

EDELWEISS HOMES ASSOCIATION

POLICIES AND PROCEDURES

September 1, 2008

4/12/2016 – Changes to Sections 4.1, 4.2 and 9.4

6/14/2016 - Reformatted (No content changes)

1/9/2018 – Changes to Section 3 – Trash Pickup

09/10/2019 – Changes to Chapter 4-2 – Trees, Shrubs and Weeds

09/10/2019 – Changes to Chapter 4-3 Surface Drainage

09/10/2019 – Changes to Chapter 3-2 Trash Pickup

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**Chapter 1 OPERATION, MAINTENANCE AND CARE OF PROPERTY
AND FACILITIES**

PREFACE

The Edelweiss Homes Association is an organization of home owners which operates under special provisions of Kansas Law and is governed by its Board of Directors except as specifically limited or directed by law, the Edelweiss Articles of Incorporation, the Homes Association Declaration of Edelweiss, the Declaration of Restrictions of Edelweiss and the Property Owner's Agreement.

GENERAL STATEMENT

In order to preserve the uniformity, architectural integrity and maintain property values in the entire Edelweiss Community, the Edelweiss Homes Association, through its Board of Directors, has the responsibility for the establishment of various policies and procedures that will:

- a. Ensure the proper maintenance and repair of common areas, dwellings and streets.
- b. Ensure compliance with the terms and intent of the Declaration of Restrictions that sets forth various rules and regulations.....such as those relating to "Vehicle Parking and Storage".... "Use of " Clubhouse and Swimming Pool, etc.

Committee Procedures

- Each Committee will have scheduled meetings.
- Give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- Monitor spending and show history of purchases and services.
- The chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

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Chapter 2 MANAGEMENT OF FISCAL AFFAIRS

Committee Procedures

- Each Committee will have scheduled meetings.
 - The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
 - The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
 - The President shall draft Board members to temporarily fill vacant committee chairs.
1. A monthly report of operating income and expenses as well as of cash reserves shall be made available to all members of the Board of Directors and appropriate attending Chairpersons.
 2. Chairpersons of major management functions shall submit their annual budget request by September 30th each year.
 3. The Board of Directors shall approve and recommend an annual report showing operating income and expense for the prior year and the anticipated income and expense projected for the coming fiscal year, January 1 to December 31 to all members of the Association by January 15th.
 4. Authorization for the encumbrance and expenditure of unrestricted reserve funds shall be accomplished by approval of the Board of Directors.
 5. Review bids and proposals submitted by contractors for maintenance and services and approve contract awards for such.
 6. Employ a certified public accountant to prepare an accountant's compilation report for the year ending December 31.
 7. Appoint three association members to serve as a financial committee to review the financial records and report their finding to the Board at the close of the fiscal year.

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8. Employ a person to serve as Administrator for the Association. The Administrator shall be Bonded and perform the following:
 - a. Maintain a current membership roster of the Association.
 - b. Collect and deposit all monies and valuables in the name and to the credit of the Association in such depositories as may be designated by the Board.
 - c. Disburse the funds of the Association as may be ordered by the Board.
 1. Dues are due the first of each month.
 2. Late fee penalty after the 20th....\$25.00.
 3. Bad check (returned check)\$25.00.
 - d. Responsible to file a lien when directed by the Board.

Note: At the discretion of the Board, publish in the “Echo” (newsletter) names and addresses and the amount owed.

File a lien against the property when directed by the Board. The filing fee will be charged against the homeowner. Any fee charged to remove the lien will also be charged against the homeowner.

9. A Treasurer shall be elected by the Board and shall do the following and be responsible for:
 - a. Maintain a chronological file of the minutes of the Board of Directors meetings of the Association.
 - b. Maintain a chronological file of financial reports of the Association.
 - c. Keep the corporate seal in safe custody.

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Chapter 3 GENERAL

Business or Commercial Operation

1. No Commercial or Business operations which serve clients or employees within Edelweiss may be conducted within the Edelweiss complex or from any unit (residence) in Edelweiss.
2. The Clubhouse may not be used for Commercial purposes.
3. No Garage Sales may be held.
4. No public Estate sales may be conducted.
5. No Commercial or Business may advertise in the ECHO NEWSLETTER.

Note: Advertisement for non-profit and charitable events requires Board action.

Satellite Dishes – Limited to 18 inch Dish

Satellite Dishes may be installed. Request for installation must have the approval of the Architectural Compliance Chairperson.

Flag Pole

A flag pole may be installed for display of the American Flag or Kansas State Flag within the common area of Edelweiss. The location, height and provision for maintenance must be approved by the Board of Directors.

Street Lights

1. The Association is responsible for providing such street lighting as deemed advisable.
2. The Association is responsible for maintaining the:
 - a. Light Pole.
 - b. Sensor.
 - c. Changing light bulb when necessary.
 - d. Power supply line from pole to outside the home.Note: Residents able to do so are urged to change their own light bulb.
3. Lighting the entrance to Edelweiss.

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Snow Removal

The Association is responsible for the removal of snow from the streets and driveways in the Edelweiss complex when at least three (3) inches of snow has fallen. The President is authorized, at his/her discretion, to contract for the removal of snow from driveways.

Trash Pickup

The Association is responsible to contract for the collection and disposal of trash and recyclable material by a disposal service company. Yard waste shall also be part of the contract April – December. The regular collection day will be scheduled by the disposal service company, which may be subject to change with proper notice.

- a. Trash and recycle material must be placed in containers distributed by the disposal service company.
- b. Yard waste material must be placed in biodegradable, brown paper bags.
- c. Trash, recycle and yard waste material may be placed at the curb on collection day or after dark on the day prior to the collection day (as long as trash is in a closed trash receptacle provided by the disposal service company when weather conditions permit.)

The disposal service company may or may not observe holidays if they occur on the collection day assigned to Edelweiss. Residents will be appropriately notified by an email should a trash day be rescheduled.

Pets

Dogs and cats are limited to no more than a combined total of two.

- a. No dog or cat shall be staked outside of a residence or in the common areas of Edelweiss.
- b. No outdoor animal structures kennel, house or dog run are permitted anywhere in Edelweiss.
- c. Dogs and/or cats must be on a leash when being walked by the owner or any authorized person.
- d. Residents are expected to clean up after their pets.

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Dues are due the first of each month

- a. Penalty for returned (bad) check... \$ 25.00.
- b. Penalty for late payment of dues... \$ 25.00.
- c. The name and address of individuals and the amount owed for late dues shall be published in the ECHO NEWSLETTER.
- d. At the direction of the Board a lien will be filed against the property and the filing fee will be charged against the homeowner. Any fee charged to remove the lien will also be charged against the homeowner.

Architectural Compliance

Any homeowner who changes the architectural integrity of their unit, without prior approval of the Architectural Compliance Committee and the Board of Directors, may be required to correct the changes at their expense. Should the offending homeowner fail to correct the changes, the Homes Association will make the necessary corrections and bill the homeowner for the cost. A lien may be placed against the property if corrections are not paid by the homeowner.

Major Repairs and Renovation for Association Owned Properties

Authorization for the encumbrance and expenditure of Unrestricted Reserve Funds for repair and/or renovation of facilities or equipment owned and/or operated by the Association may be accomplished by any one of the following means:

1. By majority vote of Homeowners by specific inclusion, as a separate item on the annual ballot for approval of the Budget for the upcoming year.
2. By approval, by Homeowners, at a Special Homeowners Meeting, called by the Board of Directors and conducted in strict conformance with existing Bylaws of Edelweiss.

