



City of Manchester  
14318 Manchester Road  
Manchester, Missouri 63011

(636) 227-1385

Dear Subdivision Trustee:

On behalf of all of us at the City of Manchester, we commend you for serving as a trustee for your subdivision. Homeowner's associations such as yours perform a vital function in the City of Manchester. Your efforts as a trustee make your neighborhood a better place to live and will ensure that Manchester continues to be a City with "A Proud Past, A Bright Future."

This Subdivision Trustee Resource Guidebook is intended to provide you with information on the City of Manchester to enhance your effectiveness as a leader in your subdivision. The guide includes information on the following:

- City Ward Boundary Map
- Subdivision Association Committees
- Subdivision Indentures
- Glossary of Terms
- Internet Resources
- Useful Telephone Numbers
- Building Permit Information
- Helpful Facts About Living in Manchester
- Brief Description of the City's Financial Structure
- Contact Information for Elected Officials and City Staff
- City Organizational Chart and Departmental Functions

We hope you will find the information contained in this handbook helpful. If we can be of further assistance, please do not hesitate to contact your ward representatives, the City staff, or myself.

Sincerely,

Mayor David Willson

# Subdivision Trustee Resource Guidebook

City of Manchester

March 2009

This guidebook is intended to help Subdivision Trustees and interested City of Manchester residents understand the issues surrounding the establishment and operation of Subdivision Associations.

This is not a legal document and should be used for reference only.

For additional information, please contact the City of Manchester Planning and Zoning Department at (636) 227-1385, ext. 107.

You may also write to us at:

City of Manchester

Planning and Zoning Department

14318 Manchester Road

Manchester, MO 63011

For more information on additional services, please visit the City of Manchester web site at [www.manchestermo.gov](http://www.manchestermo.gov)

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## Preface

The language throughout most of this guidebook is general and intended to be applicable to any subdivision in the City of Manchester. In order to maintain the general focus when referring to government institutions and services, the phrase Municipal or County is frequently used. Typically, a subdivision in a municipality (inside city limits) receives most of its government services from that municipality, while a subdivision in an unincorporated area of the county (outside of city limits) receives most of its government services from the County of St. Louis. The main exception to the general focus of this guidebook is its appendix, which contains information regarding zoning, and building permits for properties in the City of Manchester and unincorporated St. Louis County. The map on the following page identifies the City of Manchester.

CITY OF BALLWIN

CITY OF BALLWIN

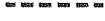
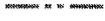
CITY OF WINCHESTER

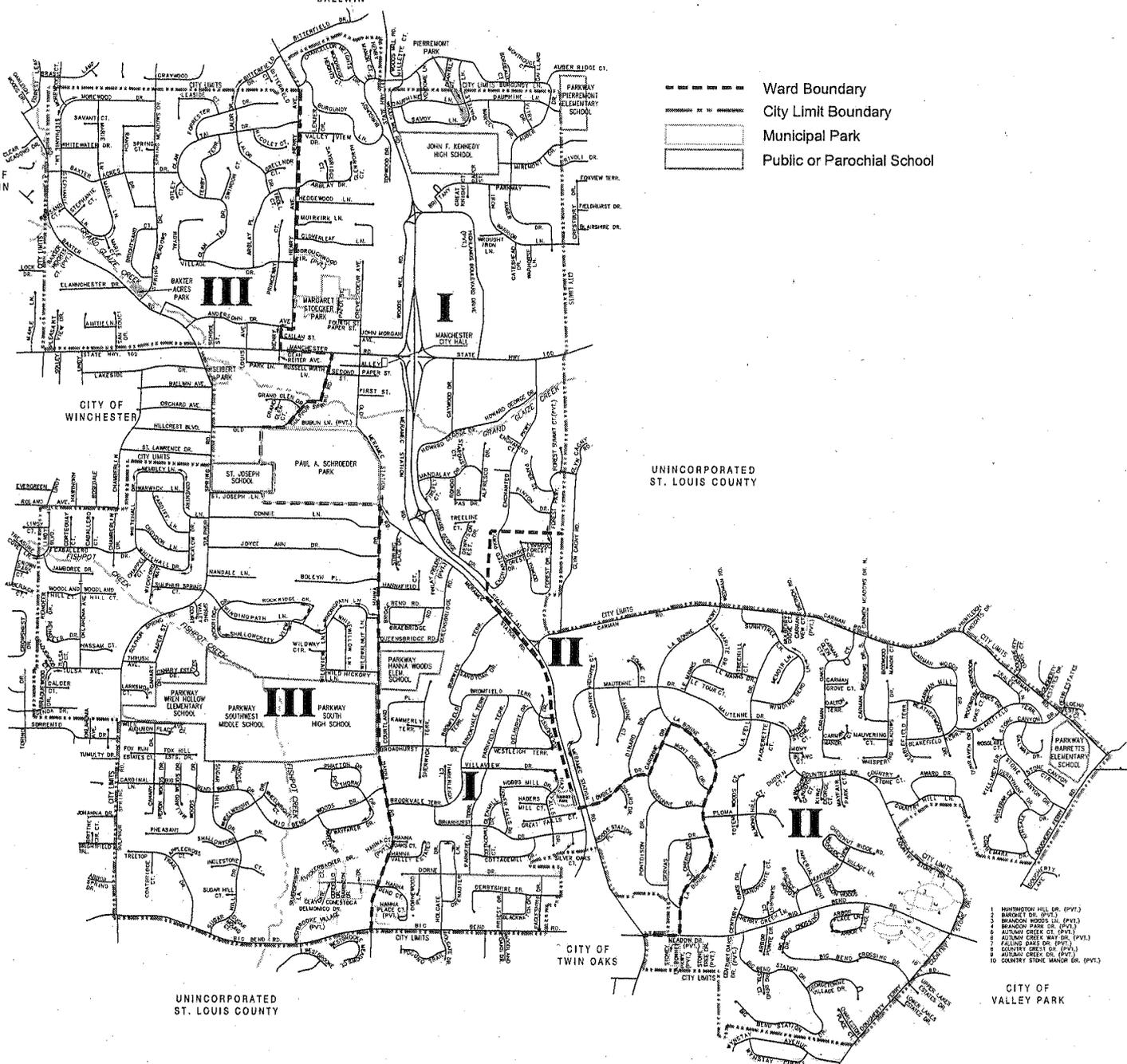
UNINCORPORATED ST. LOUIS COUNTY

UNINCORPORATED ST. LOUIS COUNTY

CITY OF TWIN OAKS

CITY OF VALLEY PARK

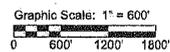
-  Ward Boundary
-  City Limit Boundary
-  Municipal Park
-  Public or Parochial School



- 1 HUNTINGTON HILL DR. (PVT.)
- 2 BARONET DR. (PVT.)
- 3 BRANSON WOODS LN. (PVT.)
- 4 ALTHAM CREEK CT. (PVT.)
- 5 AUTUMN CREEK WAY DR. (PVT.)
- 6 FALLING OAKS DR. (PVT.)
- 7 COUNTRY CREEK DR. (PVT.)
- 8 AUTUMN CREEK DR. (PVT.)
- 9 COUNTRY CREEK DR. (PVT.)
- 10 COUNTRY STONE WOODS DR. (PVT.)

