



Subdivision Trustee Resource Guidebook

St. Charles County
Department of Community Development



Updated
January 2008

This guidebook is intended to help Subdivision Trustees and interested St. Charles County residents understand the issues surrounding the establishment and operation of Subdivision Associations. This is not a legal document and should be used for reference only. For additional information, please contact the St. Charles County Division of Planning and Zoning at (636) 949-7335.

You may also write to us at:
St. Charles County
Division of Planning and Zoning
201 N. Second St. Room 420
St. Charles, MO 63301

For more information on additional County services, please visit the St. Charles County web site at www.sccmo.org

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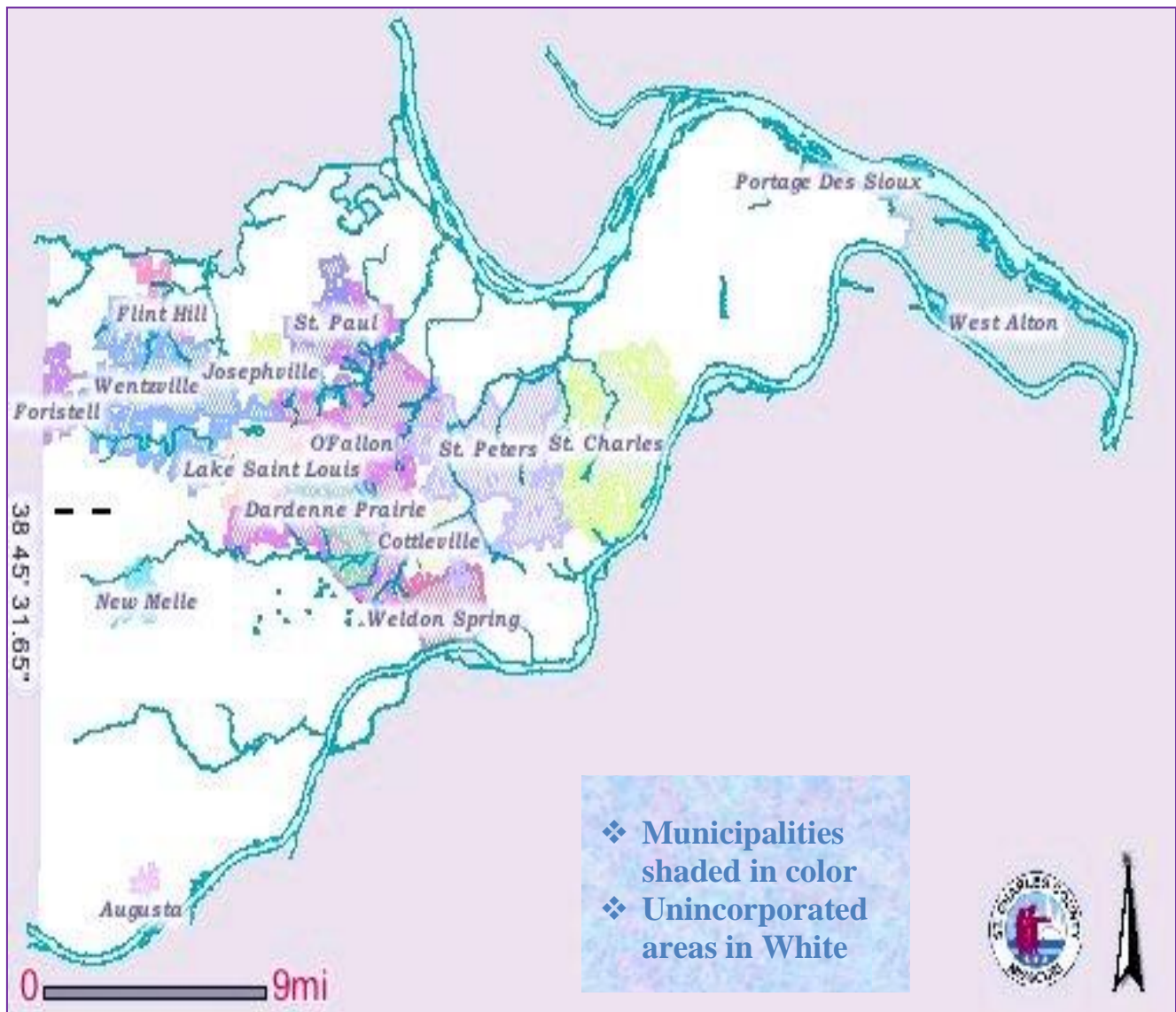
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Preface

The language throughout most of this guidebook is general and intended to be applicable to any subdivision in unincorporated St. Charles County. In order to maintain the general focus when referring to government institutions and services, the phrase “Municipal or County” is frequently used. Typically, a subdivision in a municipality (inside city limits) receives most of its government services from that municipality, while a subdivision in an unincorporated area of the county (outside of city limits) receives most of its government services from the County of St. Charles.

The main exception to the general focus of this guidebook is its appendix, which contains information regarding Neighborhood Preservation, zoning, and building permits for properties in unincorporated St. Charles County. The map on the following page identifies both the incorporated and the unincorporated areas of St. Charles County.

St. Charles County, Missouri



Introduction

Subdivision Associations in St. Charles County

Subdivision associations are formal, legal entities created to maintain common grounds, street lighting systems, recreational facilities such as swimming pools and trails, entrance signs or monuments, private streets, retention and detention facilities, and to enforce subdivision trust indentures. Some of the features of a subdivision association include:

- Mandatory membership for all homeowners within the boundaries of the subdivision;
- Collection of annual and special assessments;
- Establishment as corporations with formal by-laws. There is usually a governing Board of Trustees, and sometimes a private management firm, to manage maintenance and enforcement issues.
- Authority to establish and enforce restrictions and design standards, which are in addition to municipal or county ordinances;
- Provide a unified voice in matters of civic interest;
- Maintain liability insurance covering common grounds, improvements and other necessary features.

Common Subdivision Association Committees

Many subdivisions may also have a variety of committees which may be made up of trustees as well as other residents. If your subdivision is experiencing problems in a specific area, one useful solution may be to form a committee that deals only with issues related to that problem.