Retaining Walls

The Edelweiss Homes Association assumes the responsibility of repairing and/or replacing Retaining Walls that were originally designed to hold back the earth and prevent erosion. Where a Retaining Wall was designed to perform a dual function (hold back the earth and enhance the architectural appearance of a contiguous residence); the cost of repairing and/or replacing the wall will be a shared responsibility between the Homeowner and the Edelweiss Homes Association. The decision to replace the wall and payment responsibilities will be at the discretion of the Board.

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Ref: 01/01/2001
07/14/2009
01/09/2018
09/10/2019

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Chapter 4 CARE OF GROUNDS

Committee Procedures

- Each Committee will have scheduled meetings.
- The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

Edelweiss is a community that offers some grounds maintenance to homeowners. It is not, however, a NO maintenance community. Every unit has outside areas that will not be maintained by the homeowner, whether the unit is occupied by that homeowner or rented.

1. Lawn.

- a. The Association annually contracts for 30± mowings per year based on a determination by the Grounds Committee in consultation with the Lawn Maintenance Company. This determination is based on the need for maintaining grass at the proper length, depending on the season. Occasionally, only partial mowing of complex is done because of variation in grass growth. Closed patios are not included. Request of non-mowing must be made in writing via a Request for Service Form.
- b. Clippings are to be removed from walks, drives, street and open patios after each cutting.
- c. Walks, drives and curbs are edged as deemed necessary.
- d. Contractors do general clean-up once in the spring and again in the fall to remove excessive leaves, limbs, etc. from bushes, flower beds and grounds.
- e. Lawns receive applications of fertilizer and/or weed control depending on the time of year and the necessity. Generally 6-7 applications are completed.
- f. Reseeding is done only as deemed necessary by the Grounds Committee.
- g. Homeowners having automatic, in-ground sprinkler systems are responsible for all cost operation, including the maintenance, repairs and/or replacement of parts.

Note: Owners having in-ground sprinkler systems should be notified in advance of any work by the Maintenance Company that might cause damage to sprinklers; those owners responsible for marking the location of sprinkler heads.

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2. Trees, Shrubs and Vines and Weeds.

- a. Shrubs are trimmed and pruned twice a year, including foundation plantings outside enclosed patios. Request of non-trimming must be made in writing via a Request for Service form.

Homeowner's failure to keep shrubs properly trimmed and pruned may require the Association to override the written request as we are committed to maintaining an attractive environment.

- b. Vines – Prior to the painting of a unit, vines that have been allowed to grow out of control will evoke a 30-day notice for removal. If not removed in the 30 day period, the Association will remove the vines and bill the homeowner for the cost.
- c. Large trees are trimmed and pruned as needed; unless deemed necessary by the Grounds Committee, this is generally done during the winter months.
- d. Dead trees are removed upon request, except those within enclosed patios which are the homeowner's responsibility. Failure of homeowner to remove dead shrubs, trees, etc. will evoke a 30-day notice for removal. If not removed within 30 days' time period, the Association will remove the shrubs, trees, etc. and bill the homeowner for the cost. Non-payment will be brought to the attention of the Board of Directors for appropriate action.
- e. Fertilization of trees and shrubs is not done.
- f. The Association does not budget for tree and shrub replacement or for new plantings.
- g. Weeds/Overgrowth: In the event any private property is overgrown with weeds and those weeds detract from the community or cause difficulty for adjoining properties, the Homeowner will be notified and given 14 days to rectify the weeds/overgrowth. If the property is not rectified within that time period, the Association will remove the weeds/overgrowth and invoice the homeowner for the cost.

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3. Surface Drainage.

- a. The Association does not assume any responsibility for water in a resident.
- b. If a resident's downspout(s) negatively impacts any property, the resident must take the following steps:
 1. Connect downspouts into an underground pipe properly sloped away from the impacted property. (This may also require replacing undersized gutters and downspouts.) If the resident does not take action to prevent water from negatively impacting property, the HOA will bury the downspouts and invoice the property owner for the costs incurred. If the homeowner does not pay the invoice within 30 days, a lien will be placed against the property for the amount owed.

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Ref: 01/01/2001
09/01/2008
04/12/2016-rev1
09/10/2019

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Chapter 5 MAINTENANCE AND EXTERIOR PAINTING

Committee Procedures

- Each Committee will have scheduled meetings.
 - The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
 - The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
 - The President shall draft Board members to temporarily fill vacant committee chairs.
1. Establish and maintain a schedule showing the year in which each residence was last painted and project the year repainting should be done.
 2. All units will be inspected each year by the Paint Committee to determine which units should be scheduled for painting. The list of homes to be painted will be used to:
 - a. Obtain bids
 - b. Establish the paint budget
 3. Owners of homes to be painted, when advised that their home is scheduled for painting will be given a choice of approximately 15 paint colors from which to select. No other colors can be used without the approval of the Board of Directors.
 4. Prior to painting, Paint Committee Members will inspect each unit to be painted and mark siding in bad condition that need replacing prior to painting. Bat boards and siding should be screwed (not nailed) with #8 galvanizing flat-head screws. Replacement of bat boards and siding is at homeowner's expense.
 - a. The Grounds Committee will be asked to trim all bushes, trees and other plantings next to the area to be painted.
 - b. The homeowner is responsible for trimming bushes, trees and other plantings inside fenced areas.
 - c. The homeowner is responsible for the removal of patio furniture, hanging potted plants, tools, firewood and any other items that would restrict access of the painters.

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5. Painting Process:
 - a. Remove all storm windows.
 - b. Water blast and hand scrape the entire unit to be painted.
Note: This process is to be inspected and approved by a Paint Committee Member within 12 hours. Should it be discovered that additional boards need replacing, the Paint Committee Chairperson will inform the homeowner of the situation and make arrangements to have them replaced.
 - c. Upon approval (within the next 36 hours) the painters are to apply a specified Alkyd Prime Coat to all bare wood areas, including new bat boards and siding. Primer must be allowed to dry thoroughly before applying the approved Latex Top Coat.
 - d. Caulking is to be applied around all windows, horizontal bat boards, brick and stone work, chimneys and other appropriate places.
 - e. Front doors are to be varnished or painted white as authorized by the Paint Committee.
 - f. Decks are to be cleaned (water blasted) and a water sealant applied.
 - g. Wood fences are to be water blasted, then stained or painted upon approval of the Paint Committee.
 - h. House lights, wrought iron porch rails, gates and fences are to be painted.
 - i. Reinstall storm windows.

6. The Paint Committee will make arrangements for house numbers and/or mail boxes that need replacing.

By inspecting and watching all phases of the painting process we can assure paint jobs that will last a minimum of six years with a minimum of peeling and chipping.

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Chapter 6 ARCHITECTURAL COMPLIANCE

Committee Procedures

- Each Committee will have scheduled meetings.
- The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

The committee chair and members are assigned the following duties.

- a. Evaluate all proposals or requests for the modification of the exterior of any building in Edelweiss which affects the architectural integrity, Swiss motif or aesthetics of Edelweiss or is otherwise regulated in the Declarations of Edelweiss.
- b. Secure specific plans and specifications for any proposed modification and determine their compliance with Edelweiss standards or requirements and consult with the proposer regarding any related problems.
- c. Submit any plans and specifications detailing the nature of any proposed modifications together with the Committee's recommendations to the Board for final action. Note: Items having little significant effect on neighboring property, not in violation of policies or the Declarations may be approved and signed by the Chairperson and one Committee member with notification given to the Board.
- d. Convey any related Board action concerning a proposed project to the applicant in written form.
- e. Advise homeowners proposing a project of the need to secure from all vendors evidence of a certificate of insurance showing liability insurance limits, workman's compensation insurance, lien waivers upon completion, building permits if required by the city, etc.
- f. Visually inspect the entire complex from time to time and discuss any problems observed with the affected homeowner or with the Board or appropriate Board committee for such action as may be necessary.
- g. Arrange for the maintenance of yard lights located at the street curbs, common grounds and property of Edelweiss. Basic services include replacement of light bulbs and sensors, repair and/or replacement of fixtures and lines extending from the junction box on the house.
- h. Check any necessary repairs on street signs and arrange for their completion.

