



Hello, neighbors.

In a recent newsletter, trustees of the Stonewater Homeowners Association presented information about what was being done in response to complaints about young ATV riders on Stonewater streets and property. These riders have raised a significant amount of complaints, and this update is to inform you about trustees' efforts to date.

First and foremost, this reminder: Riding ATVs on Stonewater streets is prohibited under the covenants and restrictions homeowners signed and agreed to upon purchase of their homes.

Full text of the Stonewater covenants may be found on the website StonewaterPevely.org.

Download the document in PDF form:

http://docs.neighborhoodlink.com/resources/529251643/STONEWATER_COVENANTS.pdf

Under Article V, Section 1, paragraph g, ATVs are declared a nuisance and prohibited. The text reads:

(g) Nuisance: No noxious or offensive trade or activity shall be conducted on any Lot, nor shall anything be done thereon prohibited by law or ordinance or which may be or become an annoyance or nuisance, in the judgment of the Board of Managers, to other Owners or inhabitants of Lots. **All Terrain Vehicles are an annoyance/nuisance unless determined otherwise by the Board of Managers.**

Article V, Section 1, paragraph p, also bans ATVs. The text reads:

(p) Personal Property: Personal property, including but not limited to, boats, trailers and All Terrain Vehicles, may not be stored in open or unenclosed carports on any Lot or anywhere else in the front yard of any Lot unless in an enclosed garage, nor, in the case of corner Lots, in the side yard. In addition, **All Terrain Vehicles are not allowed on Subdivision Streets, or on**

other Common Areas, Detention Basins or Developer's property. This shall not prohibit the parking of passenger automobiles, licensed and in operating condition.

These provisions clearly prohibit the use of ATVs within the boundaries of Stonewater Subdivision.

With the assistance of Stonewater administrator Ernst Management Services, trustees have endeavored to inform a particular resident of violations by ATV riders operating out of his home. Herculaneum police have been informed and have spoken to the resident regarding the violation.

Also, Herculaneum City Administrator Jim Kasten has been contacted. Kasten informed the Herculaneum police chief, who spoke to the resident. Other police officers have spoken to the resident as well.

In addition, a letter was sent by Ernst to the resident stating that this has been a nuisance to the community, and that a citation could be written and violations of No Trespassing.

Covenants give HOA trustees the right to fine the resident for violations.

Lindbergh Properties is aware of the situation as well. It has the right to file charges and will install No Trespassing signs near its undeveloped lots, which the ATV riders have accessed. Tickets might be written for riding on the street, underage and no helmet, but the police have to be present and witness the incident.

Trustees have encountered several problems in addressing this issue. The resident's rental home from which the ATV riders operate is not covered by the HOA covenants, having been built before the covenants took effect in 2011. That has limited trustees' efforts to enforce covenants. Police have stated that until Stonewater streets are accepted into the city they find difficulty in enforcing applicable Herculaneum ordinances.

Trustees through their administrator are continuing to pursue action to enforce the covenants.

Residents are advised to report nuisances to trustees and Ernst. However, trustees and Ernst advise against residents taking action on their own other than reporting violations to authorities.

Thanks for your cooperation. Know that efforts will continue to address the problem with city officials, the resident and owners of the residence.