The following are examples of common committees:

Architectural Review Committee

An Architectural Review Committee (ARC) plays an important role in monitoring and preserving the architectural integrity of a subdivision. The main goal is to maintain the appearance and value of the properties within a community. Per the indentures, the Architectural Review Committee can set restrictions more stringent than municipal or county codes and ordinances require, and may have civil authority to enforce its decisions. An ARC reviews and approves all architectural requests and plans submitted by residents. Decisions are based upon trustee-drafted rules and the regulations set forth in a subdivision's indentures. This committee typically monitors all of the homes in a subdivision to ensure that all additions, fences, remodeling, or alterations are approved in compliance with trust indentures.

Budget and Finance Committee

This committee plays a crucial role in forecasting expenses and developing a spending plan, or annual budget, that promotes a financially sound subdivision association. Previous bills and past budgets are studied to assist in gauging expected expenses for the coming year's budget.



Buildings and Grounds Committee

The role of this committee is to make routine evaluations of common ground facilities within a subdivision and determine what improvements or changes are necessary beyond maintenance. The committee evaluates and manages budget-identified major reserve expenditures for maintenance or refurbishment.

External Affairs Committee

This committee monitors issues and events outside of and surrounding a subdivision and represents the association at various functions and meetings. The committee also reviews existing and pending legislation to assess the impact on the subdivision and interfaces with schools, government agencies, and other subdivisions on matters that affect the association.

Internet Committee

The Internet Committee is responsible for establishing and maintaining a website for the subdivision association. Subdivision association websites commonly include a description of the neighborhood, a review of the indentures, meeting and event notices, contact information, and other items of interest to subdivision residents.

Landscape Committee

Members of the Landscape Committee are responsible for monitoring the landscaping of common ground, islands, and other common green space within a subdivision and making recommendations to the Board of Trustees regarding improvements and maintenance. Similar to the Architectural Review Committee, this committee can set restrictions more stringent than municipal or county codes and ordinances require. The Landscape Committee also works closely with landscape contractors and monitors their performance.

Neighborhood Watch

Neighborhood Watch is an organized way to involve residents in discouraging and preventing crime in their neighborhood. The main principles behind Neighborhood Watch programs are to encourage residents to properly secure their homes and belongings, and to report suspicious activity. Neighborhood Watch groups are typically organized in partnership with local police departments in municipalities or with the County Sheriff's Department in unincorporated St. Charles County.



Welcome Committee

The role of a Welcome Committee is to personally greet new homeowners, welcome them into the community and get them familiar with the neighborhood. Welcome Committees often provide new homeowners with a copy of the subdivision indentures, a homeowners' directory, and other useful information, such as copies of the subdivision newsletter or brochures of frequently called numbers.

Indentures

Subdivision Trust Indentures

Subdivision trust indentures are put in place to protect and maintain the aesthetics of common amenities through the collection of annual and special assessments. Indentures set out the physical boundaries of the subdivision, describe the responsibilities and powers of the association, and detail the rules and procedures by which the subdivision operates. Subdivision trust indentures are legally binding recorded documents recognized by the State of Missouri and recorded with the St. Charles County Recorder of Deeds.

Whether a subdivision is in an unincorporated area or a municipality, copies of all recorded subdivision trust indentures can be acquired from the St. Charles County Recorder of Deeds for a per-page fee by calling (636) 949-7505

In that subdivision indentures vary from subdivision to subdivision, it would be hard to provide sample subdivision trust indentures. Some indentures are brief and others are quite lengthy depending on the attorney who prepared them, the desires of the subdivision residents, the size of the subdivision, and the amount of common ground and privately maintained streets, recreational, or other facilities. However, there are several common components to indentures:

- Definitions of key terms;
- Duration of indentures;
- Powers and duties of Board of Trustees;
- Rights and responsibilities of the subdivision association;
- Membership and voting rights;
- Maintenance and services provided;
- Annual and special assessments;
- Delinquent assessments and remedies;
- Finance and borrowing provisions;
- Use restrictions;
- Architectural control and design review;
- Amendment provisions;
- General provisions;
- By-laws.

Indentures also dictate the process for electing subdivision trustees. Working under the constraints of the indentures, trustees oversee the collection of annual and special assessments and the maintenance of the subdivision. For more information on the roles and responsibilities of subdivision trustees, please see page 13.

Amending or Updating Your Indentures

Many subdivision associations are finding that their indentures are becoming outdated and are lacking certain desired provisions. Yet many of these associations have difficulties when it comes to amending their indentures, making it important to have a solid amendment provision within their indentures. From time to time it becomes necessary to amend the indentures of a subdivision. Reasons to amend could include changes in trustee members, association assessments levied, building rules, the election of new trustees, and the language contained in the indentures, etc. Most often, an attorney retained by the Board of Trustees drafts amendments to subdivision trust indentures. Once the desired changes have been made, the board will call a meeting of the subdivision residents, or disseminate the changes to the indentures to the subdivision homeowners and the homeowners will vote to approve the amendments. If the amendments receive the appropriate number of positive votes, the amended indentures are ready to be signed by the Board of Trustees and recorded. The amended indentures are then filed with the St. Charles County Recorder of Deeds. Generally, all the procedures for amending the indentures will be contained in the body of the indentures as one of the clauses. In addition, the St. Charles County Division of Planning and Zoning should be notified of trustee changes and should be provided with the contact information for the new trustees. You can contact the Planning and Zoning Division at (636) 949-7335.

It is recommended that subdivision associations retain legal counsel when drafting indentures for the first time or when making significant amendments. Since indentures are legally binding, it is helpful to have an attorney assist with drafting indentures that will be enforceable and conform to State of Missouri and municipal or county regulations.

To locate an attorney
to
assist your subdivision,
please contact:
The Bar Association of
Metropolitan St. Louis
720 Olive Street, Suite
2900 St. Louis, MO 63101
(314) 421-4134

Assessments

Subdivision Assessments



Subdivision associations levy annual and special assessments to maintain common land and facilities in the subdivision and to enhance the quality of life for residents. An elected Board of Trustees collects and manages the funds on an annual basis. Annual assessments are typically used for such expenses as cutting grass and maintaining landscaping on common ground, maintaining subdivision signs, providing street lighting, duplicating and mailing subdivision newsletters and meeting notices, supporting block parties and other subdivision-sponsored social events, and hiring attorneys or other professional services. Private subdivisions may use their annual assessments to maintain private streets or to pay for trash pick-up or snow removal. Special assessments may be levied periodically and are typically used for major capital improvements such as replacement or improvements to subdivision signage, fencing, detention facilities, retaining walls, and recreational facilities.