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REGARDING MAINTENANCE OF HOMES

1. The cost of maintenance, repair and/or replacement of any structural part of the exterior as well as the cost of all interior maintenance, repairs and/or replacement is the responsibility of the homeowner. This includes the following:
 - a. Air conditioner and heating system
 - b. Chimney, including cleaning
 - c. Deck, stairs and railings
 - d. Driveways
 - e. Electric wiring
 - f. Exterior siding (wood and masonry)
 - g. Fences (patio and entryway) – (wood, brick or stone)
 - h. Flower beds and shrubs that the homeowner has planted (weeding and watering)
 - i. Foundation and basement walls, window wells and covers
 - j. Garage door (hardware and glass)
 - k. Gutters and downspouts
 - l. Light fixtures on building
 - m. Patio slabs
 - n. Plumbing and fixtures
 - o. Proper ventilation of attic space
 - p. Protection from and riddance of insects, rodents and other pests
 - q. Roof
 - r. Sanitary sewers inside of building
 - s. Sidewalks
 - t. Skylights
 - u. Watering of lawns, trees, shrubs and flower beds
 - v. Window cleaning

2. An owner contemplating any repair, replacement or modification (removal or addition) to the architectural design of the exterior of the owner's building or its appurtenances (including decks and fences), must contact the Chairperson of the Architectural Compliance Committee.

The owner will need to provide a comprehensive description and plans of the project, so as to assist the Committee and the Board as it evaluates the request. The owner will be notified of the Board's decision.

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3. Owners who fail to request or make all repairs necessary to avoid detracting from the value of adjoining properties or of the general conditions of Edelweiss shall be informed of the deficiency in writing by the Board.

Upon continued failure to make the necessary repairs, after thirty days' notice the Board may order the necessary repairs and charge the cost to the homeowner. Failure to make payment will result in a lien being placed against the property.

4. An owner who changes the architectural appearance of a unit without prior approval of the Board will be notified by the Board to correct the unapproved change. The cost of such correction will be paid by the owner.

If the owner fails to make the correction, the Association will make the correction and bill the owner for the cost. If the owner does not pay for the Association's cost in making the correction, a lien will be placed against the owner's property.

5. The Association is not responsible for correction of damage caused by owners, renters or others.

Owners are encouraged to consider using their Homeowners Insurance Policies to recover repair or replacement cost resulting from covered damage. The Association will not pay for any damage resulting from causes required to be covered by the owner's Homeowner's Insurance, nor will the Association pay the deductible.

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**Chapter 7 SPECIFICATIONS AND PROCEDURE FOR MAINTENANCE
OF STREETS**

Committee Procedures

- Each Committee will have scheduled meetings.
- The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

1. Seal coating:

Upon recommendation of the Street Committee and with Board approval apply a squeegee coating of coal tar emulsion protective product for asphalt pavement to the streets of Edelweiss.

Note: Coal tar emulsion shall meet the requirements of Federal Specification R – P – 355. The contractor shall furnish a certification form from manufacturer stating that the coating being supplied meets the requirements stated above.

2. Crack filling:

With Board approval, crack filling will be done on all of the streets in Edelweiss complex fill cracks 1/8 inch or larger with a fast drying latex product within 1/8 inch of the top of the crack.

3. Pot holes:

As deteriorated areas develop in the street --- saw out so as to clearly define edges, remove deteriorated portion, apply adhesive to area and fill hole with new hot mix asphalt, compact and level.

4. Contracting work:

Periodically secure bids from several contractors so that you have cost comparisons – key to keep contractors honest.

Note: It is not always appropriate to use the lowest bidder if you know that certain contractors are more dependable and do better work. This is a judgment decision.

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- a. Contractors must provide a certificate of insurance showing property and personal liability limits protecting Edelweiss Homes Association.
- b. The contractor shall submit a copy of his workmen's compensation insurance policy showing coverage in effect.
- c. The contractor shall furnish a performance bond.
- d. After contractor is paid request a lien waiver protecting Edelweiss Homes Association from all claims to mechanic's liens.

5. Inform:

Inform Edelweiss homeowners as to scheduled work. Vehicle parking must be planned in advance as well as other services such as mail, paper deliver and avoid trash pick-up day.

6. Concrete:

Annually inspect concrete curbs and, when deemed necessary secure bids for replacement. Include in the bid, the sawing out of old concrete so as to define the edges – breaking up old concrete – proper forming so as to conform to existing curb – use of reinforcement wire or re-bar rods – and removing forms and hauling off of old concrete to the dump.

7. Options:

Overlay – This means that the present base is solid enough to have a new layer (1 inch to 2 inch) of hot asphalt applied with reasonable chance for success. This involves “milling” down the excess street surface – cleaning the area – applying an adhesive to insure bonding – applying the hot mix.

Slurry – Assuming that the base is solid apply a slurry seal – Type 1 (1/4 inch rock) or Type 11 (3/8 inch rock). It leaves a porous skid-free surface. It should be seal coated the following season. This procedure was done in 1987-88 and 1994-95.

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Chapter 8 PARKING REGULATIONS

Committee Procedures

- Each Committee will have scheduled meetings.
- The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

1. **AUTHORIZATION:** The Amended and Restated Edelweiss Declarations provide that, “The Board shall adopt such Rules as it deems necessary and appropriate for the regulation of parking and traffic on the private streets of Edelweiss and may appoint an agent or agents charged with the duty to administer and enforce the relevant restrictions in this Declaration and the relevant Rules adopted by the board. Decisions of the agent that may require legal action shall be subject to Board review and the decision of the Board shall be final.” (Article 14.11, pg. 16)

Note: The current policies provide for appointment of a specific “Parking Control Officer.” A specific “Alternate Parking Control Officer” may also be appointed. Specific powers and duties of the PCO and APCO are spelled out. The policies also authorize the PCO to “appoint members of a Parking Control Committee who shall assist the PCO in the implementation of Edelweiss rules and policies. No other powers and duties are assigned to the Committee. (Current Policies #4.0 through 4.24 as adopted 1-14-02).

2. **PARKING LIMITATIONS:** Section 2.1 through 2.13 spell out the specific parking limitations and sections 3.0 through 3.5 spell out the details and requirement for the issuance of special parking permits.

Note: These policies were adhered to with a relatively high degree of consistency during the first two or three years. Succeeding PCO’s were increasingly inclined to relax them to the point that they have become almost meaningless and at times our streets look more like parking lots. These sections should be reviewed carefully and individuals appointed to the PCO job should be fully supported in a difficult job.

Also, I would suggest that if and when meaningful policies are proposed and adopted there should be full ANNUAL distribution to all residents and consistent enforcement of whatever is adopted.

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REGULATIONS

Part I

Every resident will make maximum use of all garage and driveway space for parking and auto storage. If any garage space is currently being occupied by storage of other materials, this would be a good time to “clean the garage.” Every Edelweiss single garage unit has parking and storage space for two cars and every two-car garage has room for four. If more space is needed for unusual circumstances, a special use permit is provided for this need. Provision is made for appointment of a parking control officer or officers. Temporary or “short term” permits are authorized for guests staying several days. However “long term” guests will be considered on the same basis as residents.

A system of polite requests for compliance with Parking Regulations, warning for continued violation of same and if necessary eventual towing of vehicles of persistent violators at the expense of the offending party or unit owner is included in the rules.