# CITY OF MANCHESTER - WARD BOUNDARIES

SCALE: 1" = 600'  
 MAP DATE: APRIL 2008  
 MAP UPDATES BY: Kuhlmann design Group, Inc.



## Introduction

### Subdivision Associations in the City of Manchester

Subdivision associations are formal, legal entities created to maintain common grounds, recreational facilities such as swimming pools and trails, entrance signs or monuments, private streets, retention and detention facilities, and to enforce subdivision trust indentures. Some of the features of a subdivision association include:

- Mandatory membership for all homeowners within the boundaries of the subdivision;
- Collection of annual and special assessments;
- Establishment as corporations with formal by-laws. There is usually a governing Board of Trustees, and sometimes a private management firm, to manage maintenance and enforcement issues.
- Authority to establish and enforce restrictions and design standards, which are in addition to municipal or county ordinances;
- Provide a unified voice in matters of civic interest;
- Maintain liability insurance covering common grounds, improvements and other necessary features.

### Common Subdivision Association Committees

Many subdivisions may also have a variety of committees which may be made up of trustees as well as other residents. If your subdivision is experiencing problems in a specific area, one useful solution may be to form a committee that deals only with issues related to that problem.

The following are examples of common committees:  
(If provided in the Subdivision Indentures)

#### Architectural Review Committee

An Architectural Review Committee (ARC) plays an important role in monitoring and preserving the architectural integrity of a subdivision. The main goal is to maintain the appearance and value of the properties within a community. Per the indentures, the Architectural Review Committee can set restrictions more stringent than municipal or county codes and ordinances require, and may have civil authority to enforce its decisions. An ARC reviews and approves all architectural requests and plans submitted by residents. Decisions are based upon trustee-drafted rules and the regulations set forth in a subdivision's indentures. This committee typically monitors all of the homes in a subdivision to ensure that all additions, fences, remodeling, or alterations are approved in compliance with trust indentures.

#### Budget and Finance Committee

This committee plays a crucial role in forecasting expenses and developing a spending plan, or annual budget, that promotes a financially sound subdivision association.

Previous bills and past budgets are studied to assist in gauging expected expenses for the coming year's budget.

### Buildings and Grounds Committee

The role of this committee is to make routine evaluations of common ground facilities within a subdivision and determine what improvements or changes are necessary beyond maintenance. The committee evaluates and manages budget-identified major reserve expenditures for maintenance or refurbishment.

### External Affairs Committee

This committee monitors issues and events outside of and surrounding a subdivision and represents the association at various functions and meetings. The committee also reviews existing and pending legislation to assess the impact on the subdivision and interfaces with schools, government agencies, and other subdivisions on matters that affect the association.

### Internet Committee

The Internet Committee is responsible for establishing and maintaining a website for the subdivision association. Subdivision association websites commonly include a description of the neighborhood, a review of the indentures, meeting and event notices, contact information, and other items of interest to subdivision residents.

### Landscape Committee

Members of the Landscape Committee are responsible for monitoring the landscaping of common ground, islands, and other common green space within a subdivision and making recommendations to the Board of Trustees regarding improvements and maintenance. Similar to the Architectural Review Committee, this committee can set restrictions more stringent than municipal or county codes and ordinances require. The Landscape Committee also works closely with landscape contractors and monitors their performance.

### Neighborhood Watch

Neighborhood Watch is an organized way to involve residents in discouraging and preventing crime in their neighborhood. The main principles behind Neighborhood Watch programs are to encourage residents to properly secure their homes and belongings, and to report suspicious activity. Neighborhood Watch groups are typically organized in partnership with the Manchester Police Department.

### Welcome Committee

The role of a Welcome Committee is to personally greet new homeowners, welcome them into the community and get them familiar with the neighborhood. Welcome Committees often provide new homeowners with a copy of the subdivision indentures, a homeowners' directory, and other useful information, such as copies of the subdivision

newsletter or brochures of frequently called numbers.

## Indentures

Whether a subdivision is in an unincorporated area or a municipality, copies of all recorded subdivision trust indentures can be acquired from the St. Louis County Recorder of Deeds for a per-page fee by calling  
(314) 615-5000  
(314) 615-2500.

## Subdivision Trust Indentures

Subdivision trust indentures are put in place to protect and maintain the aesthetics of common amenities through the collection of annual and special assessments. Indentures set out the physical boundaries of the subdivision, describe the responsibilities and powers of the association, and detail the rules and procedures by which the subdivision operates. Subdivision trust indentures are legally binding recorded documents recognized by the State of Missouri and recorded with the St. Louis County Recorder of Deeds. In that subdivision indentures vary from subdivision to subdivision, it would be hard to provide sample subdivision trust indentures. Some indentures are brief and others are quite lengthy depending on the attorney who prepared them, the desires of the subdivision residents, the size of the subdivision, and the amount of common ground and privately maintained streets, recreational, or other facilities. However, there are several common components to indentures:

- Definitions of key terms;
- Duration of indentures;
- Powers and duties of Board of Trustees;
- Rights and responsibilities of the subdivision association;
- Membership and voting rights;
- Maintenance and services provided;
- Annual and special assessments;
- Delinquent assessments and remedies;
- Finance and borrowing provisions;
- Use restrictions;
- Architectural control and design review;
- Amendment provisions;
- General provisions;
- By-laws.

Indentures also dictate the process for electing subdivision trustees. Working under the constraints of the indentures, trustees oversee the collection of annual and special assessments and the maintenance of the subdivision.

