



# Rules and Regulations

The Kirkland Chase Courtyard Townhome Association (KCCTA) is made up of all KCCTA homeowners. In elections and other voting, each *townhome* has one vote, regardless of the number of people living in it.

The association is self-governed (we do not employ a management company) by a three-member board whose primary responsibility is property maintenance. KCCTA is governed by the Illinois Common Interest Community Association (CICA) 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 is discussed.

The Association's records and books may be examined and copied upon the written request of any homeowner, for any purpose, at convenient hours on weekdays. The homeowner will be charged a fee for such examination or copies.

## Association Dues

Monthly association dues (assessments) pay for maintenance and repairs. Dues are set for each year based on the annual budget.

Dues can be paid monthly via ACH (direct transfer) or annually by check or via ACH.

Monthly dues paid via ACH are deducted from your account on the 3rd of every month for homeowners on Wagner, the 4th of the month for homeowners on Swan, and the 5th of the month for homeowners on Peterson. (If these dates fall on a weekend or holiday, the deduction will occur on the *preceding* business day). If

you do not have enough money in your account to cover the transfer, you will be charged a \$25 late fee and sent a statement notifying you of this charge. If you fail to pay the accumulated late fees and/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.

A homeowner who chooses not to pay by either of the above methods will incur a \$20 per month improper payment fee. The same due dates, late fees and penalties apply.

## 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 set the rules and regulations 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.

No Board member can give you permission to ignore the rules.

## 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 placed 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 the pet securely on a leash at all times, according to the City of Batavia ordinance.

## Garbage

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 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.

Garbage, recycling and yard waste receptacles are to be stored in your garage or courtyard, NOT the alley.

## Property Maintenance

In general, the Association is responsible for maintaining common property and things that serve more than one townhome, such as roofs. The homeowner is in general responsible for anything that serves only his/her/their individual townhome and is located on his/her/their property. See *KCCTA Maintenance Guide* for specifics.

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 may not 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.

### **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 (see *KCCTA Maintenance Guide*).

## 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.

## Damage to Common Property

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."

- 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 not 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.
- Parking is not allowed in alleys in the winter so that snowplows can do their job.

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.

## Satellite Dishes

In fall, 2019, KCCTA had new roofs installed. At that time, all satellite dishes (most of which were not being used) were taken down. A very few were reinstalled on comm-decks installed by the roofer, at individual homeowner expense, to ensure that there was no damage to the roof.

The satellite dishes installed then can remain, but no new ones can be installed on roofs so as to protect our \$400,000 roof investment.

## 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.

### **Changes in October 2023 revision:**

- Addition of "improper payment" fee.