next regular meeting of the Board or at a special meeting called before the next regular Board meeting.
- (g) At the hearing, the Board of Directors shall receive evidence and consider the preliminary decision of the Appeals Committee and any other testimony or evidence which the member or the Association desire to present. Within five (5) days of the hearing, the Board of Directors shall issue a written decision to be served upon the member personally or by registered or certified mail. The decision shall specify the rule and regulations which have been violated, the acts or structure constituting the violation, and the sanction imposed. At the option of the Board, the preliminary decision of the Committee may be adopted by reference.
- (h) Upon receipt of the decision of the Board of Directors, the sanctions therein shall be effective.

6.110 LEGAL PROCEEDINGS TO ENFORCE SANCTIONS

In the event any member shall refuse to abide by the terms of the Association action regarding fine, suspension or sanction, the Association will take one of two options to enforce the action taken:

- (a) The Association may proceed with legal action to sue the member to remove the offending structure and enforce the fines and lien, and the member involved will be responsible for all attorney's fees, costs and expenses incurred by the Association.
- (b) Under the provisions of Article VI, Section 2(b) of the original DCC&R's, the Association and its duly authorized agents or employees shall have the right, after reasonable notice to the owner, to enter upon the lot at any reasonable hours, on any day except Sunday, for the purpose of constructing, reconstructing, repairing, removing or replacing structure not in compliance with the Architectural Review Board or built without the lawful permission of the ARB/ARC or to rectify a condition of property regarding the exterior appearance for which the owner has failed to properly maintain the property, including, but not limited to:
 - (1) mowing and cleaning;
 - (2) removal of unsightly brush and debris;
 - (3) painting;
 - (4) repairing;
 - (5) replacing and caring for roofs;
 - (6) replacing and caring for gutters and downspouts;
 - (7) replacement and care of exterior building surfaces;
 - (8) replacement and care of trees, shrubs and grass and other exterior improvements.

- (c) In the event the Association incurs costs and repairs for correcting the reconstruction, construction, or removal of an offending structure in the provision of plan B, then the costs so incurred shall be a lien against said lot and the cost thereof may be recovered by action in the Circuit Court of Jackson County, Missouri for foreclosure of the lien or recovery of the costs and expensed incurred, including reasonable attorney's fees.

**ARTICLE VII
USE OF RESIDENTIAL LOTS**

7.010 COMMERCIAL ACTIVITY

Although commercial activity is prohibited under the provisions of the Land Use Restriction, home occupations shall be permitted where in compliance with Section 270 of the City of Lee's Summit Guidelines for Home Occupation so long as a proper permit is obtained and its operator shall maintain and preserve the residential character of residential neighborhoods.

7.020 GARAGE SALES

Garage sales shall be limited to two annually, per Lot. Signs may be displayed two days prior to the sale and shall be removed one day after the sale.

7.030 STORING ITEMS OUTSIDE

All lots shall be kept free of abandoned or improperly stored items. Improperly stored items and abandoned items include, but are not limited to, furniture, storage containers, ladders, building supplies, auto parts, or other items that would cause unsightly appearance or dangerous conditions that would adversely affect the property and adjoining properties.

7.040 CONSTRUCTION DUMPSTERS & STORAGE PODS

Dumpsters being used to dispose of roofing or remodeling debris may be placed by the property owner for a period of not more than ninety (90) days. If the project is completed in less than ninety (90) days the property owner shall have seven (7) days to remove the dumpster. If circumstances are unusual, the property owner may contact the General Manager to request an extension of these times. Dumpsters will not be placed in such a manner as to block ingress/egress into the street. All dumpsters shall be emptied when full, in order to prevent trash and debris from blowing from the unit.

Storage pods may be placed in a driveway for a period of not more than thirty (30) days. If circumstances are unusual, the property owner may contact the General Manager to request and extension of time.

**ARTICLE VIII
Reserved for Future Use**

**ARTICLE IX
Reserved for Future Use**

**ARTICLE X
ENFORCEMENT OF LPOA RULES AND REGULATIONS**

10.010 CITATIONS.

Whenever a violation is observed by Lakewood Community Services Personnel, they shall issue a citation to the offending member, or if the offender is a guest or the child of a member, to the member responsible for the conduct of the offending individual. The citation shall specify the date, time and the nature of the violation(s). In the event violations are committed by guests or members' children the citations may be served on the responsible member by personally serving them or by mailing the citation by first-class mail to the residence address of the responsible member.

10.020 FINES AND ACCUMULATION OF POINTS.

Citations issued by the Lakewood Community Services Personnel shall designate the number of points assigned to the violation(s) cited. Every violation of these rules and regulations shall result in the assessment of three points against the responsible party (either the offender, or the member(s) responsible for guests and children), except that violations which involve a danger of injury to the offender or others shall result in the assessment of the six points against the responsible party. Fines in the amounts below may be assessed for violations:

- (a) First 3-point violation - \$25.00
- (b) Second 3-point violation - \$50.00
- (c) Third 3-point violation - \$100.00
- (d) Subsequent 3-point violation - \$200.00
- (e) First 6-point violation - \$100.00
- (f) Subsequent 6-point violation - \$200.00

10.030 VANDALISM, THEFT AND DESTRUCTION OF PROPERTY.

When it is of record and can be shown that a member, his children, or guest(s) took part in an act of vandalism, theft, or intent to deface or destroy any part of the Association's property, or watercraft stored or moored in the Association's boat slips, common ground or storage areas, the assessment shall automatically be 12-points and the cost to repair damages. A violation involving vandalism, theft, or intent to deface or destroy Association's property, boat slips, and/or any member's watercraft moored therein, shall result in the following:

- (a) Automatic suspension from use of the lakes, the common area, recreational facilities and voting, along with members of his family and guests for a period of 90 days.
- (b) Removal from the lake and shorelines any and all boats owned by the violator for the duration of suspension.
- (c) If the violator is a current lessee or co-lessee of a boat-slip, the Boat Slip Lease agreement shall be cancelled.
- (d) If the violator's name is recorded on the boat slip waiting list, his name shall be removed and may be added to the bottom of the list at the end of the suspension period.
- (e) If the violator is a co-lessee of a boat slip, his name shall be removed from that agreement and shall not stand to inherit singly said boat slip should the other co-lessee remove from the Association or, for any reason, withdraw from the Slip Rental Agreement.

