

**LAKWOOD HILLS IMPROVEMENT DISTRICT
ORDINANCES, RULES AND REGULATIONS**

August 4, 2022

RESOLUTION 2020-02

For the purpose of providing an orderly development of Lakewood Hills Improvement District and for the further purpose of insuring adequate protection of all property owners and for the mutual benefit of Lakewood Hills Improvement District, the Directors of the Lakewood Hills Improvement District hereby impose the following ordinances and regulations which shall be binding upon all purchasers, owners, their successors and assigns, in Lakewood Hills Improvement District. Previously adopted Covenants, Restriction, Ordinances and regulations are revoked simultaneously with the adoption of these Ordinances, Rules and Regulations.

The Board of Directors of Lakewood Hills Improvement District has the full power and authority pursuant to K.S.A. 19-2765 to adopt resolutions and make variances for the orderly development of the district.

Lakewood Hills Improvement District reserves the right at any time to enter upon the land of any property owner for the purpose of complying with any Local, County, State, or Federal Health Laws.

1. DWELLING & LOT USEAGE;

- a) All dwellings shall be single-family residence only.
- b) All structures must comply with the Lakewood Hills Building Code. **FINE - \$1,000.00**
- c) No outbuilding or shed or structure of any kind shall be placed upon any lot until and unless there is an approved housing unit built on that or an adjacent lot owned by the same party. **FINE - \$500.00 and removal of structure.**
- d) Commercial structures of any kind are prohibited in Lakewood Hills. **FINE - \$500.00**
- e) No mobile home, trailer, RV, basement of an unfinished structure, or other out-building placed or erected on any lot shall be used as a temporary or permanent residence nor shall any structure of a temporary character be moved onto any lot and used as a residence. **FINE - \$500.00 and vacate and/or remove.**
- f) Vacant lots that are not adjacent to an established residence belonging to the same owner shall not be used for storage of anything or vehicles of any kind. **FINE - \$100.00**
- g) Non-residing lot owners are prohibited from camping in Lakewood Hills. **FINE - \$100.00**

2. **BUILDING PERMITS/CONSTRUCTION/FENCES:**

- a) No structure or fence of any kind shall be erected, placed or altered on any lot without a signed building permit from Lakewood Hills. This includes but is not limited to:
 - Residential structures (site built or pre-built) **FINE - \$1,000.00**
 - Additions to Residential Living Areas **FINE - \$500.00**
 - Other Residential Additions (Decks, Porches, or additions to these) **FINE - \$100.00**
 - Accessory Residential Structures (Garages, Sheds, Carports, Gazebos, Storage Buildings, Barns) **FINE - \$500.00 and removal of accessory residential structure.**
 - Accessory Residential Structure Additions. **FINE - \$100.00**
 - Fences of any kind. **FINE - \$100.00 and removal of fence.**
- b) No deviation or variance from the building permit as issued is permitted without prior written approval by the Board of Directors. The approval of all Board members is required. **FINE - \$1,000.00 per variance.**
- c) The complete Building Code shall be part of these Ordinances, Rules and Regulations. The Building Code shall be kept updated according to Federal, State, County, and District requirements.
- d) Lakewood Hills hereby reserves to itself, its successors, and assigns an easement and right-of-way not exceeding ten (10) feet over a strip along the sides, front, and rear of boundary lines of the lot or lots in Lakewood Hills for the purpose of installation and maintenance of public utilities including but not limited to gas, water, electricity, telephone, drainage, sewerage, and any appurtenance to supply lines therefore including the right to remove an/or trim trees, shrubs or plants.

3. **SEWAGE DISPOSAL:**

- a) Sewage disposal of any kind must be in accordance with the laws and regulations of the Kansas Department of Health and Environment. Property owners shall use sewage disposal provided by Lakewood Hills. **FINE - \$10,000.00 and compliance.**
- b) All property owners shall provide access to the grinder pump at their location for maintenance, testing, repairs or replacement. Grinder pump reservoir vents shall be kept clear of any blockage. Misuse of or tampering with the grinder pump, including the electrical wiring, and/or sewer system is prohibited. Cost of repairs due to misuse, tampering or restricted access of same shall be the responsibility of the property owner.