Collecting Assessments

The amount and method of collecting association assessments are usually called out in the indenture itself as are the enforcement options of their collection. In that indentures are legal documents and the language contained in them is essentially the law of the subdivision, the enforcement of them is a civil matter. If a homeowner fails to pay the required assessment, the Board of Trustees, or the professional property management company hired to handle such matters, can file a lien against the homeowner's real estate which becomes an encumbrance on the property deed that must be paid prior to or during the closing process when the property is sold. Many subdivisions use collection agencies. Collection agencies typically charge a rate based on a percent of assessments collected.

Collection Agencies are listed in your local Yellow Pages and online.

Filing a Lien

When a homeowner fails to pay their required association assessment, it may be appropriate to file a lien against the property. A lien is a legal document that becomes a monetary encumbrance on the property deed and is required to be paid as part of the closing when the property is sold. The subdivision trust indenture will typically give the subdivision association the power to file a lien for just cause after a certain period of delinquency. The assistance of an attorney is generally necessary when drafting a lien, especially if the subdivision association has not yet filed other liens that could be used as templates. The lien will describe the nature of the encumbrance and identify the property by deed book and page, parcel ID number, account number, and address. Once the lien document is prepared and signed by the Board of Trustees or the professional property management company, it is recorded with the St. Charles County Recorder of Deeds. Once a property has a lien placed on it that property cannot be sold until the lien is cleared. Typically, to clear a lien all back assessments and interest must be paid by the homeowner. In some cases, a lien can lead to an action to sell the property to satisfy the lien(s). An attorney should always be contacted before undertaking this course of action.



Trustees

Roles and Responsibilities of Subdivision Trustees

The specific duties of subdivision trustees are dependent upon the provisions of the association's indentures. In general, the Board of Trustees is responsible for the enforcement of indentures and the maintenance and upkeep of the subdivision's common amenities, including streetlights and private roads. These duties may include:

- Budgeting and allocating funds for necessary maintenance and repairs;
- Working in concert with public utility companies to maintain adequate services within the subdivision;
- Contracting for services such as snow removal, tree trimming, sidewalk repair, and landscape maintenance;
- Approving or denying construction plans for certain structures in the subdivision such as swimming pools, fences, decks, and additions to homes;
- Ensuring that the subdivision association and its employees are covered by insurance policies;
- Ensuring that all outstanding assessments are collected during the sale of homes in the subdivision by working closely with title companies;
- Retaining and consulting with legal counsel for issues affecting the subdivision;
- Responding to residents' requests for service or other assistance;
- Continually seeking to enhance communication among neighbors, striving for community consensus, and getting residents involved;
- Conducting meetings to review subdivision business and holding an annual general meeting to elect a Board of Trustees;
- Attending municipal or county council meetings and other public events to represent the subdivision association and keep subdivision residents informed;
- Signing documents as official representatives of all residents in the subdivision as allowed by the subdivision trust indentures.

In most subdivisions, the Board of Trustees is comprised of subdivision homeowners who volunteer their time to maintain and improve their respective subdivisions for the betterment and enjoyment of all residents. Generally, the subdivision community elects trustees to their positions at an annual meeting. The duration of service is detailed in the association's indentures and terms are usually staggered to ensure a continuing level of experience on the board.

The St. Charles County Recorder of Deeds maintains a voluntary roster of subdivision trustees who live in unincorporated St. Charles County. This roster provides a means of keeping citizens better informed of County activities as well as offers valuable information resource to the community. If you would like to update your information or be added to the roster, please call the Recorder of Deeds at (636) 949-7900 Ext. 7505

Professional Property Management

Roles and Responsibilities of Professional Property Managers

With new homeowners moving in, assessment collections always at the forefront, and the ongoing need for maintenance and improvements, subdivision trustees sometimes turn to professional property managers to provide the subdivision with leadership, budgeting and financial expertise and effective and efficient management. Since trustees often serve their subdivisions on a voluntary basis and earn no salary for their efforts, many subdivisions hire a professional property management firm to provide greater expertise and more adequately respond to the subdivision's needs than could volunteers, and to offer residents a specific contact person. Professional property managers typically:

- Collect annual and special assessments;
- Mail out notices and coordinate association meetings;
- Inform trustees of changes in relevant laws and ordinances;
- Prepare financial reports for the subdivision association;
- Provide expert advice while taking direction from the trustees to enforce indentures;
- Manage the day-to-day operations of the association;
- Place liens on homes for failure to pay annual assessments;
- Retain an attorney to take necessary legal actions.

To find a professional property management firm to assist your subdivision, please contact:
Community Associations Institute
St. Louis Metropolitan Chapter
6614 Clayton Road, Suite 116
Richmond Heights, MO 63117
(314) 725-2373
caistlouis@sbcglobal.net

Violations

Municipal or County Violations vs. Private Violations

It is important to note that an ordinance violation is a municipal or county violation, but an indenture violation is a private matter. The necessary steps to prosecute an ordinance violation versus indenture violations are listed below.

