

BEDFORD DOWNS HOMES ASSOCIATION

Roofing Regulations

Effective April 20, 2000

INTENT AND PURPOSE:

The property owners of Bedford Downs, Foxfield and Foxfield Estates Sub-divisions amended their applicable "Declaration of Restrictions" to comply with the provision of Ordinance BC-2167 of Overland Park, Kansas which modified the roofing requirements and/or created roofing standards to enhance the aesthetics and marketability of properties in said sub-divisions. It was the intent and purpose of the amendment to the applicable sub-division "Declaration of Restrictions" to allow, in addition to wood shingles, the use of composite, slate, tile, clay or concrete roofing materials as required by Ordinance BC-2167 and to regulate the aesthetic factors of such additional roofing materials to ensure that they are compatible with existing and future wood shingle or wood shake shingle roofs that may be constructed or reconstructed within said three sub-divisions.

APPROVAL PROCEDURES FOR ROOFING/RE-ROOFING:

Property owners in Bedford Downs, Foxfield and Foxfield Estates desiring to roof or re-roof with materials other than wood shingles shall submit a completed homes association "Roofing Request Form" including any attachments and material samples requested. The required "Roofing Request Form" shall be submitted for review and approval by Bedford Downs Homes Association Board of Directors or its designated representative, at least thirty (30) days PRIOR TO the property owner signing or agreeing to any type contract, ordering materials or commencement of any work on the residential roof. The "Roofing Request Form" is available, during normal week days working hours, at the homes association's management company, Barnds Homes Association Management Co., Attn: Lisa Stanley, 10000 W. 135th Street, P. O. Box 26385, Overland Park, KS 66225-6385, telephone (913) 897-2340. Each property owner shall schedule an appointment with Lisa Stanley to pick up a copy of the Roofing Regulations & Forms packets. A second appointment shall be scheduled when submitting a completed "Roofing Request Form" and necessary attachments to Lisa Stanley for the board of directors consideration and approval. Completed request forms and required attachments, ready to be submitted to the homes association board of directors for approval, shall be scheduled and returned to the association's management company's office.

The Board of Directors meet the third (3rd) Saturday of each month and will review and respond in writing to roofing requests submitted prior to the meeting date. If the requested roof/re-roof is the result of a disaster (wind, falling limb(s) or other object, hail, fire, tornado & etc.) the Board of Directors shall call "special meetings" as necessary to meet the emergency needs of the effected property owners.

The Homes Association's approval or disapproval of a Roofing Request shall be in writing to the property owner. In the event the Board of Directors, or it's designated representative, fails to approve or disapprove within thirty (30) days after Request Form, requested attachments including material samples have been submitted to the association with dated acknowledgement completed, it shall be conclusively presumed that said submitted Request Form, plans, specifications and material sample(s) have been approved. Further approval will not be required and related covenants shall be deemed to have been fully complied with regarding said request.

CONSTRUCTION OR ALTERATION:

Within Bedford Downs, Foxfield or Foxfield Estates Sub-divisions, no roof structure consisting of roofing materials, other than wood shingles or wood shake shingles, shall be installed unless complete plans, specifications, descriptions and samples of the proposed alternate roofing materials shall have been submitted to and approved in writing by the association's Board of Directors. Such plans and specifications shall contain information required to the satisfaction of the Board of Directors, including actual manufactures sample(s) of the materials exterior color scheme and the type, nature, kind, shape, weight, composition, anticipated duration/life and dimension of the desired material.

CRITERIA FOR ALTERNATE ROOFING MATERIALS:

In arriving at these "Roofing Regulations", the Board of Directors considerations included the following major issues:

- Overland Park's new ordinance overriding previous deed restrictions which required homeowners to install only wood roofs.
- The effect on neighborhood home values.
- The aesthetic appearance of the proposed roofing materials.
- The effect on residential insurance costs.
- Proposed roof materials fire retardant safety.
- The need for uniformity, control and compatibility with the appearance of roofing materials currently being used in the three sub-divisions within the homes association.
- Product specifications such as type of materials, style, color, weight, grading and warranty.