## Amending or Updating Your Indentures

Many subdivision associations are finding that their indentures are becoming outdated

and are lacking certain desired provisions. Yet many of these associations have difficulties when it comes to amending their indentures, making it important to have a solid amendment provision within their indentures. From time to time it becomes necessary to amend the indentures of a subdivision. Reasons to amend could include changes in trustee members, association assessments levied, building rules, the election of new trustees, and the language contained in the indentures, etc. Most often, an attorney retained by the Board of Trustees drafts amendments to subdivision trust indentures. Once the desired changes have been made, the board will call a meeting of the subdivision residents, or disseminate the changes to the indentures to the subdivision homeowners and the homeowners will vote to approve the amendments. If the amendments receive the appropriate number of positive votes, the amended indentures are ready to be signed by the Board of Trustees and recorded. The amended indentures are then filed with the St. Louis County Recorder of Deeds. Generally, all the procedures for amending the indentures will be contained in the body of the indentures as one of the clauses. In addition, the City of Manchester Planning and Zoning Department should be notified of trustee changes and should be provided with the contact information for the new trustees. You can contact the Planning and Zoning Department at (636) 227-1385, ext. 107.

To locate an attorney to assist your subdivision, please contact:  
The Bar Association of  
Metropolitan St. Louis  
720 Olive Street, Ste. 2900  
St. Louis, MO 63101  
(314) 421-4134  
bamsl@bamsl.org

It is recommended that subdivision associations retain legal counsel when drafting indentures for the first time or when making significant amendments. Since indentures are legally binding, it is helpful to have an attorney assist with drafting indentures that will be enforceable and conform to State of Missouri and municipal or county regulations.

## Assessments

### Subdivision Assessments

Subdivision associations levy annual and special assessments to maintain common land and facilities in the subdivision and to enhance the quality of life for residents. An elected Board of Trustees collects and manages the funds on an annual basis. Annual assessments are typically used for such expenses as cutting grass and maintaining landscaping on common ground, maintaining subdivision signs, providing street lighting, duplicating and mailing subdivision newsletters and meeting notices, supporting block parties and other subdivision-sponsored social events, and hiring attorneys or other professional services. Private subdivisions may use their annual assessments to maintain private streets or to pay for snow removal. Special assessments may be levied periodically and are typically

used for major capital improvements such as replacement or improvements to subdivision signage, fencing, detention facilities, retaining walls, and recreational facilities.

### Collecting Assessments

The amount and method of collecting association assessments are usually called out in the indenture itself as are the enforcement options of their collection. In that indentures are legal documents and the language contained in them is essentially the law of the subdivision, the enforcement of them is a civil matter. If a homeowner fails to pay the required assessment, the Board of Trustees, or the professional property management company hired to handle such matters, can file a lien against the homeowner's real estate which becomes an encumbrance on the property deed that must be paid prior to or during the closing process when the property is sold. Many subdivisions use collection agencies. Collection agencies typically charge a rate based on a percent of assessments collected.

Collection Agencies are listed in your local Yellow Pages and online.

### Filing a Lien

When a homeowner fails to pay their required association assessment, it may be appropriate to file a lien against the property. A lien is a legal document that becomes a monetary encumbrance on the property deed and is required to be paid as part of the closing when the property is sold. The subdivision trust indenture will typically give the subdivision association the power to file a lien for just cause after a certain period of delinquency. The assistance of an attorney is generally necessary when drafting a lien, especially if the subdivision association has not yet filed other liens that could be used as templates. The lien will describe the nature of the encumbrance and identify the property by deed book and page, parcel ID number, account number, and address. Once the lien document is prepared and signed by the Board of Trustees or the professional property management company, it is recorded with the St. Louis County Recorder of Deeds. Once a property has a lien placed on it that property cannot be sold until the lien is cleared. Typically, to clear a lien all back assessments and interest must be paid by the homeowner. In some cases, a lien can lead to an action to sell the property to satisfy the lien(s). An attorney should always be contacted before undertaking this course of action.

### Trustees

#### Roles and Responsibilities of Subdivision Trustees

The specific duties of subdivision trustees are dependent upon the provisions of the association's indentures. In general, the Board of Trustees is responsible for the enforcement of indentures and the maintenance and upkeep of the subdivision's common amenities, including private roads. These duties may include:

- Budgeting and allocating funds for necessary maintenance and repairs;
- Working in concert with public utility companies to maintain adequate

- services within the subdivision;
- Contracting for services such as landscape maintenance;
  - Approving or denying construction plans for certain structures in the subdivision such as fences, decks, and additions to homes;
  - Ensuring that the subdivision association and its employees are covered by insurance policies;
  - Ensuring that all outstanding assessments are collected during the sale of homes in the subdivision by working closely with title companies;
  - Retaining and consulting with legal counsel for issues affecting the subdivision;
  - Responding to residents' requests for service or other assistance;
  - Continually seeking to enhance communication among neighbors, striving for community consensus, and getting residents involved;
  - Conducting meetings to review subdivision business and holding an annual general meeting to elect a Board of Trustees;
  - Attending municipal meetings and other public events to represent the subdivision association and keep subdivision residents informed;
  - Signing documents as official representatives of all residents in the subdivision as allowed by the subdivision trust indentures.

In most subdivisions, the Board of Trustees is comprised of subdivision homeowners who volunteer their time to maintain and improve their respective subdivisions for the betterment and enjoyment of all residents. Generally, the subdivision community elects trustees to their positions at an annual meeting. The duration of service is detailed in the association's indentures and terms are usually staggered to ensure a continuing level of experience on the board.

### Subdivision Trustee Roster

The City Clerk maintains a voluntary roster of subdivision trustees who live in the City of Manchester. This roster provides a means of keeping citizens better informed of activities as well as offers valuable information resources to the community. If you would like to update your information or be added to the roster, please call the City Clerk at the City of Manchester at (636) 227-1385 Ext. 106.

### Violations

#### Municipal or County Violations vs. Private Violations

It is important to note that an ordinance violation is a municipal or county violation, but an indenture violation is a private matter. The necessary steps to prosecute an ordinance violation versus indenture violations are listed below.

#### Enforcement of Municipal or County Code Violations

Most code violations are civil infractions or misdemeanors. The steps to prosecuting code violations generally include:

- To begin the investigation of a specific complaint, a municipal or county inspector contacts the alleged violator. In the City of Manchester, this inspector is typically the Code Enforcement Officer from the Planning and Zoning Department.
- If a violation is verified, the inspector will prepare a notice of violation informing the property owner of the infraction and establishing a time period to remedy the problem.
- If a violation is not corrected in the period allotted, a summons may be issued, and the case will be directed to Municipal Court.