4. PROPERTY STANDARDS:

It shall be a violation for any property owner to allow the existence on any lot conditions which are injurious to the health, safety or general welfare of the residents of the community, or conditions which are aesthetically detrimental to adjoining property or the neighborhood. For the purpose of fair and uniform administration, violations shall be classified as follows:

a) **EXTERIOR CONDITIONS (YARD)** Shall include but not be limited to the scattering over or the parking, leaving, depositing or accumulation on the yard any of the following:

- Refuse, trash, rubbish, weeds, brush.
- Worn out, broken, or discarded lumber, wire, metal, tires, concrete, masonry product, plastic products, supplies, equipment, machinery, auto parts.
- Worn out, broken, or discarded furniture, stoves, refrigerators, televisions, sinks, toilets, bicycles, lawn mowers, or other such items of personal property.
- Motor vehicles, boats, trailers, ATV's, RV's, or motor homes that are in a junked or wrecked state or cannot move under its own power and/or that is not legally registered and licensed.

FINE - \$100.00 (MULTIPLE FINES MAY BE ASSESSED FOR MULTIPLE CONDITONS PER OCCURRENCE) (EXPENSES INCURRED BY LAKEWOOD HILLS WILL BE ASSESSED IN ADDITION TO FINES)

b) **EXTERIOR CONDITIONS (STRUCTURE)** Shall include, but not limited to, deteriorated, dilapidated or unsightly:

- Exteriors of any structure
- Exteriors of any accessory structure
- Fences, walls or retaining walls

FINE - \$500.00 Per occurrence

c) **REFUSE CONTAINERS** shall be shielded from view except on day of refuse pickup. On refuse day, containers may be placed in a convenient position for pickup on Lakewood Hills' right-of-way and removed and stored from the pick-up location on the same day they have been emptied. In no case shall refuse containers block the right-of-way. In the case of early morning refuse pickup, containers may be set out the evening before but only if adequately sealed against animals.

FINE - \$25.00

ENFORCEMENT OF PROPERTY STANDARDS:

No person shall be found in violation of this regulation unless two (2) or more members of the Board, after a reasonable inquiry and inspection of the premises, believe that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance deemed below that of the rest of the neighborhood. Such evidence of a level of maintenance deemed below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under this regulation but shall not include conditions which are located within a fully enclosed structure or within the yard and fully screened from view from any adjacent property or roadway by a wall, fence, or landscaping installed with materials of a quality compatible with the immediate neighborhood. Any such shielding structure must be in compliance with the building codes and be approved by the Board of Directors.

5. WRITTEN NOTICE OF SALE:

Written notice of sale or transfer of any lot should be given to the Lakewood Hills office. The notice shall set forth the name and address of the purchaser(s) or person(s) the title of the property is transferred to.

6. RENTAL PROPERTY:

Property owners shall be held responsible for unpaid sewer user fees incurred by their tenants. Property owners will be invoiced for monthly sewer user fee.

7. SIGNS:

- a) Commercial advertising of any kind upon any residential lot is prohibited unless permission is given in writing by the Lakewood Hills Board of Directors.

FINE - \$25.00

- b) Real Estate "For Sale" Signs should be registered with the Lakewood Hills office. Real estate "For Sale" signs may only be placed on the property for sale. Directional signs may be placed elsewhere on the day of an advertised "open house" and must be removed that same day. Signs in violation of this regulation will be removed by Lakewood Hills.

8. PARK, POOL, SHELTER HOUSE, CLUBHOUSE USAGE:

Lot owners must be in good standing in order to use Lakewood Hills' facilities including the pool, park, shelter house and clubhouse. A lot owner is in good standing when the lot assessments, sewer fees and property taxes are paid-to-date. A lot owner's privileges may be revoked if any of the fore mentioned items become delinquent.

POOL: The Pool regulations shall be part of these Ordinances, Rules and Regulations. Swim parties may be scheduled after regular pool hours by contacting the Lakewood Hills office. A deposit of \$50.00 is required in advance. \$25.00 will be refunded if the pool area and bath house are left in good condition. An attendant must be on duty.

SHELTER HOUSE: Reservations must be scheduled through the office on a first come first serve basis. Cleanup is the responsibility of the lot owner who requested the use of the shelter house. Cost incurred by Lakewood Hills for cleanup or damages will be assessed against the lot owner.