10.040 SUSPENSIONS AND OTHER SANCTIONS

Whenever the points assessed against a single member during a 12-month period total 12, in accordance with the provision of Rule 10.020, the member may be suspended from using the lakes, the common area, recreational facilities and voting, along with members of his family and guests, for a period of 90 days. Points from violations shall be cumulative during one calendar year only. If a member shall receive additional points subsequent to a suspension during any one 12-month period, the Board of Directors of the Association may impose any of the sanctions or take any of the actions authorized by Section 4 of Article XV of the Association By-Laws, including but not limited to directing the removal of a boat or watercraft involved in repeated offenses from the Lakes.

10.050 VIOLATIONS OF SUSPENSIONS.

Any person who shall be suspended pursuant to paragraph 10.040 of these Rules and Regulations shall observe the limitations imposed by the suspension, and shall not enter upon the Lakes, common area, recreation facilities, or, if the suspension shall so provide, allow his family or guests to do so. The violation of a suspension shall constitute grounds for the assessment of points pursuant to paragraph 10.020, and shall be grounds for the consideration of additional sanctions in accordance with the provisions of paragraph 10.040. When a member is issued a citation justifying the imposition of a fine and the assessment of points, he or she shall be given written notice of the alleged offense and action to be taken by the Association, which shall be mailed to the member's residence by First Class Mail.

10.060 PROCEDURE AND APPEALS.

In accordance with Article XV, Section 5 of the Association By-laws no action shall be taken to assess points, levy fines or impose other sanctions against a member except in accordance with the following procedure:

- (a) When a member has been issued a citation justifying the imposition of a fine and the assessment of points, or when he has accumulated sufficient points to justify suspension or other sanction, he or she shall be given written notice of the alleged offense(s) and the action to be taken by the Association. This notice may be mailed to the member's residence by first-class mail.
- (b) The member shall have 10 days following date of the notice required by subparagraph (a) to request a hearing in front of the Appeals Committee. Such request shall be made in writing to the General Manager. If such a hearing is requested all sanctions shall be stayed. If no hearing is requested the sanctions specified in the notice shall be effective upon the expiration of a 10-day period.
- (c) If a hearing before the Appeals committee is requested, it shall be held at the next scheduled meeting of the Committee from the receipt of the request from the General Manager. At the hearing the member(s) shall be allowed to be present and represented by counsel. He or she may present evidence, call and examine witnesses and cross examine witnesses called for the purpose of establishing the violation(s) as alleged.
- (d) All evidence to be presented to the Appeals Committee shall be presented in the presence of the appellant. If there is an architectural violation, information or input on the background of the violation shall be furnished by a representative of the ARB/ARC to the Appeals Committee and it shall be received in evidence before the committee in the presence of the appellant. The Appeals Committee shall announce their procedure to all appellants that all evidence will be taken in open session. Decisions in all cases shall be made in open session and announced to the parties, and then shall be mailed to the parties. Requests for continuance of an appeal should be made in writing and received by the Board prior to the start of the hearing.
- (e) The member shall have 10 days, following date of the preliminary decision of the Appeals Committee, in which to request a hearing before the Board of Directors. Such request shall be made in writing to the General Manager. If a hearing before the Board of Directors is requested, the preliminary decision shall be stayed. If no hearing is requested the preliminary decision shall become final and the sanctions recommended therein shall be effective 10 days after the delivery of the preliminary decision to the member(s).
- (f) If a hearing is requested before the Board of Directors, it shall be held at the next regular meeting of the Board, or at a special meeting called before the next regular Board meeting. At such hearing the Board of Directors shall receive and consider the preliminary decision of the Appeals Committee and any testimony or other evidence which the member(s) desire to present.
- (g) Within five days of the hearing the Board of Directions shall render a written decision and cause it to be served on the member(s) personally or by registered or certified mail. The decision shall specify the rules and regulations which have been violated, the acts constituting such violations and the sanction or sanctions imposed. At the option of the Board, the preliminary decision of the Appeals Committee may be adopted by reference as the decision of the Board.
- (h) Upon receipt of the decision of the Board of Directors by the member(s) the sanctions contained therein shall be effective.

10.070 LEGAL PROCEEDINGS TO ENFORCE SANCTIONS.

In the event any member(s) shall fail or refuse to abide by the terms of any Association action regarding fines, suspensions and other sanctions the Association will utilize the courts to enforce the action taken. In such a case the member(s) involved will be responsible for the payment of all costs, attorney's fees, and other expenses incurred by the Association.

07/09/87 Adopted by the LPOA Board of Directors

Amendment

06/08/89 01/11/90 01/16/92 03/12/92 06/11/92 12/09/93 05/12/94 06/08/95 03/07/96
02/13/97 3/12/98 06/10/99 05/11/00 05/10/01 1/10/02 10/24/02 10/09/03 01/08/04 12/8/05 6/8/06 2/12/09