Any suggestions by homeowners should be submitted in writing to the President of the Association. They will be given careful consideration by the Board and/or any committee appointed for the study and revision of current policies.

Part II

In general, parking on the streets of Edelweiss by residents is prohibited. Short term parking by guests and service vehicles is allowed if all garage and driveway space is fully occupied. Exceptions under unusual circumstances are provided for upon written request and reasons made to and approved by the Board and/or Parking Control Officer. Permits are not authorized unless there are more than two automobiles and two licensed drivers per garage and driveway space. Conversions of garage space to storage or living space is not permitted.

Fair warnings will be given to anyone not in compliance, but persistent violations will result in towing of the vehicle. The ultimate responsibility for payment of all towing and storage costs plus any costs incurred by the Association to collect payment will be charged against the owner of the unit. Owners of rental units should be especially aware that in the event of violations by renters or the guests of renters and the failure of renters to make prompt payment, the costs will be assessed against the owner of the rental property.

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POLICIES, RULES AND IMPLEMENTATION PROCEDURES FOR PARKING CONTROL
BY EDELWEISS HOME ASSOCIATION.

1.0 Legal Foundations.

1.1. Provisions of the Homes Association Declaration of Edelweiss and the Declaration of Restrictions of Edelweiss are binding upon all homeowners and residents and cannot be changed except by a majority vote of all homeowners of Edelweiss.

1.2. Included in the Powers and Duties are the following provisions:

1.2.1. To manage and control as trustees for its members, all public and private streets.

1.2.2. No automobile, truck, motorcycle, motorbike, motor scooter, motor home or other vehicle of any other type may be stored upon any of the lots hereby restricted or on the public or private streets or parking areas of the common area. Nothing herein shall be construed to preclude the owner of any unit containing a two car garage situated on any lot from parking not more than two (2) automobiles in a reasonable state of repair and appearance in the driveway of such a unit nor the owner of any unit containing a one car garage from parking not more than one (1) automobile in the driveway of such a unit.

Note: The Board of Directors defines “storage” and “parking” as used herein as essentially synonymous and meaning to put or place a vehicle or leave a vehicle for a period of time.

2.0 Board Adopted Policies and Administrative Rules Regarding Parking Control.

2.0.1 In an effort to provide for the reasonable enforcement of the following policies and rules and to provide for the common good of the homeowners of Edelweiss, the Board of Directors, in accord with the powers and duties imposed on it, adopts these provisions and delegates such enforcement powers as may be necessary for their implementation. The Board desires to be as accommodating as possible within the requirements of its duties as well as to protect the common interests of all homeowners. The Parking Control Committee and Parking Control Officer (PCO) established under these policies are directed to enforce the rules in the best interest of the total Edelweiss Community. Full authority for such enforcement as outlined herein is delegated to the PCO and the Committee acting under direction of the PCO.

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EDELWEISS HOMES ASSOCIATION

2.1. Parking Limitations.

2.1.1. Parking on the streets of Edelweiss for any extended period of time (over four (4) hours) by any resident or occupant of a unit in Edelweiss except under special permit is prohibited. Violation of this rule may subject vehicle owner to enforcement and penalty provisions described herein. "Parking" is defined as the storage, placement or locating of a motor vehicle in any area for a period of time in excess of one hour or in such manner as to be in violation of these rules. Parking of motor vehicles owned or under the control of residents of Edelweiss shall be authorized only in areas designated as parking areas in Declaration of Restrictions. No on street parking is permitted within twenty (20) feet of intersections, fire hydrants and address signs.

2.1.2. Parking limited to guests and service vehicles only shall be allowed on the side of the street that does not have yellow "No Parking Fire Lane" markings. These areas are as follows: Parking is not allowed on the even- addressed side of Mastin Street including the Mastin hook area. It is not allowed on the inner aspect of Edelweiss Circle or on any of the non-cul-de-sac dead end streets. Parking is not allowed on the inner aspect of the horseshoe areas (9912-9934 even only and 9936-9958 even only) or the inner aspect of Pine Tree Circle. Parking is not allowed on the west side of the north cul-de-sac (in front of 9904-9910 even only) or on the west side of the central cul-de-sac (in front of 10168-10176 even only). There are also certain areas in front of fire hydrants marked as "No Parking Fire Lane."

Guest vehicles are defined as vehicles of non-residents who may be visiting residents. Guest vehicle parking privileges shall not exceed parking on three consecutive days nor a total of 10 days during a 30 day period. Requests for extension of guest privileges beyond these limits shall be presented to the PCO who may issue a special temporary parking permit subject to such limitation as may be established by the PCO in the interest of the safety and welfare of the residents of Edelweiss.

2.1.3. No trucks or RVs except service vehicles are permitted to park on Edelweiss streets or drives. Small pick-ups are classified as automobiles. Guest RVs may use the pool parking area, but not over two (2) days unless by special permission of the PCO. No boats, trailers, buses, motor homes, mobile homes, campers, recreational or commercial vehicles or other similar vehicles shall be parked or stored in or upon any Lot except within an enclosed garage. No vehicle shall be repaired (excepting minor repairs) or rebuilt on any Lot. The Association may remove, or cause to be removed, any unauthorized vehicle or other item prohibited hereby at the expense of the Lot Owner.

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EDELWEISS HOMES ASSOCIATION

3.0 Special Parking Permits. Special temporary parking authorization for vehicles owned or under the control of residents of Edelweiss may be issued by the PCO upon application detailing reasons for such request.

3.1. Special permits for parking in undesignated parking areas may be issued only as temporary permits for periods not to exceed twelve (12) months. Renewals may be made on written request verifying continued need and other requested information. No permit shall be issued to be valid beyond July 1 of the year following its issue. All permits shall expire no later than July 1 following the date issued.

3.2. Request for permits shall be submitted in writing to the Edelweiss PCO on forms secured by applicant from the PCO. Requests shall include:

3.2.1. (a) Detailed reasons why a special permit is needed.

3.2.2. (b) Names and residential status of all persons (drivers) residing at the address.

3.2.3. (c) Make, color, model, year and license number of all automobiles housed at the address.

3.2.4. (d) Designation of the specific automobiles(s) for which the permit is requested.

3.2.5. (e) Information as to the time (weeks, months, dates, etc.) for which the permit is requested.

3.3. The permit shall be prominently displayed on the left-hand dash (visible through the windshield) at any time the vehicle is parked in its designated location.

3.4. Permits for single garage, single driveway units:

A permit may be issued for these units only if there are more than two cars regularly housed and there are more than two licensed resident drivers regularly driving the cars. Only one vehicle permit may be issued for parking in the regular parking area on Edelweiss streets. If a fourth vehicle and driver are involved, the second special permit shall be only for parking at the swimming pool lot. No permit shall be issued for less than three occupants, drivers and vehicles in a single garage unit except for parking in the pool area.

3.5. Permits for double garage, double driveway units:

A permit may be issued for these units only if there are more than four (4) cars regularly housed and there are more than four (4) licensed drivers regularly driving the cars. Only one vehicle permit may be issued for parking on Edelweiss streets. If a sixth vehicle and driver are involved, the second special permit shall be only for parking in the swimming pool lot.

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4.0 Parking Control Officer (PCO)

A PCO and an Alternate PCO shall be appointed annually by the President.

4.1. Parking Control Officer Powers and Duties.

Powers and duties of the PCO and the Alternate PCO in the temporary absence of the PCO, shall include the following:

4.1.1. To appoint members of a Parking Control Committee who shall assist the PCO, in the implementation of Edelweiss rules and policies.