CLUBHOUSE: Reservations must be scheduled through the office on a first come first serve basis. The key may be picked up at the office and left in the mail slot under the office window when you leave. The clubhouse must be left in good condition and all windows and doors locked when you leave. You will be held responsible. Tables and chairs may be borrowed if they are not needed for a function at the clubhouse. They must be signed for and returned the next business day. Costs incurred by Lakewood Hills for cleanup, repairs or replacement will be charged against the lot owner.

PARK: No person shall remain in or upon the public park in Lakewood Hills between the hours of 10:00pm and 6:00am without prior written approval from the Lakewood Hills office. **FINE - \$25.00**

9. **MOTORIZED VEHICLES:**

- a) The speed limit in Lakewood Hills Improvement District is 25-MPH.
- b) Riding golf carts, ATVs, dirt bikes and motor scooter is permitted on the owner's private property.
- c) Riding golf carts, ATV's, dirt bikes or motor scooters on the streets of Lakewood Hills is permitted provided the 25-mph speed limit is obeyed at all times.
- d) No motorized vehicles of any kind are allowed in the park or on the median of Lakewood Hills. **FINE - \$100.00**

10. **DISCHARGING OF FIRE ARMS AND FIRE WORKS:**

Discharging of firearms in Lakewood Hills is prohibited. Provision is made for shooting rabid animals or poisonous snakes. State regulations shall apply to using fireworks in Lakewood Hills. **FINE - \$500.00**

11. ANIMALS:

All pets shall be registered with the Lakewood Hills' office. Pet owners are responsible for proof of rabies vaccinations. All pets must be under control of owner at all times. Pet owners must be in compliance with resolutions regulating pet ownership in Lakewood Hills as well as all state and local regulations. Fines for violating the Lakewood Hills Animal Control ordinance can be found in the current Animal Control Ordinance Resolution.

12. SOUND AMPLIFICATION SYSTEMS:

The operation of a loud Sound Amplification System so that it can be heard in excess of 50 feet from the source (stationary or moving) is prohibited. Measurement standards shall be by the auditory senses based upon a direct line. Words or phrases need not be discernible and bass reverberations are included. Loud noise of any kind after 10:00pm is prohibited. **FINE - \$25.00**

Exceptions are as follows:

- a) Loud noise or amplification system being used to request medical or vehicular assistance or to warn of hazardous conditions.
- b) Loud noise coming from or amplification system being used by an emergency or public safety vehicle.
- c) Loud noise coming from or amplification system being used by a vehicle owned and operated by Lakewood Hills or a utility, communications, or refuse company.
- d) Loud noise or amplification system being used for the purpose of giving instruction, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons with the written approval of the Lakewood Hills Board of Directors.
- e) Loud noise or sound amplification used in authorized public activities such as parades, fireworks, sporting events, musical productions, and other pre-approved activities.

13. DISCARDING OF REFUSE:

Discarding of refuse in lakes, on streets, parks or any area; or the altering, defacing, or damaging of signs, equipment, or facilities in Lakewood Hills is prohibited. **FINE - \$500.00** and costs incurred by Lakewood Hills for repairs, replacement or cleanup shall be charged against the perpetrator.

14. TREE CUTTING:

- a) No person who is a non-resident of Lakewood Hills shall cut or otherwise remove any tree in the District with a diameter greater than 3 inches measured at the base of such tree without first obtaining a permit for such cutting or removal from the District Board of Directors. A “non-resident” means a person who does not own a housing unit in the District.
- b) No person who is a resident of Lakewood Hills shall cut or otherwise remove any tree with a diameter greater than 3 inches measured at the base of such a tree which is not on the lot where their housing unit is located or on an adjoining lot owned by the same person without first obtaining a permit for such cutting or removal from the District Board of Directors. “Resident” means a person who owns a housing unit in the District.
- c) The Lakewood Hills Board of Directors shall issue such permits upon a showing that the cutting or removal of trees is necessary for the construction of new housing units in Lakewood Hills Improvement District or for an addition to existing structures in the District issuance or that the tree or trees are dead and pose a danger to persons or existing structures. The issuance of permits for cutting or removal of trees shall be at the discretion of the Board of Directors of the District. **FINE - \$100.00**