If the property owner is found guilty of the infraction, the judge will assess penalties in accordance with the adopted fine schedule.

### Enforcement of Indentures

Subdivision indentures are private, contractual agreements and enforcement of violations, other than those related to the city code, are civil actions among the subdivision association and an individual property owner making a complaint and the property owner who is allegedly in violation of the indenture. The steps to prosecuting indenture violations generally include:

- The subdivision association normally contacts the owner and informs them of the specific violation and provides a time period for a resolution.
- If the violation is not remedied, a civil action is filed in Circuit Court. The action requested is for injunctive relief, or causing the violation to cease and be remedied.
- A trial judge could issue an order that could be a restraint order or a temporary injunction (if immediate risk of injury is present or a dangerous nuisance is found).

### Common Issues

#### Common Subdivision Issues

Many subdivision associations find that they have similar issues affecting their neighborhoods. Some of the most common issues are related to common ground, home improvements, and other matters. In order to help subdivisions address these issues, general information is provided below.

#### Common Ground

Common ground is the land set aside for open space, including detention/retention lakes, ponding, or recreational use for the owners of lots in a subdivision, conveyed in trust for the benefit, use, and enjoyment of the lot owners. Playgrounds and parks, as well as their access ways, are common ground areas in subdivisions. Portions of the annual and

special assessments are typically allocated for the maintenance and upkeep of the subdivision's common ground. Often times a house may be adjacent to undeveloped property owned by someone else. This is not within the common ground of the subdivision. It is important to note that this property may be developed in the future.

## Home Improvements

When planning to add on to, reconstruct, or erect accessory structures to a home, homeowners should be sure that the changes meet city zoning and subdivision requirements. They should also be certain to read the subdivision trust indentures carefully. Often times indentures are more restrictive than city ordinances. To avoid private legal issues and to maintain good neighborly relations, it is recommended that homeowners contact their Board of Trustees before making changes to their home. The city does not have authority over an association's building or other deed restrictions as long as they are not in violation of municipal or county codes or ordinances.

When buying a home that has a swimming pool and/or a deck, it is a good idea to make sure the previous owner had all of the necessary permits for those structures. It is also recommended to have a full survey of the lot conducted to identify official property lines and ensure that all structures meet the required setbacks.

Construction codes and zoning ordinances are enacted to protect the health, safety, and well-being of the public. By requiring quality construction and proper land use, property values are protected in our neighborhoods. The city's Planning and Zoning Department should be consulted for a list of home improvements that require building permits. The appendix of this document includes a list of typical home improvements requiring permits in the City of Manchester. Additionally, homeowners living in subdivisions with subdivision trust indentures should inquire about any permits or regulatory reviews that will be required from the subdivision association. Remember, subdivision indentures and city or county ordinances are separate from one another. Indentures are private, contractual agreements between homeowners and associations.

## Frequently Asked Questions

### What are subdivision trust indentures?

Subdivision trust indentures are written agreements that restrict or limit property use or activities in a subdivision. Indentures also detail the rules and procedures under which the subdivision will operate. These regulations and restrictions appear in the deed records and are private contracts between a property buyer and a property seller. Indentures are legally binding documents, recognized by the State of Missouri and recorded with the St. Louis County Recorder of Deeds.

### Who must abide by subdivision trust indentures?

In the City of Manchester and most municipalities, indentures are binding upon every

property owner in a defined private subdivision operating under an indenture, though the city cannot necessarily enforce all indenture requirements. Additionally, all subsequent or future owners of property in a deed-restricted subdivision are required to abide by the indenture as well.

### How are indentures put into place?

Indentures are usually created and activated on a subdivision by the initial developer. The developers are generally referred to as the First Party and serve as the initial governors, or trustees, of the subdivision. In most cases, when 50 percent of the total lots in a subdivision have been sold, the First Party shall cause the resignation of one of the original trustees, and the lot owners shall elect a successor trustee. Once 95 percent of the total lots in a subdivision have been sold, the First Party must cause the resignation of a second original trustee, and the lot owners will elect a successor trustee. After 100 percent of the lots in a subdivision have been sold, the term of the remaining original trustee is expired and all lot owners elect a specified number of trustees to serve staggered terms, thereby ensuring there are always experienced trustees governing an association.

### Who is responsible for informing new homebuyers of the subdivision trust indentures?

Since subdivision trust indentures are referenced on the title insurance policy, homebuyers should become aware of the indentures at closing. In addition, it is common for trustees or a Welcome Committee of the subdivision association to educate new homeowners about the indentures after they move in. Associations may wish to contact local realtors and listing agents on For Sale properties to ensure that they are aware of the subdivision trust indentures.

### Why are use restrictions important for the neighborhood?

Use restrictions are intended to preserve a subdivision's aesthetic appearance by setting standards for property maintenance, rules for construction on new or existing structures, and regulations for allowing or prohibiting certain uses or activities within a property in a subdivision. Before beginning any home improvement projects it is wise to contact the subdivision trustees and review the subdivision indentures to ensure compliance.

### What information should I expect to find in the subdivision trust indentures?

A well-written indenture will typically include the following components:

- A preface giving the legal description of the subdivision property, the parties involved, and the purpose and details of all restrictions;
- A description of the use restrictions placed on the properties within the subdivision. These restrictions can include limits on the use, type, and size of buildings, fences, or other structures, the quality of construction materials, building setback lines and provisions for architectural control committees, maintenance funds, yearly assessments, and boards of trustees, meeting

regulations, descriptions of common land, easements, and trustee election information.

- Definitions of key terms, specifications for the duration of the indenture and restrictions, their renewal, and maintenance enforcement provisions for amendments or appeals, and application.

### How long do subdivision trust indentures remain in effect?

Most indentures are drafted with perpetual life spans and have clear provisions for renewal. However, the length of time indentures remain in effect can be determined by a variety of factors. First, some indentures stipulate that they be tied into a particular parcel of property. In this sense the indenture is said to run with the land. The indenture is said to run with the land because it will always apply to the land, even if the land is sold from one owner to another. Secondly, some indentures specifically detail the timeline for which the restrictions and by-laws are valid. Lastly, if an indenture has not been enforced or maintained for a long duration of time, a judge can deem the indenture invalid due to lack of enforcement.