4.1.2. To issue:

- (1) Requests for compliance with policies and rules.
- (2) Notices of violations of rules.
- (3) Warning of possible towing of offending vehicle(s).
- (4) Orders for towing of offending vehicles(s).

4.1.3. To grant special parking permits to qualified applicants.

4.1.4. To assign duties and delegate responsibilities to Parking Control Committee members within policy limits.

4.1.5. To design and secure printing of forms and notices required to implement policies.

4.1.6. To maintain a record of actions taken in implementation of policies.

4.1.7. To arrange agreement with licensed tow lot operators for towing of offending vehicles.

4.1.8. To arrange for printing and distribution of copies of the resolution, policies, rules and procedures to all residents and homeowners of Edelweiss. Copies shall also be maintained for distribution by the Secretary and the Treasurer.

4.2. Procedures for enforcement of parking regulations:

4.2.1. Whenever the PCO or PC Committee member shall first observe a vehicle parked in violation of these rules a "Request for Compliance" shall be placed on the vehicle.

4.2.2. Upon a second observation of a violation by the same vehicle a "Notice of Violation" or a "Request for Compliance #2 may be issued.

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- 4.2.3. At any time further violations are observed additional “Request for Compliance” or “Notice of Violation” may be issued or at the direction of the PCO or Alternate PCO, a tow order may be issued requesting the agreed towing company to remove the vehicle from Edelweiss streets.
 - 4.2.4. In situations in which the offending vehicle is parked so as to obstruct traffic, obstruct driveways, limit access to fire hydrants, encroach on lawns or grass areas maintained by the Association or for any other egregious violation, and its driver is not readily available, the PCO or Alternate PCO may order that the vehicle be towed forthwith. Correction of any damage incurred will be the responsibility of the homeowner and not that of the contractor or delivery service.
 - 4.2.5. To prepare annual budget proposals and recommendations to the Board for implementation of the parking control policies and regulations.
- 5.0 Responsibilities of violators of parking policies, rules and regulations.
- 5.1. Edelweiss and its Board and officers shall impose no fines or monetary penalties on violators, but shall only be responsible for maintaining clear streets in accordance with the requirements of the Declarations, Restrictions, Policies and implementation of the rules.
 - 5.2. Any costs incurred in the recovery of any vehicle towed under these policies are the sole responsibility of the owner/operator of the vehicle.
 - 5.3. It shall be the sole responsibility of the owner/driver of any vehicle towed for violations to contact the towing company and make arrangements for payment of charges and compliance with any other requirements including proof of ownership for recovery of the vehicle.
 - 5.4. The previously issued “Notice of Violation” shall inform the vehicle owner/operator of the name, location and telephone number of the towing company to be used if and when the vehicle is towed.

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Chapter 9 USE OF RECREATION FACILITIES

Committee Procedures

- Each Committee will have scheduled meetings.
- The Chair will give a written report monthly when activities warrant to the Board and a required annual report to the Association.
- The Chair will monitor spending and show history of purchases and services. The Chair will maintain the required number of committee members.
- The President shall draft Board members to temporarily fill vacant committee chairs.

1. Renters

- a. Any owner who wishes to assign his/her access to the recreational facilities of the Association to a renter will provide the Association with a statement available from the Clubhouse Chairperson stating that he or she is assigning the Right of Access conferred by that particular unit to the renter; and agreeing to be responsible for any damage to the recreational facilities caused or incurred by the renter in the use of the facilities.
- b. Renters will be informed of the restrictions by the owner when the unit is rented and renters will understand that they are to abide by the restrictions and by the rules and regulations set forth in the policies and procedures and bylaws of the Homes Association.
- c. If dues on the unit are not paid when due, renters will be denied the use of the recreational facilities until such time as the dues are paid in full.
- d. Renters will be welcomed with the same spirit of hospitality accorded to new owners and will be invited to participate in the social affairs of the Association and to serve on committees or work groups where appropriate.

2. Owners

- a. Homeowners who are delinquent in payment of Associations dues will not be permitted to use the recreational facilities of the Association until their dues are paid in full.

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CLUBHOUSE

- a. Even though a homeowner has assigned his or her right to use the recreational facilities of Edelweiss to a renter and agreed to accept responsibility for any damages caused or incurred by their renter they may also use the recreational facilities.
- b. The clubhouse can be reserved only for official meetings of the Homes Association. Social activities sponsored by the Association for Edelweiss residents and their guest and private functions hosted by a resident.
- c. Except for meetings and activities sponsored by the Association, a deposit will be required from any resident hosting a function.
- d. A resident wishing to use the clubhouse must sign a contract agreeing to be present during the gathering as well as pay fees and deposits in order to insure a reservation monies will be deposited in the Edelweiss checking account. It is recommended that reservations be made at least 45 days prior to the event.
- e. The security and/or cleaning deposit, less adjustment for damages or cleaning charges will be returned within five days following the reserved date upon approval of the clubhouse Chairperson.
- f. Reservations must be cancelled at least 10 days prior to the event or the minimum use fee will be forfeited.
- g. Rental of the clubhouse does not include use of the swimming pool or pool area.
- h. Charges for the use of the clubhouse shall be as follows:

60 persons and under.....	\$ 75.00
61 to 80 persons.....	\$ 100.00
81 to 125 persons.....	\$ 150.00

- i. Security deposit: \$ 125.00.
- j. Cleaning deposit: \$ 125.00.
- k. Groups or more than 125 people may not use the clubhouse per the Fire Marshal.

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SWIMMING POOL

- a. Edelweiss complies with the Johnson County Environmental Department's Rules and Regulations.
- b. A complete list of rules is posted at the pool.
- c. A copy of the Pool Rules is given to each new resident when he or she applies for a pool key.
- d. The Pool Rules are included in the Edelweiss Residents' Handbook and a summary is included in the Edelweiss Rules and Guidelines for Homeowners and Residents (Quick Reference Guide).
- e. Only one pool key per house number allowed. If an owner assigns his or her pool privileges to a renter, they do not have pool privileges unless they reside in another residence within Edelweiss.

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PERMISSION FOR RENTER'S USE OF RECREATIONAL FACILITIES

I HEREBY WISH TO ASSIGN MY ACCESS TO EDELWEISS HOMEOWNER'S RECREATIONAL FACILITIES TO MY RENTER:

BEGINNING DATE: _____
RENTER'S NAME: _____ ADDRESS: _____
PHONE: _____

OWNER'S NAME _____ (printed) OWNER'S
SIGNATURE _____ ADDRESS: _____
_____ PHONE: _____
DATE: _____

I AGREE TO BE RESPONSIBLE FOR ANY DAMAGE TO THE RECREATIONAL FACILITIES CAUSED OR INCURRED BY THE RENTER IN THE USE OF THE FACILITIES.

RENTER'S MUST ABIDE BY THE RESTRICTIONS AND BY THE RULES AND REGULATIONS SET FORTH IN THE POLICIES AND PROCEDURES AND BYLAWS OF THE HOME ASSOCIATION.

IF DUES ON THE UNIT ARE NOT PAID WHEN DUE, RENTERS WILL BE DENIED THE USE OF THE RECREATIONAL FACILITIES UNTIL SUCH TIME AS THE DUES ARE PAID IN FULL.

RENTERS WILL BE WELCOMED WITH THE SAME SPIRIT OF HOSPITALITY ACCORDED TO NEW OWNERS AND WILL BE INVITED TO PARTICIPATE IN THE SOCIAL AFFAIRS OF THE ASSOCIATION AND TO SERVE ON COMMITTEES OR WORK GROUPS WHERE APPROPRIATE.

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Chapter 10 ROOF REPLACEMENT EDELWEISS HOMES ASSOCIATION

At the September, 2007 meeting of the Edelweiss Board of Directors, the Roof Replacement Policy of 2003 was amended to provide greater flexibility with respect to use of composition materials on individual units in multi-unit buildings.