15. LARGE TRUCK AND EQUIPMENT:

- a) Semi-trucks with or without trailers and large enclosed box trucks entering Lakewood Hills Improvement District may do so for delivery or pick-up purposes only.
Large equipment such as but not limited to dump trucks, bull dozers, road graders, and backhoes entering Lakewood Hills may do so for delivery or construction purposes only.
- b) No overnight or long-term parking of semi-trucks (with or without trailers), box trucks, or large equipment is permitted within the District. Large construction equipment may remain at the construction site only as long as it is needed. **FINE - \$100.00**

DEFINITIONS:

LOT OWNER: Owner of record at the Jefferson County Register of Deeds office.

RESIDENT: Anyone legally living in or having a legal residence in Lakewood Hills who resides at that residence full time.

NON-RESIDENT: Lot owner who does not own a residential dwelling in Lakewood Hills. Or a home owner who does not live in Lakewood Hills full time.

OCCURRENCE: Event or incident.

STRUCTURE: Any building including but not limited to houses, garages, sheds, carports, gazebos, storage buildings, barns, decks and porches.

VACANT LOT: Any lot without a resident or approved structure.

NOTICE:

Any owner found by the Board to be in violation of the Ordinances, Rules and Regulations shall be sent a notice of such violation by certified mail, return receipt requested.

The notice shall state:

- 1) The condition which has caused the violation of the Ordinances, Rules and Regulations; and
- 2) That the lot owner in violation shall have ten (10) days from the date of the mailing of the notice to alleviate the violation, and/or request a hearing before the Board on the matter; and
- 3) That failure to alleviate the condition or to request a hearing will result in the Board of Directors setting a hearing, notifying the lot owner of their right to be heard (due process) concerning the issues set forth in the notice; and thereafter:
 - a) Alleviate the condition and assess the cost of the alleviation in the form of a levy against the property and/or
 - b) Assess the appropriate fine, as may be established by the Board of Directors, in the form of a levy against the property. Said levy or levies shall become liens upon the property if not paid within thirty (30) days in favor of the District. Notice of such levies will be sent by mail to the tract owner of record.
 - c) Thereafter, the Board shall foreclose their lien in accordance with Kansas Statutes.

Penalty: Any violation of the ordinances, rules and regulations by any person, individual, partnership, corporation, or association is punishable by a fine per occurrence as established by the Board of Directors. Fines may be used to cover administrative and legal expenses incurred in the enforcement of these ordinances, rules and regulations.

HEARING BEFORE THE BOARD: If a hearing is requested within the ten (10) day period as provided, such request shall be made in writing to the Board. Failure to make a timely request for a hearing shall result in a Due Process Hearing convened by the Board to establish code violations and the levy thereof. The hearing shall be held by the Board as soon as possible after the filing of the request therefore, and the property owner shall be advised of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, counsel may represent the property owner and the property owner and the District may introduce such witnesses and evidence as is deemed necessary and proper by the Board. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Board shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the property owner by certified mail, postage prepaid, return receipt requested. If the resolution concludes that the code violation exists, the property owner in violation shall have:

- 1) Ten (10) days from the date of the mailing of the resolution to alleviate the violation, and/or,
- 2) Said date may be extended to accommodate the parties.

If the condition is not alleviated within the stated period, the Board of Directors has the option to:

- 1) Alleviate the condition and assess the cost of the alleviation in the form of a levy against the property, and
- 2) Assess an appropriate fine in the form of a levy against the property to be increased at the rate of \$5.00 per day after said levy.

Said levy or levies shall become liens upon the property if not paid within thirty (30) days in favor of the District and shall bear interest as prescribed in Kansas Statutes for Chapter 61 judgments. Said liens may be made public record and may be foreclosed upon as prescribed under Kansas statutes. Furthermore, no property may be transferred to new owners without the full payment of all past due assessments, fines and liens of Lakewood Hills Improvement District.

These Ordinances, Rules and Regulations have been passed by the governing body of Lakewood Hills Improvement District this 4th day of August 2020.

Christopher Cain, Board President

Teisha Hutchison, Board Treasurer

Jami Hunter, Board Secretary