Enforcement of Municipal or County Code Violations

Most code violations are civil infractions or misdemeanors. The steps to prosecuting code violations generally include:

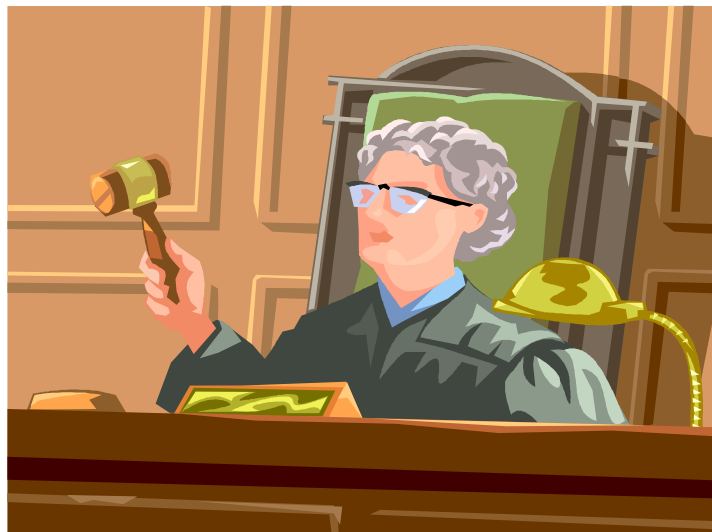
- To begin the investigation of a specific complaint, a municipal or county inspector contacts the alleged violator. In unincorporated St. Charles County, this inspector is typically from the County's Neighborhood Preservation office.
- If a violation is verified, the inspector will prepare a notice of violation informing the property owner of the infraction and establishing a time period to remedy the problem.
- If a violation is not corrected in the period allotted, a summons may be issued, and the case will be directed to Municipal Court.

If the property owner is found guilty of the infraction, the judge will assess penalties in accordance with the adopted fine schedule.

Enforcement of Indentures

Subdivision indentures are private, contractual agreements and enforcement of violations, other than those related to municipal or city code, are civil actions among the subdivision association and an individual property owner making a complaint and the property owner who is allegedly in violation of the indenture. The steps to prosecuting indenture violations generally include:

- The subdivision association normally contacts the owner and informs them of the specific violation and provides a time period for a resolution.
- If the violation is not remedied, a civil action is filed in Circuit Court. The action requested is for injunctive relief, or causing the violation to cease and be remedied.
- A trial judge could issue an order that could be a restraint order or a temporary injunction (if immediate risk of injury is present or a dangerous nuisance is found).



Common Issues

Common Subdivision Issues

Many subdivision associations find that they have similar issues affecting their neighborhoods. Some of the most common issues are related to common ground, home improvements, and storm water facilities. In order to help subdivisions address these issues, general information is provided below.

Common Ground

Common ground is the land set aside for open space, including storm water facilities, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, conveyed in trust for the benefit, use, and enjoyment of the lot owners. Playgrounds and parks, as well as their access ways, are common ground areas in subdivisions. Portions of the annual and special assessments are typically allocated for the maintenance and upkeep of the subdivision's common ground. Often times a house may be adjacent to undeveloped property owned by someone else. This is not within the common ground of the subdivision. It is important to note that this property may be developed in the future. During future development, the property could be rezoned. For more information about the St. Charles County Unified Development Ordinance (Zoning Ordinance), please see the appendix.

Home Improvements

When planning to add on to, reconstruct, or erect accessory structures to a home, homeowners should be sure that the changes meet municipal or county zoning and subdivision requirements. They should also be certain to read the subdivision trust indentures carefully. Often times indentures are more restrictive than municipal or county ordinances. To avoid private legal issues and to maintain good neighborly relations, it is recommended that homeowners contact their Board of Trustees before making changes to their home. Neither the municipality nor the county has authority over an association's building or other deed restrictions as long as they are not in violation of municipal or county codes or ordinances.

When buying a home that has a swimming pool and/or a deck, it is a good idea to make sure the previous owner had all of the necessary permits for those structures. It is also recommended to have a full survey of the lot conducted to identify official property lines and ensure that all structures meet the required setbacks.

Construction codes and zoning ordinances are enacted to protect the health, safety, and well-being of the public. By requiring quality construction and proper land use, property values are protected in our neighborhoods. The local municipal government should be consulted for a list of home improvements that require building permits. The appendix of this document includes a list of typical home improvements requiring permits in unincorporated St. Charles County. Additionally, homeowners living in subdivisions with subdivision trust indentures should inquire about any permits or regulatory reviews that will be required from the subdivision association. Remember, subdivision indentures and municipal or county ordinances are separate from one another. Indentures are private, contractual agreements between homeowners and associations.

Storm Water Facilities

Proper maintenance of storm water facilities is essential so they may effectively serve their purpose. A malfunctioning system can become an eyesore, a nuisance, a health hazard, and compound the hazards of flooding. To prevent these problems a Board of Trustees should:

- Review any improvement plans and locate the storm water facilities in the subdivision.
- Review the subdivision trust indentures and determine how much money can be collected from each homeowner for storm water management.
- Gather information about the maintenance of storm water facilities.
 - What has to be done and when?
 - Who can do the work?
 - What kind of equipment is needed?
 - What is the cost?
- Develop a plan for maintenance which includes equipment and workers needed, maintenance schedules, costs and fundraising, and response procedures.
- Present plan for maintenance to subdivision association for approval, highlighting the problems storm water runoff can cause, the problems that dumping in ditches and drains can cause, what has to be done, and what it will cost to manage the facilities in the subdivision.
- Institute the maintenance program.

It may be necessary to talk to an engineering firm with experience in storm water management, the Natural Resources Conservation Service (NRCS) or another subdivision Board of Trustees to gather all necessary information. Some of the maintenance work may require the subdivision association to hire a consulting engineer and/or a contractor, and may also require that permits be obtained from the municipality or county and the state of Missouri.

What are subdivision trust indentures?

Subdivision trust indentures are written agreements that restrict or limit property use or activities in a subdivision. Indentures also detail the rules and procedures under which the subdivision will operate. These regulations and restrictions appear in the deed records and are private contracts between a property buyer and a property seller. Indentures are legally binding documents, recognized by the State of Missouri and recorded with the St. Charles County Recorder of Deeds.

Who must abide by subdivision trust indentures?

In unincorporated St. Charles County and most municipalities, indentures are binding upon every property owner in a defined private subdivision operating under an indenture. Additionally, all subsequent or future owners of property in a deed-restricted subdivision are required to abide by the indenture as well.

How are indentures put into place?

Indentures are usually created and activated on a subdivision by the initial developer. The developers are generally referred to as the “First Party” and serve as the initial governors, or trustees, of the subdivision. In most cases, when 50 percent of the total lots in a subdivision have been sold, the First Party shall cause the resignation of one of the original trustees, and the lot owners shall elect a successor trustee. Once 95 percent of the total lots in a subdivision have been sold, the First Party must cause the resignation of a second original trustee, and the lot owners will elect a successor trustee. After 100 percent of the lots in a subdivision have been sold, the term of the remaining original trustee is expired and all lot owners elect a specified number of trustees to serve staggered terms, thereby ensuring there are always experienced trustees governing an association.