### What can I do to help maintain compliance with the indenture in my subdivision?

The most effective way of maintaining or enforcing indentures is through active participation in the subdivision association. An active group of neighbors will provide an effective voice for proper land use and maintenance. Attending monthly and annual meetings will also keep trustees and residents well informed about current events, policy updates, and legislation that can affect your subdivision. Solid communication among neighbors will allow problems to be worked out more effectively.

### How can our association enforce our indentures and deal with violations?

First, carefully read the indentures to be sure that the issue at hand is actually a violation. Then, speak with the owner of the property in question for this may solve the problem, since it is possible that the property owner does not know that the indenture has been violated. If a problem persists, approaching the subdivision trustees is a good next step. The trustees can take the necessary steps to attempt to remedy the situation. They can also decide at which point the assistance of an attorney will be necessary. It is important to note that the city and St. Louis County do not enforce subdivision trust indentures; indentures are private, contractual agreements between a subdivision association and an individual property owner.

### Our subdivision's trust indenture is old and outdated. Is it possible to amend our indentures to make them more effective?

Yes. It is quite common for indentures to be updated or rewritten when they are old or are lacking substance. The ease or difficulty of amending a subdivision's trust indenture depends on the procedures established in the documents themselves. Some indentures allow amendment by a majority of property owners in the restricted subdivision. In other

indentures, it may be necessary to obtain the approval of all property owners within the subdivision. A well-written indenture will usually have a clearly defined amendment provision. Since indentures are legal documents, it is recommended that subdivision associations enlist the assistance of an attorney in creating or updating their indenture.

### Can my subdivision join or consolidate with an adjacent subdivision?

Adjoining subdivisions may find it advantageous to consolidate their developments and manage them under one trust indenture. To accomplish this, the subdivisions would need the appropriate vote of the residents from both subdivisions and would likely form a single Board of Trustees. Typically, an attorney would draft a new indenture and possibly a new warranty deed (describing a single development, including a general deed for common ground) which would be approved by the residents, executed by the Board of Trustees, and recorded in the office of the Recorder of Deeds in the same manor as any other original indenture or amendment.

### Should my subdivision have liability insurance?

In most subdivisions that have common elements such as common ground, recreational facilities, and other amenities for the use and benefit of the subdivision residents and their guests, the subdivision association is responsible for the proper management of these elements. It is therefore suggested that the Board of Trustees or the subdivision's professional property management company have liability insurance. The policy should provide coverage from accidents and personal injury that may occur in the common elements of the development. A subdivision may also wish to have those responsible for the finances of the subdivision bonded to protect the subdivision from actions of an unscrupulous trustee.

### Glossary (Where applicable)

The following is a list of useful definitions of terms typically associated with subdivision associations. The St. Louis County Zoning Ordinances and the St. Louis County Property Maintenance Ordinances have a more extensive listing of pertinent definitions for subdivisions.

**Architectural Control:** A power of a subdivision association to restrict the types of structures, alterations, or improvements permitted on property within the subdivision, and to require the approval of the trustees or the architectural review committee before such changes are made.

**Articles of Incorporation:** A document that typically specifies the purposes and powers of the association, what officers it has, and essentially creates the association.

**Assessments:** An amount of money levied by a subdivision association on its members for the maintenance and upkeep of the association and its common property. Assessments are sometimes referred to as dues.

**Board of Trustees:** The governing body of a subdivision association.

**By-laws:** The operating procedures of a subdivision association which regulate such matters as the election of trustees, the nature of meetings, quorums and proxies, and other matters related to the operation of the association. By-laws can be usually be modified

either via the Board of Trustees or by a vote of the association's members.

**Common Ground:** That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey interest in the common ground, except as an incident of the ownership of a regularly platted lot.

**Covenant:** A covenant is a written agreement to do something or to refrain from doing something. The actual covenants that govern the rights and responsibilities of individual owners within a subdivision are detailed in a subdivision's trust indenture.

**Covenant Running with the Land:** A recorded, written covenant that is tied into a particular parcel of property. The covenant is said to run with the land because it remains with the land, even when the land is sold from one owner to another.

**Detention Basin:** Rainfall on undeveloped land soaks into the ground. The run-off that does not soak into the ground is absorbed by nearby streams. Once a piece of land has been developed, features such as streets, roofs, and driveways reduce the amount of water absorbed by the land. The streams may not be capable of handling this extra run-off. To combat this problem, many subdivisions are required to build detention basins. Run-off to the stream is restricted and stored in the detention basin. Later, the run-off is slowly discharged into the stream so other properties downstream do not flood. Detention basins are also designed to improve water quality. Vegetation in the basin helps to filter out pollutants like fertilizers and sediment before the storm water reaches the receiving stream.

**Easements:** Areas of land set aside for public utilities (gas, electricity, phone, TV, cable), storm sewers, sanitary sewer and water main lines, and surface drainage. Easements give utility companies, municipal workers, etc. the right to conduct work on the property within the easement boundaries. In most subdivisions, easements are platted.

**Flood Plain:** An official zoning category as designated by the Federal Emergency Management Agency (FEMA) Flood insurance rate maps. Such designation causes that land to be subject to flood plain regulations as specified in the city zoning ordinance. For the city of Manchester, FEMA's 100-year flood plain triggers the floodplain zoning designation (as opposed to the 500-year flood plain). FEMA's 100-year flood plain designation is intended to include all land in which the flood level has a one percent (1%) or greater chance of occurrence in any given year.

**Foreclosure:** The legal process of selling the property of a debtor in order to satisfy the debt from the proceeds of the sale. Subdivision associations have the right to foreclose upon a unit in the property to recover unpaid assessments.

**Indenture:** Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both. An indenture creates the common ownership of common land and defines the covenants, use restrictions, access agreements, insurance requirements, the rights of members, and the authority of the association and its trustees. The indenture also details processes for amending association regulations and documents, as well as assessing and collecting assessments. Indentures are private, contractual agreements

between a subdivision association and an individual property owner. Within a private subdivision association, no owner can avoid being subject to the provisions of a trust indenture.

**Lien:** A claim upon the property of a debtor as security for a debt. A lien is a legal right of a creditor to force the sale of property of a debtor to satisfy the debt. Most Indentures provide that the association automatically have a lien against any unit for the value of any unpaid assessments. To collect the money, the association shall foreclose the lien through the courts, and recover the unpaid assessments from the proceeds of the sale of the property.

