

# **KENSINGTON TRAILS**

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## **VIOLATION AND FINE POLICY FOR KENSINGTON TRAILS HOA ADOPTED BY THE ASSOCIATION COVENANTS CONTROL COMMITTEE (ACCC)**

**Revised December 2011**

The following Rules and Regulations are established in accordance with and by the authority of the Bylaws and Covenant's Conditions and Restriction's and are in addition to existing City of Kyle codes and ordinances. The purpose of these rules is to maintain, control and promote the appearance and desirability of our neighborhood for current and future owners and residents.

This policy establishes guidelines for some of the frequent types of violations addressed in the Deed Restrictions. It is not intended to be a complete list of all possible violations. For more complete information, refer to the KENSINGTON TRAILS ASSOCIATION OF HOMEOWNERS, INC. *DECLARATION OF COVENANTS; CONDITIONS, AND RESTRICTIONS* (henceforth referred to as CCR's or Deed Restrictions)..

All properties shall be kept in a neat, well-maintained appearance at all times.

**Yard maintenance needed:** Yards must be maintained on a basis frequent enough to maintain an overall well kept appearance. This includes:

- Mowing: includes front yard and side yard of corner lots; all backyards must be mowed
- Edging: sidewalk, driveway and curb, etc.
- Weed control: weed abatement in grass, flowerbeds, and cracks; weed eating at fences, etc.,
- Watering (in compliance with existing restrictions, if any), disease control or grass replacement: (adding sod or re-seeding where grass has died)
- Blowing or sweeping up: grass and clippings must be removed from driveway, sidewalk and street after maintenance
- Removing dead plants, shrubs, trees in a timely manner
- All trash, garbage or other waste must be kept out of sight in sanitary containers and promptly disposed of.

**REVISION: FOR YARD MAINTENANCE ISSUES ONLY, A FIRST NOTICE WILL BE SENT STATIING THE SECOND NOTICE WILL BE A FINE IF THE YARD IS STILL IN VIOLATION OF ANY OF THE ABAOVE ITEMS IN 10 DAYS AND THAT A FORCE MAINTENANCE MAY BE DONE AT ANY TIME AFTER THE SECOND NOTICE. THE OWNER WILL BE BILLED FOR THE SERVICE.**

**Trash receptacles in view:** All trash containers must be hidden from general view except for trash pick-up day. It is acceptable to put containers by the curb at dusk on the day before pick-up and to return to being stored out of view by dusk the day of pick-up. If containers can be seen from the street, they are not out of view. A screen such as lattice with vines growing on it is an example of a measure of appropriate screening if you do not want the containers in your garage or your backyard. If you choose to use this method, or another acceptable one, a request must be submitted in writing for approval by the ACCC (Association Covenants Control Committee) through the property manager.

**Fence/gate repairs needed:** Replace broken/missing pickets; repair/replace broken or hanging gates, straighten/secure leaning or bowing fences, etc. Any modifications to the height (may require City approval) or appearance (painting, staining, etc.) of the existing fencing provided by the builder must be submitted in writing through the property manager for approval by the ACCC. (Refer to CCR's).

**Un-approved exterior changes:** In addition to all permits and other approvals required by the City of Kyle, all changes to the exterior of the residence, the addition of any structure, except a storage building which complies with Art IX, Sec 1, fence moving or replacement other than duplicating what was original, replacement, painting, antennae/satellite dishes or major landscape modifications must be approved in writing by the ACCC. The modification request form may be downloaded at the intranet website of KTA.goodwintx.com. Submit it, along with the required information, as directed.

**Animals:** In addition to all city regulations regarding household pets, no more than 4 pets are permitted on each Lot. All pets must be restrained or confined to an owners Lot. A pet owner must clean up after a pet if an accident occurs. You may also report animals running loose or causing a disturbance to the City of Kyle for investigation and action.

**VIOLATION AND FINE POLICY**  
**FOR**  
**KENSINGTON TRAILS HOMEOWNERS' ASSOCIATION**  
**ADOPTED BY THE ASSOCIATION COVENANTS CONTROL COMMITTEE (ACCC)**  
**And implemented effective January 1, 2009**

**Vehicles/Trucks:**

- vehicles may not be parked on the grass or on sidewalks at any time
- vehicles in excess of 3 tons may not park overnight within the addition
- vehicles with painted advertisement may not park overnight within the addition;
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Be advised that State Law requires that all vehicles have current registration and inspection showing. Kyle City Code prohibits parking of inoperable vehicles on the street. Contact the police department for any vehicle parked in violation of City code.

**Storage shed:** An owner may construct one permanent storage building as long as it is of the same materials and design as the residence with similar color and roofing materials and is no more than 8 X 10 feet in floor area; no more than 8 feet in height at the peak of the roof; and is not visible from any contiguous street. (See Art IX, Sec 1).

**Boats, trailers, recreational vehicles, motorcoaches etc.:** May not be stored in view on the property. It is acceptable to park in view for one night occasionally to prepare for use.

**Unightly appearance of property; Property repairs needed:** Examples of additional things that could incur violations are:

- generally unkempt appearance of the property including not repainting painted surfaces or repairing any damaged improvement
- portable basketball goals must be kept between the sidewalk and residence and must be kept in good condition and repair. They may never be on the street, sidewalk, or handicap ramps
- satellite dish location must in the least visible location possible. Any dish installed in an unacceptable location will be required to be relocated at the residents' expense.
- areas in public view should be tidy and uncluttered; all construction or maintenance items must be stored out of view ; Bar B Que grills, picnic tables etc must be out of view; visibly inoperable vehicles may not be in view

**FINES**

The 3<sup>rd</sup> violation of a similar kind will result in a \$50 fine **and** each subsequent similar violation will incur another \$75 fine for a twelve month period. Example: 3 notices of "Yard Maintenance Needed" will receive a \$50 fine. This can be any combination of mowing, edging, weed abatement/control, dead plants, watering needed etc. (not just 3 notices to mow or 3 notices to edge, etc.)

When a fine is assessed, the owner will receive the notice of violation along with an invoice showing the fine has been added to their assessment account. An owner will have the opportunity to contest any fine within 30 days of the invoice date by submitting a written request to the property manager for review by the HOA Committee. If no written request is received in the required time period the fine will be officially become part of the owners' ledger and constitutes a lien against the property.

\*Also refer to the REVISED Yard Maintenance Policy on the first page for more information on Yard Maintenance Violations

The association may also turn an ongoing or unresolved violation over to an attorney for resolution. All costs related to the legal process will be charged to the owner of the property.

**SUSPECTED CRIMINAL ACTIVITY; LOUD MUSIC/PARTIES ETC:** Report any suspicious activity, anyone causing a disturbance such as loud music, loud parties etc to the City of Kyle Police Department!

**CURRENT MAILING ADDRESS OF PROPERTY OWNER:** An owner is required at all times to provide a current and correct mailing address of the owner or their management company.