Who is responsible for informing new homebuyers of the subdivision trust indentures?

Since subdivision trust indentures are referenced on the title insurance policy, homebuyers should become aware of the indentures at closing. In addition, it is common for trustees or a “Welcome Committee” of the subdivision association to educate new homeowners about the indentures after they move in. Associations may wish to contact local realtors and listing agents on “For Sale” properties to ensure that they are aware of the subdivision trust indentures.

Why are use restrictions important for the neighborhood?

Use restrictions are intended to preserve a subdivision’s aesthetic appearance by setting standards for property maintenance, rules for construction on new or existing structures, and regulations for allowing or prohibiting certain uses or activities within a property in a subdivision. Before beginning any home improvement projects it is wise to contact the subdivision trustees and review the subdivision indentures to ensure compliance.

What information should I expect to find in the subdivision trust indentures?

A well-written indenture will typically include the following components:

- A preface giving the legal description of the subdivision property, the parties involved, and the purpose and details of all restrictions;
- A description of the use restrictions placed on the properties within the subdivision. These restrictions can include limits on the use, type, and size of buildings, fences, swimming pools, or other structures, the quality of construction materials, building setback lines and provisions for architectural control committees, maintenance funds, yearly assessments, and boards of trustees, meeting regulations, descriptions of common land, easements, and trustee election information.
- Definitions of key terms, specifications for the duration of the indenture and restrictions, their renewal, and maintenance enforcement provisions for amendments or appeals, and application.

How long do subdivision trust indentures remain in effect?

Most indentures are drafted with perpetual life spans and have clear provisions for renewal. However, the length of time indentures remain in effect can be determined by a variety of factors. First, some indentures stipulate that they be tied into a particular parcel of property. In this sense the indenture is said to “run with the land.” The indenture is said to run with the land because it will always apply to the land, even if the land is sold from one owner to another. Secondly, some indentures specifically detail the timeline for which the restrictions and by-laws are valid. Lastly, if an indenture has not been enforced or maintained for a long duration of time, a judge can deem the indenture invalid due to lack of enforcement.

What can I do to help maintain compliance with the indenture in my subdivision?

The most effective way of maintaining or enforcing indentures is through active participation in the subdivision association. An active group of neighbors will provide an effective voice for proper land use and maintenance. Attending monthly and annual meetings will also keep trustees and residents well informed about current events, policy updates, and legislation that can effect your subdivision. Solid communication among neighbors will allow problems to be worked out more effectively.

How can our association enforce our indentures and deal with violations?

First, carefully read the indentures to be sure that the issue at hand is actually a violation. Then, speak with the owner of the property in question—this may solve the problem, since it is possible that the property owner does not know that the indenture has been violated. If a problem persists, approaching the subdivision trustees is a good next step. The trustees can take the necessary steps to attempt to remedy the situation. They can also decide at which point the assistance of an attorney will be necessary. It is important to note that government authorities do not enforce subdivision trust indentures; indentures are private, contractual agreements between a subdivision association and an individual property owner.

Our subdivision's trust indenture is old and outdated. Is it possible to amend our indentures to make them more effective?

Yes. It is quite common for indentures to be updated or rewritten when they are old or are lacking substance. The ease or difficulty of amending a subdivision's trust indenture depends on the procedures established in the documents themselves. Some indentures allow amendment by a majority of property owners in the restricted subdivision. In other indentures, it may be necessary to obtain the approval of all property owners within the subdivision. A well-written indenture will usually have a clearly defined amendment provision. Since indentures are legal documents, it is recommended that subdivision associations enlist the assistance of an attorney in creating or updating their indenture.

Can my subdivision join or consolidate with an adjacent subdivision?

Adjoining subdivisions may find it advantageous to consolidate their developments and manage them under one trust indenture. To accomplish this, the subdivisions would need the appropriate vote of the residents from both subdivisions and would likely form a single Board of Trustees. Typically, an attorney would draft a new indenture and possibly a new warranty deed (describing a single development, including a general deed for common ground) which would be approved by the residents, executed by the Board of Trustees, and recorded in the office of the Recorder of Deeds in the same manor as any other original indenture or amendment.

Should my subdivision have liability insurance?

In most subdivisions that have common elements such as common ground, private streets, recreational facilities, and other amenities for the use and benefit of the subdivision residents and their guests, the subdivision association is responsible for the proper management of these elements. It is therefore suggested that the Board of Trustees or the subdivision's professional property management company have liability insurance. The policy should provide coverage from accidents and personal injury that may occur in the common elements of the development. A subdivision may also wish to have those responsible for the finances of the subdivision be bonded to protect the subdivision from actions of an unscrupulous trustee.

Glossary



The following is a list of useful definitions of terms typically associated with subdivision associations. The St. Charles County Zoning Ordinances and the St. Charles County Property Maintenance Ordinances have a more extensive listing of pertinent definitions for subdivisions in unincorporated areas. For more information on these ordinances, please see the appendix.

Architectural Control: A power of a subdivision association to restrict the types of structures, alterations, or improvements permitted on property within the subdivision, and to require the approval of the trustees or the architectural review committee before such changes are made.

Articles of Incorporation: A document that typically specifies the purposes and powers of the association, what officers it has, and essentially creates the association.

Assessments: An amount of money levied by a subdivision association on its members for the maintenance and upkeep of the association and its common property. Assessments are sometimes referred to as dues.

Board of Trustees: The governing body of a subdivision association.

By-laws: The operating procedures of a subdivision association which regulate such matters as the election of trustees, the nature of meetings, quorums and proxies, and other matters related to the operation of the association. By-laws can be usually be modified either via the Board of Trustees or by a vote of the association's members.

Catch Basin: A storm sewer inlet that collects water from a road or yard. An inlet is a manhole-like structure toward which storm water runoff is directed.

Common Ground: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey interest in the common ground, except as an incident of the ownership of a regularly platted lot.