If the new policy is to work effectively, all homeowners planning a roof replacement must observe strict compliance with the new policy. The complete roof replacement policy, as amended, follows. If you have any plans to replace the roof on your unit either now or at a future date, please contact the Architectural Compliance Chairperson of Edelweiss before getting involved with contractors, suppliers or other interested parties to be sure you are fully aware of the Edelweiss requirements and their applicability to your specific unit.

**EDELWEISS ROOF REPAIR AND REPLACEMENT POLICY (4-8-03)
(As adopted by Bd. of Dir. and amended 9-11-07)**

INTENT OF THE POLICY

It is the intent of the Edelweiss Homes Association to create and maintain the distinctive, traditional character for which the residences within Edelweiss are known while also ensuring that the roofing products and workmanship used on the units which comprise Edelweiss meet a high performance standard of safety and durability and which will:

1. Provide Edelweiss homeowners *with a choice of roofing materials*; and
2. Ensure that only quality products are used,
3. Ensure that materials used in Edelweiss are aesthetically compatible with the existing roofs in Edelweiss, and
4. Have the look of natural materials such as weathered cedar shakes, even if all other standards are met.

There are essentially two different situations which need to be taken into consideration with any policy change with respect to roofs in Edelweiss.

First, the need for a partial repair of a roof may be expected to occur at any time as a result of premature deterioration, fire, weather conditions or other reasons. However, when any repair is made on the roof of any duplex or four unit structure, the nature and appearance of that repair affects the adjoining unit(s) and sets precedents for any repair or replacement of any of the adjoining units.

Second, when any roof of any unit is to be replaced for any reason whatsoever, the nature and appearance of that new roof is a matter of serious concern for all homeowners.

ROOF REPAIRS

Repairs Defined:

As used herein, "roof repairs" are defined as the correction of any damaged area of a roof or the replacement of any part of the roof of any unit that is *less than the complete removal and replacement of the surface of the entire roof of the involved building* (e. g. duplex, quadraplex or free standing building). Approvals Required:

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A written request for authorization of any repair work to be performed on any roof shall be submitted to the chair of the Architectural Compliance Committee (ACC) prior to execution of an agreement or contract with a roofing contractor therefor. Requests shall be made on forms to be provided by the Association and available from the ACC chair. Note: the City of Merriam requires that the contractor must secure a building permit prior to commencement of repairs more than 100 square feet one "square" of roofing material.

Materials, License and Insurance:

All materials used in the *repair* of the roof of any unit shall be equal and fully comparable in appearance and quality to the materials used in said roof prior to the need for repair. All work performed on repair of any roof in Edelweiss shall be performed only by a fully licensed roofing contractor licensed to make such repairs in Johnson County, Kansas. A copy of an applicable and valid Certificate of Liability Insurance and Workman's Compensation coverage to be provided by the contractor shall be filed with the ACC chair prior to commencement of any work.

Note: It is recommended that appropriate intake and exhaust ventilation needs be provided for in any roof replacements.

Exceptions:

Exceptions to these Roof Repair requirements may be made in the event of temporary repairs necessary because of emergency situations or other special conditions *but all details should be discussed with the ACC as soon as practicable with arrangements made for permanent repairs.*

ROOF REPLACEMENTS

Replacement Defined:

Roof replacement is defined as the complete removal and appropriate replacement of all of the exposed surface of the roof and all metal valleys and flashing of chimneys and any roof openings such as vents, turbines or roof windows of any involved entire duplex, quadruplex or free standing structure.

Approvals Required:

A written request for authorization of any repair work to be performed on any roof replacement shall be submitted to the chair of the Architectural Control Committee on forms and in the manner approved by the Edelweiss Board of Directors. Approval must be secured *prior to commencement of work*. A denial or change required by the Architectural Control Committee may be appealed to the Board of Directors whose decision shall be final. Requests shall be made on forms to be provided by the Association and available from the ACC chair. *Authorizations shall be issued without charge to the homeowner.*

Any request for approval of a roof replacement shall be accompanied by:

1. A COPY OF THE CONTRACT OR AGREEMENT WITH THE INSTALLING PARTY, and
2. A COPY OF A CERTIFICATE OF LIABILITY AND WORKMAN'S COMPENSATION INSURANCE SUPPLIED BY AND COVERING THE CONTRACTOR, THE HOME OWNER AND THE EDELWEISS HOMES ASSOCIATION.

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3. A 3 SQUARE FOOT (OR LARGER) SAMPLE OF THE ROOFING MATERIAL, HAVING AT LEAST TWO COURSES, AND IN THE EXACT COLOR REQUESTED FOR INSTALLATION.

Note: For the protection of the homeowner, a "lien waiver" covering the cost of materials and labor should be secured by the homeowner before making final payment for the work performed.

Alternative Materials:

The Board of Directors of The Edelweiss Homes Association shall prepare and approve detailed specifications for the following alternative materials.

1. Wood shakes shall conform to the requirements of the applicable Merriam City codes, and shall:
 - a. Be 24 inch, hand split cedar shakes with a minimum thickness of ½ measured at the butt; and
 - b. Be installed with a maximum exposure of 10 inches.
 - c. Conform to requirements of applicable Merriam City codes.
2. Wood shingles may be applied *only as replacements on roofs originally surfaced with wood shingles*. Shingles used shall:
 - a. Conform to requirements of applicable Merriam City codes; and
 - b. Shall be identified as "Blue Label" and NER and QA numbers per the standards of the International Conference of Building Officials and National Evaluation Services.
3. Asphalt Laminated Composition shingles which must:
 - a. Have the appearance and color range *of* natural weathered cedar shingles *or* weathered wood shakes; and
 - b. Be an architectural shingle with shadow lines and *or* relief imitating a wood shingle *of* wood shake; and
 - c. Have a thickness of 3/16 inch measured at the exposed butt end *of* overlap; and
 - d. Be installed with sheet metal valleys and flashing within the same color range as the shingles being installed (no California style valleys); and
 - e. Be placed on solid 7/16 inch decking with all existing roofing materials removed down to stringers *or* 1 X 4s; and
 - f. Be installed over an underlayment of 30-lb roofing felt; and be a minimum 300 lbs. weight per square (100 square feet as installed); and
 - g. Have double thickness *or* greater ridge and hip shingles *or* be installed with preformed enhanced ridge shingles; and have a minimum U.L. Class A fire rating; and
 - h. Have a 40 year manufacturers warrantee; and
 - i. Use a minimum *of* five (5) color blend granules.

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4. NO MATERIALS SHALL BE USED WHICH DO NOT MEET ALL REQUIREMENTS OF THE CITY OF MERRIAM AND THE SPECIFICATIONS LISTED HEREIN.

SPECIAL PROVISIONS REGARDING ROOF REPLACEMENTS ON MULTIPLE UNIT BUILDINGS

1. (added 5/14/13) A roof on any portion of a unit adjoining the continuous or contiguous roof of another unit in the same building may be roofed with building materials different from that of the adjoining or contiguous roof by a roof /divider that abuts wood shake shingles to asphalt singles or a lap over on the connecting roofs at the peaks of these adjoining roofs. A permit must be obtained from the city of Merriam. The City of Merriam requires that the home owners submit a signed contract between them stating they are in agreement.
2. (added 9-11-07) Asphalt laminated composition singles complying with the requirements (a) through (i) of the Edelweiss Roof Replacement Policies may be used on the roof of any unit in a multi-unit building, provided that: a) all provisions of paragraph 1 (above) are strictly observed, b) the written approval and the terms of such agreement by the owners(s) of all adjoining or contiguous units is secured and submitted to the Architectural Compliance Chairperson for review, and c) that all information required by the Edelweiss Roofing Repair and Replacement Policy is submitted to the Architectural Compliance Chairperson and approved by the Board prior to commencement of construction.
3. (added 9-11-07) All roof replacements are required to meet all specifications of the Merriam City Building Codes and shall secure a proper city building permit
4. The Association, its officers or the ACC may assist affected owners in facilitating or reaching agreement on the details of the project. However, in no case shall the Association be responsible for any of the costs, workmanship, supervision, materials or any other feature of the replacement project, for the affected building, nor for any of its individual units.
5. Except as required in the foregoing provisions, the minimum requirements of "*The NRCA Steep Roofing Manual*," published by the National Roofing Contractors Association, shall be followed for materials and installation.

