

## BOARD OF TRUSTEES

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April 12, 2021

Dear Homeowner,

With each new Spring, we usually notice an increase of contractors working in the area without corresponding Request for Approvals being submitted to the Board of Trustees for construction approvals and other maintenance and cleanup projects. (i.e. **siding, roofs, sidewalks, patios, fences, decks, retaining walls, etc.**) As in the past years, we will encounter property owners who are either unaware or have decided to forego the process of submitting approval requests to the Board and receiving an approval prior to proceeding with the improvements. Proceeding without Board approval can be costly, because the improvements constructed may have to be changed or removed entirely. Please take the time to complete a **'Request for Approval Form'** and submit to one of the Trustees with enough time for it to be reviewed and responded to by the Board. It is also important to remember that landscaping, fences, decks, pools, lawns, etc. are expected to be **maintained** and kept in **good repair and appearance**.

**Babler Park Estates** is a **well-established** subdivision, with the first homes built in 1978. With age comes both a certain sense of nostalgia, but also can have an aged and overgrown look when **landscaping is not maintained or updated** from time to time. We have had some complaints of trees impeding on neighbor's property and shrubs and plantings that are overgrown and unkept. These conditions will have an impact on **property values** of not only your neighbors, but the subdivision as a whole. At little cost and a little hard work, it can do wonders for maintaining the **value of your home** and those around you. Please consider this **small investment**.

It is a **violation** of the Subdivision Indentures (Section 4.06) to park **trailers, motorized campers, any make or variety of trucks or boats** within the boundaries of the subdivision for a period of time that exceeds that permitted by the Indentures of four hours. Likewise, temporary containers such as **dumpsters** and **storage units** must be approved by the Trustees and can only be on-site of a very defined and short period of time.

We receive inquiries from owners, wondering if we had any restrictions regarding **Solicitors**. Even though the Subdivision's Indentures do not include any such restrictions, the **City of Wildwood** does have an **Ordinance** that Solicitors must comply with. A few key items from their ordinance include:

- Solicitors are required to obtain a permit from the City prior to approaching residents.
- Solicitation is permitted between the hours of 9:00 a.m. and 8:00 p.m. during the months of April through October. From November through March, solicitation hours end at 7:00 p.m.
- If you answer the door and are greeted by a solicitor, please request their permit, which is required to be on their person at all times of solicitation and readily supplied to you.
- If you would prefer not to be approached by solicitors, you may obtain from the City a window sticker to display, which states "No Solicitors."

- If a solicitor fails to provide their City-issued permit upon request, ignores your “No Solicitation” notice, or does not immediately leave when asked, please contact the **Wildwood Police Department** immediately at **(636) 458-9194**. It is best to make this call immediately so the Wildwood Police Department can investigate most effectively.

In an attempt to serve the homeowners better, we have provided access to several key documents on the **Subdivision’s Web site**. Please take a moment to familiarize yourself with this Web site. Under the FORMS & FILES tab, you will find the ‘**Request for Approval Form**’ and the ‘**Babler Park Estates Construction Guidelines**’. You can find a scanned copy of the ‘**Indentures Of Restrictions**’ and two ‘**Amendments**’ under the INDENTURES tab. The TRUSTEE INFO tab lists the contact information for the current Trustees. <http://www.bablerparkestates.org/>

## Parking Ordinances

### SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
  - 1. Stop, stand or park a vehicle:
    - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - b. On a **sidewalk**;
    - c. Within an intersection;
    - d. On a **crosswalk**;
    - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Director of Public Works indicates a different length by signs or markings;
    - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
    - h. On any railroad tracks; or
    - i. At any place where official signs prohibit stopping.
    - j. Within eight (8) feet of a public or private mailbox between 8:00 A.M. and 5:00 P.M.
    - k. Upon any portion of the right-of-way of any controlled or limited access highway.
  - 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    - a. In front of a public or private driveway;
    - b. Within fifteen (15) feet of a fire hydrant;
    - c. Within twenty (20) feet of a crosswalk at an intersection;
    - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;
    - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or
    - f. At any place where official signs prohibit standing.
  - 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
    - a. Within fifty (50) feet of the nearest rail of a railroad crossing; or
    - b. At any place where official signs prohibit parking.

### SECTION 365.080: TIME LIMITATION ON PARKING

- A. No person shall park any vehicle on any public roadway for a period in excess of twenty-four (24) consecutive hours except:
  - 1. In an emergency, or
  - 2. Between 5:00 P.M. Friday and 9:00 A.M. Monday.
- B. No person shall park or leave any boat or any camper, trailer, motor home or commercial vehicle which is more than twenty-five (25) feet in length or nine (9) feet in height or eight (8) feet in width on any public roadway for a period of more than one (1) hour in any one (1) calendar day, except in an emergency or when in the process of loading or unloading the vehicle. (Ord. No. 479 §1, 11-23-98; Ord. No. 1146 §2, 1-10-05)

**SECTION 365.090: PARKING PROHIBITED IN RESIDENTIAL FRONT YARDS**

No person shall park or permit a vehicle to remain in the front yard of residential property, unless such vehicle is parked on a driveway. (Ord. No. 479 §1, 11-23-98)

**SECTION 365.100: PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

No commercial motor vehicle having a gross weight in excess of twelve thousand (12,000) pounds shall be parked on any roadway or highway in a residential district between the hours of 12:00 Midnight and 6:00 A.M. of any day, except in an emergency. (Ord. No. 479 §1, 11-23-98)

**FHA Loans**

In the past, the Trustees were contacted by a local mortgage group stating that they represented a party desiring to purchase a home in our subdivision using a FHA financed loan. The ability to provide the buyer with an FHA loan required that the FHA take a superior position to the HOA's (Home Owner Association) ability to file a lien for non-payment of assessments.

It was decided by the Trustees to submit this request to the subdivision attorney for his review and opinion to ensure that agreeing to it would not violate any section of the subdivision's 'Trust Agreement and Indentures of Restrictions'. The Trustees were advised by our attorney that the Indentures require that the HOA maintain a first priority position regarding assessment liens. In addition, the Trustees are not granted any special privilege to enter into an agreement which would subordinate our liability to anyone else.

The Trustees are aware that this may put homeowners at a disadvantage when attempting to sell their home so we are in discussion with our attorney to assess our options. To change the Indentures would require an amendment to the 'Trust Agreement and Indentures of Restrictions'. This would require a 2/3 vote approving such an amendment with one vote per household being allowed. Unless or until this is changed please inform your realtor that the Babler Park Estates HOA requires that we maintain a first priority position regarding our assessment.