Covenant: A covenant is a written agreement to do something or to refrain from doing something. The actual covenants that govern the rights and responsibilities of individual owners within a subdivision are detailed in a subdivision's trust indenture.

Covenant Running with the Land: A recorded, written covenant that is tied into a particular parcel of property. The covenant is said to run with the land because it remains with the land, even when the land is sold from one owner to another.



Detention Basin: Rainfall on undeveloped land soaks into the ground. The run-off that does not soak into the ground is absorbed by nearby streams. Once a piece of land has been developed, features such as streets, roofs, and driveways reduce the amount of water absorbed by the land. The streams may not be capable of handling this extra run-off. To combat this problem, many subdivisions are required to build detention basins. Run-off to the stream is restricted and stored in the detention basin. Later, the run-off is slowly discharged into the stream so other properties downstream do not flood. Detention basins are also designed to improve water quality. Vegetation in the basin helps to filter out pollutants like fertilizers and sediment before the storm water reaches the receiving stream.

Easements: Areas of land set aside for public utilities (gas, electricity, phone, TV, cable), storm sewers, sanitary sewer and water main lines, and surface drainage. Easements give utility companies, municipal and county workers, etc. the right to conduct work on the property within the easement boundaries. In most subdivisions, easements are platted.

Flood Plain: An official zoning category as designated by the Federal Emergency Management Agency (FEMA) Flood insurance rate maps. Such designation causes that land to be subject to flood plain regulations as specified in the municipal or county zoning ordinance. For most zoning ordinances, including the St. Charles County Zoning Ordinance, FEMA's 100-year flood plain triggers the "floodplain" zoning designation (as opposed to the 500-year flood plain). FEMA's 100-year flood plain designation is intended to include all land in which the flood level has a one percent (1%) or greater chance of occurrence in any given year.

Foreclosure: The legal process of selling the property of a debtor in order to satisfy the debt from the proceeds of the sale. Subdivision associations have the right to foreclose upon a unit in the property to recover unpaid assessments.

Indenture: Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both. An indenture creates the common ownership of common land and defines the covenants, use restrictions, access agreements, insurance requirements, the rights of members, and the authority of the association and its trustees. The indenture also details processes for amending association regulations and documents, as well as assessing and collecting assessments. Indentures are private, contractual agreements between a subdivision association and an individual property owner. Within a private subdivision association, no owner can avoid being subject to the provisions of a trust indenture.

Lien: A claim upon the property of a debtor as security for a debt. A lien is a legal right of a creditor to force the sale of property of a debtor to satisfy the debt. Most Indentures provide that the association automatically have a lien against any unit for the value of any unpaid assessments. To collect the money, the association shall foreclose the lien through the courts, and recover the unpaid assessments from the proceeds of the sale of the property.



Lot: A parcel of land to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under chapter 410 of the Unified Development Ordinance, and having its principal frontage upon a public or private street .

Master Plan: The long-range plan for the County intended to guide the future growth and development of the area. Includes analysis, recommendations, and goals and objectives for the community's population, economy, housing, transportation, community facilities, and land use.

Plat: A map, plan, or layout of a subdivision indicating to scale the location and boundaries of individual properties. Plats are recorded in the St. Charles County Recorder of Deeds office.

Retention Basin: A pond, lake, or basin used for the permanent storage of water runoff, without release except by means of evaporation, infiltration or emergency by-pass. Used when no outlet or an inadequate outlet is available.

Right-of-Way: A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use. Normally, right-of-way is 50 feet wide whereas the street pavement is 26 feet wide; thus, the right-of-way covers an area that includes both sidewalks and the road pavement.

Sanitary Sewer: A system of pipes that collects wastewater and directs it to a treatment plant, where it is treated and released.

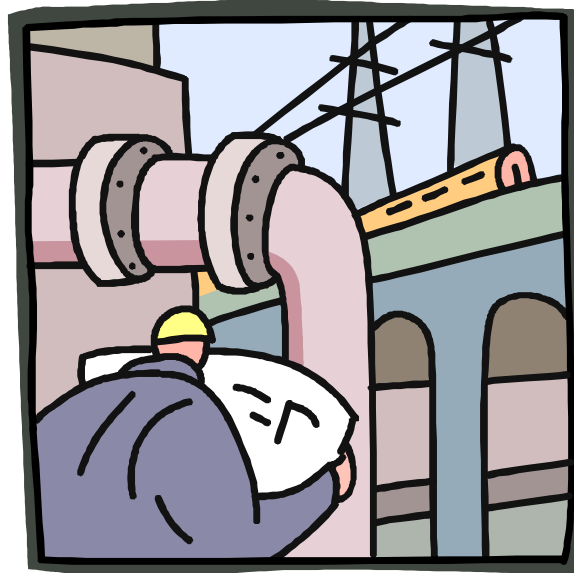
Special Assessment: An assessment levied by a subdivision association to finance a single project and may be used for emergency repairs or one-time improvements. Special assessments are separate from a regular assessment, which are usually levied once per month or once per year to finance the regular operations of an association.



Site Plan: A drawing or plan illustrating a proposed development and prepared in accordance with the regulations outlined in the various Sections of the ordinance, with special reference to Part 4, Section 405.525, Site Plan Review.

Storm Sewer: Underground pipes or an open ditch/drain that carries rainwater. The storm sewer system includes detention/retention ponds and may become part of a larger system with ties to adjoining properties and developments.

Water Main: A system of pipes that brings potable water from a water treatment plant to homes and businesses.



Resources

Community Associations Institute

Community Associations Institute (CAI) is a leading national advocate for subdivision associations providing education, networking opportunities, and other important resources to its members. The CAI mission is “to assist community associations in promoting harmony, community, and responsible leadership.” Community Associations Institute is available online at <http://www.caionline.org>. Resources include:

- Seminars, workshops, conferences, and education programs.
- Online tools and resources
- Advocacy and legislative support.
- Networking and referral opportunities.
- Up-to-date information regarding best practices, management procedures, and policymaking.
- Seven specialized newsletters, *Common Ground Magazine*, and other books, pamphlets, and guides.

Membership fees are based on the number of units within each association. Additionally, ***Community Associations Institute – St. Louis Metropolitan Chapter*** provides local resources and support for subdivision associations. They can also be contacted by mail or by telephone at:

Community Associations Institute
6614 Clayton Road Suite 116
Richmond Heights, MO 63117
(314) 725-3273.