**Lot:** A parcel of land to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incidental thereto, including open spaces, and having its principal frontage upon a public or private street.

**Master Plan:** The long-range plan for the City intended to guide the future growth and development of the area. Includes analysis, recommendations, and goals and objectives for the community's population, economy, housing, transportation, community facilities, and land use.

**Plat:** A map, plan, or layout of a subdivision indicating to scale the location and boundaries of individual properties. Plats are recorded in the St. Louis County Recorder of Deeds office.

**Retention Basin:** A pond, lake, or basin used for the permanent storage of water runoff, without release except by means of evaporation, infiltration or emergency by-pass. Used when no outlet or an inadequate outlet is available.

**Right-of-Way:** A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use. Normally, right-of-way is 50 feet wide whereas the street pavement is 26 feet wide; thus, the right-of-way covers an area that includes both sidewalks and the road pavement.

**Sanitary Sewer:** A system of pipes that collects wastewater and directs it to a treatment plant, where it is treated and released.

**Special Assessment:** An assessment levied by a subdivision association to finance a single project and may be used for emergency repairs or one-time improvements. Special assessments are separate from a regular assessment, which are usually levied once per month or once per year to finance the regular operations of an association.

**Site Plan:** A drawing or plan illustrating a proposed development and prepared in accordance with the regulations outlined in the various Sections of the ordinance.

**Storm Sewer:** Underground pipes or an open ditch/drain that carries rainwater. The storm sewer system includes inlets, detention/retention ponds and may become part of a larger system with ties to adjoining properties and developments.

**Water Main:** A system of pipes that brings potable water from a water treatment plant to homes and businesses.

## Resources

Community Associations Institute

Community Associations Institute (CAI) is a leading national advocate for subdivision associations providing education, networking opportunities, and other important resources to its members. The CAI mission is to assist community associations in promoting harmony, community, and responsible leadership. Community Associations Institute is available online at <http://www.caionline.org>. Resources include:

- Seminars, workshops, conferences, and education programs.
- Online tools and resources
- Advocacy and legislative support.
- Networking and referral opportunities.
- Up-to-date information regarding best practices, management procedures, and policymaking.
- Seven specialized newsletters, *Common Ground Magazine*, and other books, pamphlets, and guides.

Membership fees are based on the number of units within each association. Additionally, *Community Associations Institute – St. Louis Metropolitan Chapter* provides local resources and support for subdivision associations. They can also be contacted by mail or by telephone at:

Community Associations Institute  
6614 Clayton Road Suite 116  
Richmond Heights, MO 63117  
(314) 423-8859.

#### Internet Resources for Subdivision Associations and Homeowners

Community Associations Institute (CAI):

<http://www.caionline.org>

National Board of Certification for Community  
Association Managers:

<http://www.nbccam.org/about>

Community Tool Box:

<http://ctb.ku.edu/>

Neighborhood Link:

<http://www.neighborhoodlink.com>

Conducting Effective Meetings:

<http://www.effectivemeetings.com>

Associated Land Contractors of America:

<http://www.landcarenetwork.org/cms/home.html>

National Program for Playground Safety (NPPS):

<http://www.uni.edu/playground>

Institute of Real Estate Management:

<http://www.irem.org/index2.html>

Building Owners & Managers Association:

<http://www.boma.org/>

National Board of Certification for Community

Association Managers:  
<http://www.nbccam.org/about>

## Useful Telephone Numbers

### Emergency

Police	911
Fire	911
Ambulance	911

### Non Emergency

Police Department (Dispatch)	636-527-9200
West County EMS & Fire Protection Dispatch	636-227-9350
Valley Park Fire Protection District	636-225-4288
Missouri Highway Patrol - Jefferson City	573-526-6153

### Utilities

Ameren UE (power outages, street lights, etc.)	314-342-1000
Charter Communications Cable Co.	636-207-7044
Laclede Gas	314-621-6960
Metropolitan St. Louis Sewer Co.	314-768-6260
Missouri American Water Co.	314-991-3404
	866-430-0820
AT&T Telephone Co.	800-464-7928
Trash Collection	
Allied Waste	636-947-5959

### St. Louis County

General Administration	314-615-5000
Board of Election Commissioners	314-615-1800
Dept. of Revenue	314-615-5500
Health Department	314-615-0600
Recorder of Deeds	314-615-7189
Vital Records	314-615-1685
St. Louis County Police (Non-emergency)	314-889-2341
Grand Glaize Library	636-225-6454

### General Miscellaneous Numbers

Manchester Post Office	636-207-1013
Ballwin Post Office	636-227-5783
Driver's Test Station	636-256-3951
MoDOT	314-340-4100
Circle of Concern	636-861-2623

Manchester Athletic Association	636-391-1043
Social Security Office	800-772-1213
West County Chamber of Commerce	636-230-9900
MidEast Area Agency on Aging	636-227-3882
Animal Control	314-726-6655
Wildlife Rescue	636-394-1880

## Appendix:

### Planning, Zoning and Economic Development Department

The city's Planning and Zoning Department oversees the responsible growth and development within the city. The Department is responsible for processing all subdivision plats, site plans, flood plain development permit requests, rezoning applications, special use permits, and requests for variance from zoning regulations. Information on demographics, specific zoning details, and future growth and development can be obtained from Planning and Zoning. Documents such as the city Comprehensive Plan and long-range and special planning studies are also available.

The city offers vast information such as property zoning, land use information, some aerial photography, and much more.

### Code Enforcement

Code Enforcement staff preserves the quality of living throughout neighborhoods in the city by insuring its health and safety. This is accomplished through uniformly taking appropriate measures to bring properties in compliance with, nuisance, building, property maintenance, zoning, and health regulations adopted by the Board of Aldermen. Types of concerns/complaints addressed by Code Enforcement are: derelict vehicles, unlicensed vehicles, weeds and tall grass, rubbish, general disrepair of structures including: painting, deteriorated roofing, deteriorated siding, deteriorated gutters, broken windows, unsecured structures, and unsanitary and/or unsafe structures, building without a permit, and zoning violations including: commercial vehicles in residential districts, parking on the grass, operating a home occupation business, fencing, and re-occupancy without inspections.

Additional information is available online at [www.manchestermo.gov](http://www.manchestermo.gov) under Municipal Code.

