



# Mayor's Monthly Newsletter

## Written by Mayor Rod Erskine

August 2013

### Ordinances, Codes, Deed Restrictions

I have been getting a number of emails recently, along with citizen's comments at council meetings, with questions pertaining to code enforcement - many focusing on what I will refer to as "appearance issues". Our residential areas can be divided into two areas: those areas having Home Owner Associations (HOA's), and those that do not have an HOA - which is the majority of our city. The city's codes and ordinances apply to both, but the HOA's have a set of extensive guidelines - deed restrictions - that go well beyond the city's codes. If you live in Wyndham Village, The Park, Wyndham Lake, the Lakes Of Jersey Village, or the Lakeside Homes the Home Owners Associations have guidelines for many appearance issues - color of exterior paint, color of shingles, maintenance of lawn and the home's exterior, where your car can and cannot be parked, to name a few. The deed restrictions vary between the five developments, but purchasing a home there makes you a member of the HOA, and you agree to abide by the deed restrictions. Enforcement of the deed restrictions is done by the HOA board, and not the city staff.

The rest of the city has no deed restrictions, only our codes and ordinances, which is the responsibility of city staff to enforce. Many residents outside the HOA's prefer the latitude they have in choosing external colors, landscaping, and design of the home - these are positives. We have a tremendous variety of home design schemes in JV, and the vast majority of our residents take pride in the appearance and upkeep of their home.

However, our codes and ordinances have limited application for "appearance issues" beyond the home's design and construction phase. We are heavily dependent on homeowners properly maintaining their homes. Our codes and ordinances do not place limits on the external colors an owner might choose to use, they cannot be required to paint their home when needed, we cannot require heavily oil-stained driveways to be cleaned - I could go on, but you are probably getting my point. There is a heavy reliance on homeowners choosing to properly maintain their home. We do require lawns to be mowed, trees trimmed where they overhang the street, have limits on height and types of fencing, specific times for trash to be set out, etc., and the vast majority of residents are in compliance. The few that aren't generally respond when contacted by our code enforcement officers, but when that is not the case, further remedies are available to the city, including placing a lien on the property, progress at a slow pace as prescribed by the law.

This month's issue of the JV Star contains a half page article on deed restrictions and zoning ordinances from a more technical perspective. Additionally, there is a link on our city website, [www.jerseyvillage.info](http://www.jerseyvillage.info), for our Code of Ordinances if you have interest in a specific issue. Otherwise, I encourage you to contact city staff if you wish to report a violation or discuss a particular issue. Keep the emails coming.

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