Internet Resources for Subdivision Associations and Homeowners

St. Charles County Government on the Web:

<http://www.sccmo.org>

St. Charles County Division of Planning and Zoning:

<http://www.ctypnz@sccmo.org>

St. Charles County Development Review Division:

<http://www.development@sccmo.org>

St. Charles County Neighborhood Preservation:

<http://www.npd@sccmo.org>

St. Charles County Building Division:

<http://www.building@sccmo.org>

Community Associations Institute (CAI):

<http://www.caionline.org>

National Board of Certification for Community Association Managers:

<http://www.nbccam.org/about>

Community Tool Box:

<http://ctb.ku.edu/>

Neighborhood Link:

<http://www.neighborhoodlink.com>

Conducting Effective Meetings:

<http://www.effectivemeetings.com>

Associated Land Contractors of America:

<http://www.landcarenetwork.org/cms/home.html>

National Program for Playground Safety (NPPS):

<http://www.uni.edu/playground>

Institute of Real Estate Management:

<http://www.irem.org/index2.html>

Building Owners & Managers Association:

<http://www.boma.org/>

National Board of Certification for Community
Association Managers:

<http://www.nbccam.org/about>



County Phone Numbers

General Information - (636) 949-7900

Animal Control - (636) 949-7347

Division of Animal Humane Services - (636) 949-7387

Assessor - (636) 949-7425

Building Permits - (636) 949-7345

Development Review Division - (636) 949-1814

Information Systems Department - (636) 949-7480

Planning and Zoning Division - (636) 949-7335

Neighborhood Preservation Division - (636) 949-7346

Highway Department - (636) 949-7305

Mosquito Control - (636) 949-4260

Parks and Recreation - (636) 949-7535

Sheriff's Department - (636) 949-0809

Public Health Division - (636) 949-7400

Recycle Works -

West – 2110 E. Pitman Ave. (636) 949-7900 ext.4267

Central – 60 Triad Center Dr. (636) 949-7900 ext.4271

Recorder of Deeds - (636) 949-7505

Appendix:

Information specific to Unincorporated St. Charles County

The following information pertains only to subdivisions located in unincorporated St. Charles County.

Neighborhood Preservation Division

The Division of Neighborhood Preservation preserves quality of living throughout neighborhoods in unincorporated St. Charles County by insuring the health and safety. This is accomplished through uniformly taking appropriate measure to bring properties in compliance with, nuisance, building, electrical, mechanical, zoning, and health regulations adopted by the County Council.



Types of concerns/complaints addressed by the Neighborhood Preservation Division are: derelict vehicles, unlicensed vehicles, weeds and tall grass, rubbish, general disrepair of structures (including: painting, deteriorated roofing, deteriorating siding, deteriorating gutters, broken windows, unsecured structures, and unsanitary and/or unsafe structures), building without a permit, and zoning violations (including: commercial vehicles in residential districts, parking on the grass, operating a home occupation business, fencing, and other Unified Development Ordinance violations).

Additional information is available online at <http://www.sccmo.org> under **Neighborhood Preservation**, and copies of all St. Charles County property maintenance ordinances are available for viewing at your local library.



If you would like the Neighborhood Preservation Office to investigate a possible code violation at a property located in unincorporated St. Charles County, please call us at (636) 949-7346, ext.7283.



Planning and Zoning Division

St. Charles County Planning and Zoning

The St. Charles County Zoning commission proposes and develops plans within the unincorporated areas of St. Charles County to enhance responsible growth and ensure compliance with the Unified Development ordinance (Zoning Ordinance).



The Division is responsible for processing all subdivision plats, site plans, flood plain development permit requests, rezoning applications, conditional use permits, and requests for variance from zoning regulations. Information on county demographics, specific zoning details, and future growth and development can be obtained from Planning and Zoning. Documents such as the St. Charles County Master Plan and long-range and special planning studies are also available.

St. Charles County offers an interactive mapping system that contains vast information such as property zoning, land use information, aerial photography, and much more. You may access the mapping system at <http://www.sccmo.org> from the information systems department or you may call the St. Charles County Information Systems Department at (636) 949-7480 for more information.

Review of Site Plan

Before any building and land use permits can be issued for the new construction of or the addition to institutional, commercial, and industrial structures within unincorporated St. Charles County, a site plan must be furnished to the County Division of Planning and Zoning for review and approval by the Director of the Division of Planning and Zoning, The Director of the Division of Development Review. When publicly maintained streets or storm sewers are involved, the County Engineer's approval is required in addition to a site plan. A site plan is required to be submitted to Planning and Zoning when requesting a structure or use of a land parcel be converted from residential or agricultural use to institutional, commercial, or industrial use. The site plan in these cases will ensure that regulations are adhered to, based upon the new use (parking, loading, etc.). All site plans must bear the seal of a registered professional engineer and/or architect licensed by the State of Missouri, unless waived by the Director of Community Development.

Development Review Division

The Division of Development Review analyzes all new development in unincorporated areas of St. Charles County to ensure that site improvements, including grading, erosion control, storm water facilities, and street design comply with the Unified Development Ordinance (Zoning Ordinance), design standards, and prudent engineering design practices. The review process is designed to minimize the impact of new development on properties outside of the development area and to ensure that all publicly dedicated facilities meet the county's standards for public maintenance. Development Review ensures that the UDO, Design Criteria for the Preparation of Improvement Plans, tree preservation, stream bank protection, and flood plain encroachment regulations are adhered to when reviewing a proposed development.



The Division of Development Review also oversees the Neighborhood Improvement District (NID) program. The division assists property owners with public improvements within a defined area of the community, established as a NID. Improvements to streets, sewers, sidewalks, lighting, and a number of other community enhancements are accomplished through a cooperative effort between the county and residents within the NID area. The division coordinates improvement efforts and provides engineering, and inspection support to the project. Residents in NID neighborhoods may chose to pay for the improvement in one lump sum or through special assessments financed by county bonds over a period of 10 or 20 years.