If you would like the Code Enforcement to investigate a possible code violation at a property located in the city of Manchester, please call us at 636-227-1385, ext. 111.

### Planning and Zoning Commission

Before any building and land use permits can be issued for the new construction of or the addition to institutional, commercial, and industrial structures within the city a site plan must be submitted and approved by the city's Planning and Zoning Commission. The Planning and Zoning Commission also makes recommendation to the Board of Aldermen

on rezoning, Special Use Permits and subdivision plats.

## Building Codes

The city of Manchester contracts with St. Louis County Department of Public Works for building code permitting and inspection. Building codes provide local government with a way to guard the public's personal safety, much as traffic laws regulate driving.

Construction codes also ensure the economic well-being of our community. They reduce the potential spread of fire and disease and assure the consumer that homes and commercial buildings in our community are built as safe as possible. National building codes are now the regulatory basis for the administration of construction in cities, counties, and states throughout the United States.

Building codes and ordinances set minimum safety standards for all aspects of building construction - structural, fire and plumbing, electrical, and mechanical systems. Codes affect architects, engineers, contractors, subcontractors, plumbers, electricians, manufacturers, distributors of building materials, and the occupant of the building. You may check with St. Louis County regarding what version of codes are currently being used.

## Building Permit Requirements

A **building permit** is required to:

- Build, add-on, alter or repair a structure;
- Change the use of a building or structure;
- Install new plumbing, electrical or mechanical equipment;
- Relocation of plumbing, electrical or mechanical equipment.

A **demolition permit** is required to remove or demolish a structure or part of a structure.

## TYPICAL PROJECTS THAT REQUIRE BUILDING PERMITS:

- All new construction of residential and commercial structures;
- Any electrical re-wiring of a home or addition;
- Changes in electrical service or service up-grade;
- Any plumbing changes in a home or addition;
- Replace or repair sewer laterals;
- Replace or repair water service;
- New garages, carports, room additions, decks;
- In-ground/above ground swimming pools; including any pool over twenty-four (24) inches deep/with an electric pump or filter;
- Retaining walls over thirty-six (36) inches high;
- Installation of all new waste treatment (septic) system;
- Repairs or alterations to existing septic system;
- Replacement of air conditioning and heating units;
- Demolish or remove a structure, septic tank, or any portion of a structure;
- Change in building use, such as changing a residence to a business office;
- Any work within the 100-year floodplain.

## PROJECTS THAT DO NOT REQUIRE BUILDING PERMITS:

- Re-roofing;
- Painting, wallpapering, plastering;
- Re-siding;
- Repairing drywall;
- New floor covering;
- Replacing a light fixture or faucet;
- Replacement of existing windows providing the opening size is not changed;
- Installation of new kitchen cabinets;
- Utility sheds less than 120 square feet without electric, (but zoning approval is still necessary to check on setbacks)

There are many more types of projects other than those listed above, some of which may or may not require building permits. Please contact the Planning and Zoning Department at 636-227-1385, ext. 107 if you have any questions.

## CITY SERVICES AT A GLANCE

### Administration

- Contacting Mayor/Board Members
- Contacting City Administrator
- Board of Aldermen Agenda Matters
- Employment With the City

### Finance

- Accounts Payable
- City Budget
- Business Licenses
- Risk Management

### Municipal Court

- Traffic Violations
- Payment of Tickets/Fines
- Other Municipal Citations
- Court Dates

### Police

- Police Reports
- Traffic Enforcement
- Block Party Requests
- Charitable Solicitation Permits
- Garage Sale Permits
- Animal Related Concerns
- Weed Concerns
- Vacation Watch Program

### Public Works

- Street Maintenance/Repair
- Snow Removal
- Sewer Lateral Program
- Refuse Collection
- Recycling Services
- Yard Waste Collection
- Street Lighting

### Parks and Recreation

- Park Locations/Amenities
- Recreation Program Registration
- Aquatic Center
- Pavilion Reservations
- Ballfield Reservations
- Manchester Homecoming Festival
- Halloween Spooktacular
- Santa's Breakfast
- Easter Egg Hunt

### Planning and Zoning

- Zoning Ordinance Questions
- Subdivision Regulations
- Building Permits
- Property Maintenance Code
- Planning and Zoning Commission
- Board of Adjustment

## HELPFUL FACTS ABOUT LIVING IN MANCHESTER

**Animals:** Animals must be kept on a leash when off their own property or otherwise under the owner's control. The number of allowable animals may be no more than three dogs, three cats, or a combination of five dogs and cats. Puppies and kittens under four months of age are excluded. Excessive barking or other noise disturbance by an animal is considered a municipal violation, subject to prosecution through the Manchester Municipal Court. The Police Department can only enforce this ordinance provision if the officer can personally hear the barking or other animal noise.

**Appliance Pick-Up:** Special pick-up of household appliances (washers, dryers, refrigerators, dishwashers, etc.) can be arranged by calling Allied Waste at 636-947-5959.

**Building Permits:** A permit is required for many improvements, including most decks, building additions, storage sheds larger than 100 square feet, retaining walls more than two feet in height, and fencing. The Planning and Zoning Department can assist you in finalizing your home improvement plan.

**Commercial Vehicles:** Vehicles used for commercial purposes or for commercial hire that are more than nine feet in height, as measured from the ground, may not be parked in the majority of residential districts.

**Curfew:** Minors under the age of 17 are required to observe an 11:00 p.m. curfew during the

week and midnight on Friday and Saturday nights.

**Derelict Vehicles:** Any vehicle that is not registered and/or has been inoperable for more than 48 hours must be removed from the street or private property.

**Fireworks:** It is illegal to sell or use fireworks within the city. Sparklers are not included in this prohibition.

**Garbage/Trash Disposal:** Household trash can be placed in plastic bags or in 20-32 gallon trash cans with tight-fitting lids and weigh no more than 60 lbs. and may be placed at the curb no sooner than the night before the designated pick-up date. All containers must be removed from the curb no later than 12 hours after collection. On each pick-up day, a property owner may place for collection a maximum of seven trash cans or plastic bags, or a combination of seven cans and bags. All containers must be stored in a location that is not visible from the street, unless in a garage or carport.

**Garage/Yard Sales:** A resident may hold a maximum of three garage/yard sales during a calendar year. A permit from the city is required. There is no charge for the first and second sale permits. A fee of \$50 will be charged for the third permit. Garage/yard sales can only be held during daylight hours for no more than three consecutive days or two consecutive weekend days.

