



**BOONE'S TRACE PROPERTY OWNER'S ASSOCIATION, INC.**

**POLICY ESTABLISHING THE LOCATION AND MAINTENANCE STANDARDS**

**HOMEOWNER INSTALLED RECREATIONAL EQUIPMENT**

**WHERE AS**, under the collective authorities provided to the Board of Directors of the Boone's Trace Property Owner's Association, Inc. contained within the Governing documents of the Association which include; *The Covenants, Conditions and Restrictions for The Boone's Trace Development, The Articles of Incorporation of Boone's Trace Property Owner's Association, Inc., The Bylaws of the Boone's Trace Property Owner's Association, Inc.* along with those duties and powers provided for Boards of Directors under *KRS Chapter 273 Nonprofit Organizations* (more commonly referred to as the Kentucky Nonprofit Corporation Act; *The Board of Directors has the authority and the duty to enforce the Covenants, Conditions, and Restrictions (CC&Rs) of the Boone's Trace Development;*

**WHEREAS**, the Board of Directors has the authority and right to draft, publish, amend and adopt Policies related to the administration of the association including policies that are meant to establish standards or clarify restrictions for the enforcement of said restrictions;

**WHEREAS**, **The Covenants, Conditions and Restrictions for the Boone's Trace Development**, is silent on the installation and maintenance of Trampolines and Play Gyms on Lots;

**WHEREAS**, the Lot Owners of Boone's Trace have an obligation under the **Boone's Trace Covenants, Article IV, paragraph 6 – Unsightly or Unkempt Conditions**, "*to prevent development of any unclean, unhealthy, unsightly, or unkempt condition on his or her Lot.*"

**WHEREAS**, the Board of Directors desires at this time to clarify and establish installation and maintenance standards for both Trampolines and Play Gyms on Lots;

**NOW, THEREFORE BE IT RESOLVED**, that the following Homeowner Installed Recreational Equipment Policy Resolution be adopted:

1. This policy shall become effective immediately upon approval by a majority vote of the Board of Directors
2. **Trampolines.** Installation of Trampolines is allowed subject to the following standards:
  - a. Trampolines are allowed but they must be located in the back portion of the lot, behind the front face of the house.
  - b. Trampolines must be maintained in good condition and repair. The grass below the trampoline must meet the same requirements as the rest of the lot. Cannot exceed 8" in height, trimmed on a regular basis.
  - c. Failure to properly install, screen and/or maintain a trampoline in good condition or maintain the turf beneath the trampoline will result in:
    - i. The Board of Directors requiring the Trampoline be dismantled and removed from the lot and,
    - ii. The association may assess fines per the fine policy for failure to comply with the guidelines defined in this policy.
3. **Playground Gyms / Equipment.** Installation of playground gyms or equipment is allowed subject to the following standards:
  - a. Play gyms must not exceed 400 sq. ft. and must not require any type of concrete footer or underground support base. Equipment that requires a concrete base or footer would be considered an "other structure" which is not allowed under the CCR's.
  - b. Play gyms must be installed in the back portion of the lot, behind the front face of the house.
  - c. Play gyms must be maintained in good maintenance and repair so as to not become unsightly and/or hazardous.
  - d. Failure to properly install, screen and/or maintain Play Gym in good condition and maintain area beneath the Play Gym in good condition, free of weeds, etc. will result in:
    - i. The Board requiring that the Play Gym be dismantled and removed from the Lot, and
    - ii. The association may assess fines per the fine policy for failure to comply with the guidelines defined in this policy.
4. **Other types of recreational equipment.** Any other type of recreational equipment such as tents, slides, playhouses, etc. must be located in the back portion of the lot, behind the front face of the house facing the street.
5. **Grandfathering Provision for Installations existing prior to April 1<sup>st</sup>, 2020.**
  - a. **Trampolines.** All Lot owners must comply with the standards for Trampolines by June 1<sup>st</sup>, 2020
    - i. There are no grandfathering provisions for Trampolines
  - b. **Play Gyms.** All Lot owners must comply with:
    - i. The Play Gym Maintenance Standards by June 1<sup>st</sup>, 2020.

- ii. The Play Gym Location Standards by June 1<sup>st</sup>, 2020 and relocate existing Play Gyms to the back portion of the lot behind the front face of the house.
  - iii. Grand fathering process for Play Gym Variance size and location is as follows:
    1. Lot Owners may request a Grandfathering Variance for the size or location of an existing Play Gym installation by submitting the attached Play Gym Grandfathering Variance Application to the Board of Directors for their approval not later than May 1<sup>st</sup>, 2020.
    2. Variances will be reviewed by the Architectural Committee or other committee as appointed by the Board.
      - a. When granting variances, the Board will take into consideration the desirability or necessity for the variance due to circumstances such as topography, natural obstructions, hardship, aesthetic, environmental, or other such considerations as the Board deems appropriate.
      - b. Such variances shall be effective only if in writing and signed by the board, and shall not stop the Board from denying a variance in other similar circumstances.
  - iv. The board will not accept any Play Gym Grandfathering Variance Applications RECEIVED after May 1<sup>st</sup>, 2020. After that date, all Lot owners of existing Play Gyms will be required to comply with this new Policy.
6. The Board of Directors reserves the right to modify this policy at any time by a majority vote of the Board of Directors.

Recorded in the Book of Minutes this 9<sup>th</sup> day of March, 2020.

Signed: Melinda K. Digi Date: March 9, 2020  
President – Board of Directors