RESPONSIBILITY DISCLAIMER

These guidelines have been adopted by the Edelweiss Homes Association to maintain high quality and value of the homes in the Edelweiss subdivision. They provide individual homeowners with details regarding acceptable replacement roofing materials and the procedures necessary to obtain the required Board approval of applications for roofing replacement.

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THESE GUIDELINES ARE NOT A RECOMMENDATION OR ENDORSEMENT BY THE BOARD OF DIRECTORS OR THE EDELWEISS HOMES ASSOCIATION OF ANY INDIVIDUAL ROOFING MANUFACTURER OR PRODUCT NOR ANY ROOFING COMPANY OR INSTALLER. The Board makes no representation as to the quality, useful life, safety, or any other characteristics of any roofing materials or their installation. The responsibility to engage a reputable, competent, properly licensed and insured roofing contractor to repair or install a replacement roof, to choose quality roofing materials and to secure proper installation remains solely with each homeowner.

Any change from the use of the standard cedar shakes prescribed herein as the roofing material on any multiple unit building (duplex or quadruplex) shall be made *only* with the *unanimous* agreement of all owners of the units in the subject building.

1. Whenever a change from the use of shakes to a composition roofing material is made on any building, the entire building roof shall be completed as one single project. All associated costs of such replacement shall be pro-rated between the owners of the affected units. Pro-ration shall be based on the ratio, which the square footage of the individual unit bears to the total square footage of the resurfaced area of the building.
2. The Association, its officers or the ACC may assist affected owners in facilitating or reaching agreement on the details of the project. However, in no case shall the Association be responsible for any of the costs, workmanship, supervision, materials or any other feature of the replacement project for the affected building nor for any of its individual units.
3. Except as required in the foregoing provisions, the minimum requirements of "*The NRCA Steep Roofing Manual.*" published by the National Roofing Contractors Association, shall be followed for materials and installation.

RESPONSIBILITY DISCLAIMER

These guidelines have been adopted by the Edelweiss Homes Association to maintain high quality and value of the homes in the Edelweiss subdivision. They provide individual homeowners with details regarding acceptable replacement roofing materials and the procedures necessary to obtain the required Board approval of applications for roofing replacement. THESE GUIDELINES ARE NOT A RECOMMENDATION OR ENDORSEMENT BY THE BOARD OF DIRECTORS OR THE EDELWEISS HOMES ASSOCIATION OF ANY INDIVIDUAL ROOFING MANUFACTURER OR PRODUCT NOR ANY ROOFING COMPANY OR INSTALLER. The Board makes no representation as to the quality, useful life, safety, or any other characteristics of any roofing materials or their installation. The responsibility to engage a reputable, competent, properly licensed and insured roofing contractor to repair or install a replacement roof, to choose quality roofing materials and to secure proper installation remains solely with each homeowner.

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Chapter 11 DECK REPLACEMENT

An owner contemplating any repair replacement or construction of a deck must contact the Chairperson of the Architectural Control Committee and provide a comprehensive drawing showing the structural members of the deck, as well as a site plan to show the location of the deck with respect to the property lines and the building.

Note: A City of Merriam “Building Permit” is required to construct, repair or replace a deck. A drawing similar to the one as stated above is required by the Community Development at the City Hall.

1. Decks must be constructed of naturally Decay Resistant material or a Pressure Treated Lumber (CCA) or equal and be designed to support a live load of 40 psf. Cedar colored composite material may be used for decking and stairs only.
2. Decks are required to bear on concrete footings or piers that extend 36 inches below ground level. Piers are to be a minimum of 36 inches to the bottom of the pier.
3. Deck surface or the open side of any stairway measuring 30 inches or more above the ground shall have a guardrail, no less than 36 inches in height.
4. Step width must be 36 inches minimum. The maximum rise of each step is 8 inches and the minimum tread depth is 9 inches.
5. If a stairway includes three (3) or more risers, a handrail placed 34 to 38 inches above the nosing of the treads shall be provided.
 - a. A 4 inch diameter sphere shall not pass through any portion of the guardrail.
 - b. A 6 inch diameter sphere shall not pass between the guardrail and the stair stringer.
6. Floor joist spans and construction material requirements are set forth in the City of Merriam Municipal Code and the 2006 International Residential Code (adopted 2008).
 - a. This document is intended to assist homeowners living in Edelweiss and may not be considered as a complete list of requirements.

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Chapter 12 FENCE REPLACEMENT

An owner contemplating any repair, replacement or construction of a fence must contact the Chairperson of the Architectural Compliance Committee.

1. Any owner contemplating a fence style variation from vertical solid board construction should provide a sketch or picture.
2. Fence post must be constructed of naturally decay resistant material or pressure treated lumber (CCA) or equal.
3. Fence post must be of 4 x 4 pressure treated lumber (CCA) or equal.
4. Fence post must be set at least 2 feet in concrete.

Note: One third of any fence post should be below the ground (2 feet minimum).

5. Fence post holes must be dug for a 6 foot fence at least 3 feet deep with the bottom of the hole filled with 6 to 8 inches of gravel to allow for drainage.

Note: Allow fence post to set in concrete for at least two days.

6. Top and bottom rails must be of 2 x 4 pressure treated lumber.
7. Galvanized nails or screws must be used.
8. Black wrought iron or black metal fences may be allowed with Board approval.

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Chapter 13 GARAGE DOOR REPLACEMENT

1. An owner contemplating replacement of their garage door must contact the Chairperson of the Architectural Compliance Committee for approval. A description (style, pattern and material) of the new door should be submitted at this time.

Note: Owners residing in a four-plex and/or a duplex must submit a copy of a “Door Replacement Agreement” binding current and future owners of the units within the structure to the style, pattern and material of the replacement garage door. The signature of each owner must appear on the agreement.

2. Replacement garage doors shall be made from hot dipped galvanized steel, coated with a baked on primer and finished with a baked on top coat color white.
3. Replacement garage doors should be insulated with a weather seal bottom and PVC stop molding with vinyl blade seal at the header and jambs.
4. Replacement garage doors should have heavy duty hardware, including fully galvanized hinges and track, high performance rollers and a high quality counter balance system.
5. Exterior locks are necessary only if you do not have an electric door opener.
6. Contract with the installer should include removal and haul away of existing door.

Note: This document is intended to assist homeowners living in Edelweiss and not be considered as a complete list of requirements.

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EDELWEISS HOMES ASSOCIATION

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**Chapter 14 SPECIFICATIONS AND PROCEDURES REGARDING
DRIVEWAY REPLACEMENT**

1. An owner contemplating the replacement of their driveway must contact the Chairperson of the Architectural Compliance Committee for approval.

Note: A City of Merriam “Building Permit” must be obtained prior to the beginning of work.