**Excessive Noise:** Please refer to section 215.140 of the City Code of Ordinances for details.

Zone	Level	Time Period
Residential Property	55 dB(A)	7 a.m.-10 p.m.
	50 dB(A)	10 p.m.-7 a.m.
Residential Commercial	65 dB(A)	7 a.m.-10 p.m.
	60 dB(A)	10 a.m.-7 a.m.
All Commercial Property	75 dB(A)	7 a.m.-10 p.m.
	70 dB(A)	10 p.m.-7 a.m.

**Property Maintenance Code:** The city's Property Maintenance Code is designed to maintain property values in the community. Common violations include peeling paint, rotten siding, improperly contained mulch, broken windows, and accumulation of rubbish or garbage.

**Recreational Vehicles/Boats/Utility Trailers:** Recreational vehicles, boats, and utility trailers that are stored in an enclosed area must be parked behind the established front building line. In addition, all recreational vehicles, boats, and utility trailers must be parked on an improved surface.

**Rental Property:** All single-family residential property that is for rent must be inspected and a permit obtained prior to occupancy.

**Recycling:** As part of the city's refuse collection service, residents may elect to have curbside recycling as part of their service. For a complete listing of items that can be recycled please

check with Allied Waste at 636-947-5959 or go to the City's website at [www.manchestermo.gov](http://www.manchestermo.gov). Items may be co-mingled. All recyclables must be placed in a bin provided by the city's refuse hauler.

**Solicitors' Permits:** Only non-profit charitable organizations may conduct door-to-door solicitations. The organization must obtain a permit from the city. In addition, each person involved in the solicitation must have in his/her possession an identification card signed by the City Administrator. Door-to-door solicitations may take place between the hours of 9:00 a.m. and 9:00 p.m.

**Tall Grass and Weeds:** All grass, weeds, and vegetation must be kept below 12 inches in height.

**Yard Waste:** Yard waste must be in bundles or in standard 30 gallon paper yard waste bags or in 32 gallon or smaller trash cans labeled "Yard Waste Only" or marked with the letter "X". No plastic bags are allowed. Bundled limbs or branches will be picked up provided that the bundles are no larger than four feet in length and two feet in diameter.

## CITY FINANCIAL STRUCTURE

The city's financial activities are accounted for through six funds. A brief description of each fund is provided below.

**General Fund:** The General Fund supports the day-to-day activities of the city, such as police protection, street and park maintenance, and general administration. Primary revenue sources include general sales taxes (one cent and one-quarter cent local option) and utility gross receipts taxes. Resolution No. 00-154 requires the city to maintain a minimum fund balance/reserve of 20 percent of annual operating expenditures.

**Capital Projects Fund:** The Capital Projects Fund tracks activity related to the one-half cent capital improvement sales tax, which took effect on January 1, 1995. Capital improvement sales tax is the primary funding source. The fund is a legally restricted fund (i.e., the sales tax monies can only be used for capital projects).

**Parks and Storm Water Projects Fund:** The Parks and Storm Water Projects Fund accounts for financial activity related to the one-half cent park and storm water sales tax, which took effect on January 1, 2001. The parks and storm water sales tax is the primary funding source. The fund is a legally restricted fund (i.e., sales tax monies can only be used for park, recreation, and storm water purposes).

**Homecoming Committee Fund:** The Homecoming Committee Fund tracks activity related to the annual Manchester Homecoming Festival. The fund established in response to a management comment by the city's independent auditor during the audit for fiscal year 2000. The city elected to establish this entity as a special revenue fund although it was not required to

do so by law.

**Sanitary Sewer Repair Fund:** The Sanitary Sewer Repair Fund accounts for revenues generated from the \$28 annual household assessment authorized by passage of Proposition S in August 2000 and expenditures for the repair of lateral sewer lines. This household assessment is the primary funding source, supplemented by a required homeowner "deductible." The homeowner is responsible for the first \$500 of cost, with the city's contribution capped at \$6,000 per project. The fund is a legally restricted fund (i.e., assessment monies can only be used in conjunction with repair of lateral sewer lines, including related administrative costs).

**Debt Service Fund:** In November, 2002, city residents approved Proposition P authorizing the sale of general obligation bonds in the amount of \$6.5 million. The proceeds from the bond sale are to be used for land acquisition, design and construction of a new centralized Police Facility with public meeting room space. The Debt Service Fund was established to account for revenues generated by the dedicated property tax as well as the annual debt service payments on the bonds.

## PARK SYSTEM

The city owns and maintains over 55 acres of park land. Manchester's five parks are located throughout the community. Each one of the parks offers different amenities.

Paul A. Schroeder Park, located at the intersection of Hanna Road and Old Meramec Station Road, is the jewel of the city's parks system. The park encompasses 44 acres and offers a variety of leisure opportunities, including picnic pavilions, ball diamonds, a playground, and the aquatic center. The other four parks are geographically dispersed throughout the city.

Further information on the Manchester park system is provided below:

Park Name and Location	Athletic Fields	Picnic Sites	Play Area	Nature Trail
Paul A. Schroeder Park: 359 Old Meramec Station Road	X	X	X	X
Margaret Stoecker Park: 224 Henry Avenue		X	X	X
Baxter Acres Park: 300 Spring Meadows Drive		X	X	
Seibert Park: 14448 Manchester Road		X		X
Pierremont Park: 617 Chatelet Lane			X	

## HOW TO REACH YOUR ELECTED OFFICIALS

Telephone #

E-Mail Address

MAYOR  
David L. Willson

636-225-3772

dwillson@manchestermo.gov

WARD 1 ALDERMEN

Alderman Janet Steinbrenner  
Alderman Paul Hamill

636-527-2417  
636-225-0950

jsteinbrenner@charter.net  
phamill@manchestermo.gov

WARD 2 ALDERMEN

Alderman Marilyn Ottenad  
Alderman Mike Clement

636-256-3109  
636-394-5862

jottenad@swbell.net  
mclement@mozaicltd.com

WARD 3 ALDERMEN

Alderman John Diehl  
Alderman Don Ryan

636-391-9143  
636-527-4501

j.diehl@sbcglobal.net  
dlr63021@sbcglobal.net

Written communications to the Mayor or a member of the Board of Aldermen should be directed to Manchester City Hall, 14318 Manchester Road, 63011.

ORGANIZATIONAL CHART of the CITY of MANCHESTER, MISSOURI