Building Code Division

Modern building codes protect the public, reduce potential hazards, provide building standards, and lower construction and insurance costs. Today we use and enforce modern building codes that address structural, fire, electrical and mechanical safety as well as health, security and even energy conservation. Our job is to make sure homes, schools, businesses and other structures are safe places to live, work and play. We inspect construction projects at several stages to ensure that happens. For codes to be effective, building officials, property owners, and the construction industry developers, builders, architects, engineers and urban planners must work together. The St. Charles County's Building Division provides a wide range of services from building plan review to inspection during all stages of construction.



Building codes provide local government with a way to guard the public's personal safety, much as traffic laws regulate driving. Construction codes also ensure the economic well-being of our community. They reduce the potential spread of fire and disease and assure the consumer that homes and commercial buildings in our community are built as safe as possible. National building codes are now the regulatory basis for the administration of construction in cities, counties, and states throughout the United States.

Building codes and ordinances set minimum safety standards for all aspects of building construction - structural, fire and plumbing, electrical, and mechanical systems. Codes affect architects, engineers, contractors, subcontractors, plumbers, electricians, manufacturers, distributors of building materials, and the occupant of the building.

St. Charles County is currently using 2003 International Residential Code, 2003 International Building Code, 2003 International Plumbing Code, 2003 International Mechanical Code, 2003 International Fire Code, and 2002 National Electric Code.

A listing of these codes can be found at <http://www.iccsafe.org/>

Building Permit Requirements

A **building permit** is required to:

- Build, add-on, alter or repair a structure;
- Change the use of a building or structure;
- Install new plumbing, electrical or mechanical equipment;
- Relocation of plumbing, electrical or mechanical equipment.

A **demolition permit** is required to remove or demolish a structure or part of a structure.



TYPICAL PROJECTS THAT REQUIRE BUILDING PERMITS:

- All new construction of residential and commercial structures;
- Any electrical re-wiring of a home or addition;
- Changes in electrical service or service up-grade;
- Any plumbing changes in a home or addition;
- Replace or repair sewer laterals;
- Replace or repair water service;
- New garages, carports, room additions, decks;
- In-ground/Above ground swimming pools; including any pool over twenty-four (24) inches deep /with an electric pump or filter;
- Retaining walls over twenty-four (24) inches high;
- Mobile home anchor tie downs and electrical service hook-up or changes;
- Installation of all new waste treatment (septic) system;
- Repairs or alterations to existing septic system;
- Replacement of air conditioning and heating units;
- Demolish or remove a structure, septic tank, or any portion of a structure;
- Change in building use, such as changing a residence to a business office;
- Any work within the 100-year floodplain.

PROJECTS THAT DO NOT REQUIRE BUILDING PERMITS:

- Re-roofing;
- Painting, wallpapering, plastering;
- Re-siding;
- Repairing drywall;
- New floor covering;
- Replacing a light fixture or faucet;
- Replacement of existing windows providing the opening size is not changed;
- Installation of new kitchen cabinets;
- Utility sheds less than 120 square feet without electric – There are requirements for the placement of the shed. Contact the Planning and Zoning Division for the setbacks;
- Pumping of septic tanks.



There are many more types of projects other than those listed above, some of which may or may not require building permits. If you have any questions, please contact the St. Charles County Building Code Enforcement Division at 636-949-7345. If you have questions regarding the placement or setbacks, please contact the St. Charles County Planning and Zoning Division at 636-949-7335.



Building Inspections

Inspections at various stages verify that the structure complies with the established code. Before you can move into a new home, office or factory, an average of 10 inspections will have been conducted.

For do-it-yourselfers, we recommend calling the County Building Code Enforcement Division at 636-949-7345 before beginning any building project for information about what type of permits and inspections may be required.



A system of fees, such as building permits, defrays the costs of administrating and enforcing building codes.

That's a small price to pay for safety. Building codes provide safeguards. Although no code can eliminate all risk, our codes and inspection process reduce risks to an acceptable level. For the nominal fee, the following services are provided:

- Design review of the building plans and consulting with Building Code Enforcement Division engineers;
- On-site meetings with building inspectors to resolve any construction problems;
- On-site inspections of construction. For example, the typical inspections of a new home consist of:
 - Temporary electric service;
 - Waste treatment system;
 - Footing and foundation work;
 - Ground rough plumbing and electrical;
 - Complete framing;
 - Complete electrical and plumbing;
 - Electrical service hookup;
 - Final/occupancy inspection.

City & Neighborhood Contact Information

City of St. Charles

200 N. Second St. St. Charles, MO 63301 Phone: 636-949-3200

City of St. Peters

P.O. Box 9 St. Peters, MO 63376 Phone: 636- 477-6600

City of O'Fallon

100 N. Main St. O'Fallon, MO 63366 Phone: 636-240-2000

City of Wentzville

310 W. Pearce Blvd. Wentzville, MO 63385 Phone: 636-332-5101

City of Lake Saint Louis

200 Civic Center Drive Lake Saint Louis, MO 63367 Phone: 636-625-1200

Town of Weldon Spring Heights

40 Weldon Spring Heights Weldon Spring Heights, MO 63304 Phone: 636-300-9698

City of New Melle

P.O. Box 114 New Melle, MO 63365 Phone: 636-828-4807

City of St. Paul

P.O. Box 66052 St. Paul, MO 63366 Phone: 636-946-0500

Village of Flint Hill

P.O. Box 196 Flint Hill, MO 63346 Phone: 636-332-3355

Village of Josephville

1025 Hancock Rd. Wentzville, MO 63385 Phone: 636-332-3121

City of Weldon Spring

5401 Independence Rd St. Charles, MO 63304 Phone: 636-441-2110

City of Foristell

10 Highway T Foristell, MO 63348 Phone: 636-463-2123

City of Portage des Sioux

P.O. Box 108 Portage des Sioux, MO 63373 Phone: 636-899-0640

City of Cottleville

P.O. Box 350 Cottleville, MO 63338 Phone: 636-498-6565

City of Dardenne Prairie

2032 Hanley Road Dardenne Prairie, MO 63366 Phone: 636-561-1718

Town of West Alton

P.O. Box 42 West Alton, MO 63386 Phone: 636-899-1734

Town of Augusta

PO Box 42 Augusta, MO 63332 Phone: 636-228-4689