RECOMMENDED BY THE PORTLAND CEMENT ASSOCIATION

2. The ground should slope one-eighth inch per foot and should be moist, but not muddy when the concrete is poured.
3. Pavement thickness for driveways (excluding approaches) shall be no less than 4 inches. Insist on six bags of cement (564 lbs.) per cubic yard of concrete.
4. The concrete should be 6% air-entrained. Some finishers may try to avoid it, but it has been shown to significantly reduce the risk of scaling.
5. Welded wire fabric (WWF) shall be used with a spacing of not more than six inches between squares. WWF shall be supported from the bottom edge with chairs to center the WWF in the slab.
6. Strength should be at least 4000 psi.
7. Limit the amount of water. The slump, as it is called should be about 5 inches.
8. Use a coarse, one inch or smaller aggregate and the concrete should not be overworked.
9. Surface water should be allowed to evaporate before finishing.
10. Concrete should be cured with curing compounds sprayed on the surface immediately after finishing or by moist curing for seven days.
11. In choosing a contractor, inspect his work and insist that the driveway is made, poured and cured according to the above specifications.

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AFTER THE DRIVEWAY IS POURED

1. Do not park cars on the driveway during the first 30 days.
2. Seal the driveway every fall to prevent water from penetrating.
3. Clear the driveway of snow and ice as quickly as possible.
4. Avoid parking cars on it during the winter. Salt can drip and be harmful
5. Do not use salt or chemicals.

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Chapter 15 INSURANCE COVERAGE

The Edelweiss Homes Association shall maintain the following insurance coverage:

1. Fire and other Hazard insurance with standard extended coverage, vandalism and malicious mischief endorsement on the Clubhouse and Swimming Pool.
2. Public Liability Insurance in such limits as the Board of Directors may from time to time determine, covering the common areas and with Cross Liability Endorsement to cover liabilities of the Unit Owners as a group.
3. Officers and Directors Liability Insurance as the Board of Directors may from time to time determine.
4. Service Contracts on such equipment as:
 - a. Air conditioner – Clubhouse
 - b. Furnace and Humidifier – Clubhouse
 - c. Motor – Swimming Pool

Note: All policies should be reviewed annually by the Board of Directors.

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Chapter 16 ESTATE SALES

Policy Provisions for Public Estate Sales

1. Estate Sale permission may be granted only in the event of the actual close of an estate or the transfer of an Owner to a retirement home or care center or small residence due to age or medical condition in accordance with the specific terms and schedules approved by the Board and cited below.
2. A complete written request for permission to hold any estate sale in Edelweiss shall be submitted to the Estate Sale Committee to present to the Board of Directors of Edelweiss not less than 30 days prior to the proposed sale date. The request shall be accompanied by a completed application form. The request shall be accompanied by a completed application form to be made available to the applicant upon request to the Estate Sale Committee.
3. A refundable deposit of \$300.00 will be required to pay for all expenses incurred as a result of the sale. This could include any damages to common ground and for any litter removal required following the sale. The Board shall provide written approval of the sale plans, along with a printed copy of the Edelweiss Estate Sale Rules, to the applicant as soon as possible after approval.
4. Following completion of the sale, the Estate Sale Committee shall tour the area to determine if there are any chargeable damages and or litter. Costs of any damages to Edelweiss properties shall be deducted from the deposit and the remainder, if any, returned to the applicant. The applicant shall pay any excess costs, not covered by the deposit as determined by the Edelweiss Board of Directors.
5. The person conducting the sale must have security personnel present to take care of traffic or miscellaneous problems that might arise. A security person must arrive one half hour prior to the estate sale and remain on the premises one half hour following the close of the sale.
6. The person conducting the sale must put up No Parking This Side of Street signs every 40 to 50 feet on the no parking side of the street within a 2-3 block radius of the sale prior to the sale. Signs and posting of signs shall be limited to the specific times and locations as specified in the permit approved by the Board of Directors. The security person is responsible for maintaining the no parking rule.

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7. If the sale is in a cul-de-sac, the cul-de-sac would be barricaded by the person conducting the sale allowing cars in only for large item pick up and they would have to show their pick-up ticket to be allowed through. For the convenience of residents in the cul-de-sac, the day prior to the sale, each resident would receive notice of the sale and an entry card for their vehicle provided by the estate sale committee.
8. An insured, bonded, and properly licensed professional shall conduct all estate sales and shall secure from the City of Merriam a permit to conduct the sale.
9. All sales shall be limited to one day and limited to hours between 9 a.m. and 4 p.m. One on one pickups of large items may be scheduled after hours at the discretion of the person conducting the sale.
10. All items offered in the sale shall be those that are a part of the personal property of the residents. No items are permitted to be brought in for the sale purposes.
11. Arrangements can be made to set a time, prior to the scheduled sale, for Edelweiss residents to purchase items...at the discretion of the home owner.

Note: Quoted item as stated in Edelweiss Declarations of Restrictions, Article #14.10

Policy Provisions for Private Estate Sales

1. A scheduled private sale may be held daily for a period not to exceed five days.
2. The homeowner, or a representative, is responsible for contracting with an individual to conduct the sale.
3. The person conducting the sale will be responsible for setting up appointments.
4. No more than three buyers will be scheduled for each appointment.
5. Arrangements can be made to set a time, prior to the scheduled sale, for Edelweiss residents to purchase items at the discretion of the home owner.

Policy Provisions for Online Auction Sales

1. A one day Open House can be held to view items for sale between the hours of 9:00 a.m. to 4:00 p.m.
2. After the bidding on line is complete, a pick up day can be designated by the auctioneer.
3. The hours of pick up must be between 9:00 a.m. and 4:00 p.m.

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HOMEOWNER’S REQUEST FOR ESTATE SALE PERMISSION

I HEREBY VERIFY THAT I AM THE OWNER OR LAWFUL AGENT OF THE EDELWEISS DWELLING UNIT LOCATED AT: _____ AND REQUEST A PERMIT TO HOLD A BONEFIDE ESTATE SALE OF MY PERSONAL PROPERTY THEREIN ON THE FOLLOWING DAY.

DATE _____ AND HEREWITH DEPOSIT \$300.00 AS A SECURITY DEPOSIT.

TIME BEGINNING AT 9:00 A.M. AND ENDING AT 4:00 P.M.

THE LICENSED, INSURED AND BONDED AGENT INFORMATION IS:

Company Name	
Company Address	
Company Telephone	
Agent Conducting Sale (Print Name)	
Agent Conducting Sale (Signature)	
Agent Conducting Sale Telephone	
MERRIAM PERMIT NUMBER	

AS SPECIFIED IN THE EDELWEISS RULES FOR ESTATE SALES, I WILL PLACE SIGNS AS DIRECTED AND HAVE A SECURITY PERSON PRESENT FOR PARKING CONTROL AND ANY MISCELLANEOUS SECURITY ISSUES.

I HEREBY VERIFY THAT I AM OWNER OR AUTHORIZED AGENT FOR THE ABOVE LISTED PROPERTY AND AGREE TO ABIDE BY ALL OF THE POLICIES, RULES AND REGULATIONS OF THE EDELWEISS HOMES ASSOCIATION IN THE CONDUCT OF THE REQUESTED ESTATE SALE. I FURTHER AGREE THAT IF THERE ARE ANY DAMAGES TO EDELWEISS PROPERTIES, DAMAGES TO PROPERTIES OF ADJOINING HOMEOWNERS, OR LIABILITIES FOR INJURY TO ANY PERSONS IN THE CONDUCT OF THE SALE, I ASSUME FULL RESPONSIBILITY FOR PAYMENT THEREOF.

Homeowner or Lawful Agent’s Signature		Date	
Signature of Edelweiss Board President			
Date of the Approval by the Board of Directors of Edelweiss		Date	

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Please outline the location of the sale and sign placement, traffic flow, etc. on the map.