The following criteria shall be used by the homes association Board of Directors in reviewing submitted Roofing Request Forms regarding the proposed use of alternate roofing materials:

- a) Roofing materials shall be of colors that blend and are compatible and not noticeably inconsistent with surrounding landscaping and other roofing materials in Bedford Downs, Foxfield and Foxfield Estates Subdivisions.
- b) Review of proposed roofing materials by the Board of Directors shall be based on the plans and specifications submitted plus architectural style, quality of shingle, manufactures workmanship/production and on the anticipated/apparent visual impact of the roof when seen from the lot, neighboring lots, dwellings, roads or open spaces.
- c) Roofing materials should be architectural shingles designed to replicate the beauty of natural materials, constructed of a thickness, rich texture and multi-dimensional design that creates shadow lines and evokes the depth and dimension of sawed wood shingles or wood shakes on the roof. Acceptable designs may include, without being limited to, the following: using a variation of surfaces, including weathered surfaces; randomly-applied tabs; muted or distinctive shadow lines; use of different colors of granules; use of crude-style flat tile slightly convoluted to simulate the appearance of tree bark; use of a rough, textured surface and severely chipped butt; irregular lengths; rustic-style flat slab shingle with a catered, weathered and irregular surface; use of distinct color blends with multiple shadows to create a multi-dimension effect; uneven surfaces and rounded, softly chipped or tapered; or any other combination of design, materials and colors that creates a multi-dimensional appearance that simulates the depth and three-dimensional effect of sawed wood shingles or wood shakes on the roof, thus resembling the natural and random textured look of sawed wood shingles or wood shakes.
- d) Composition shingles shall weigh in close proximity (plus or minus 25 lbs.) to 300 pounds per square and shall have a minimum limited warranty of **thirty (30) years**. Warranty should be transferable to a second owner at no charge for transfer at any time for the life of the roof. The weight of underlayment roofing felt paper shall not be used in calculating the weight of the shingles per square. A square as used in this criteria equals 100 square feet.

ALLOWABLE ROOF TYPES:

Roofing materials that may be used on homes within Bedford Downs Homes Association are of the following types, shall adhere to the specific guidelines set forth for that type, and shall have written approval from the Homes Association prior to contract for installation being signed and materials being ordered or installed:

- 1) Regular Cedar Wood Shingles (A sawed wood product) - **No homes association approval necessary.** Guidelines: Number 1 grade with minimum 0.40 inch thickness measured at the butt. Sawed wood shingles are usually installed without an underlayment of felt paper. But, if underlayment is used, it shall be no less than 30-lb. roofing felt paper. Re-roofing with sawed wood shingles may not be installed over existing sawed shingle roof. It is strongly recommended and highly encouraged that only wood shingles that are certified fire retardant treated be installed.
- 2) Cedar Wood Shakes (A split wood product) - **No homes association approval necessary.** Guidelines: Number 1 grade with a minimum 1/2 inch thickness measured at the butt. Wood shakes may be installed over an existing sawed wood shingle roof. Wood shakes must be installed over an underlayment of 30-lb. or heavier roofing felt paper. It is strongly recommended and highly encouraged that only wood shakes that are certified fire retardant treated be installed.
- 3) Slate - Subject to preliminary Homes Association approval as to whether deemed appropriate for the particular style home and it's neighborhood. If approved, such material will be of uniform size and color and installed over 30-lb. or heavier roofing felt paper.
- 4) Clay Tile - Subject to preliminary Homes Association approval as to whether deemed appropriate for the particular style home and it's neighborhood. If approved, such material will be of uniform size and color and installed over 30-lb. or heavier roofing felt paper.
- 5) Concrete Tile - Subject to preliminary Homes Association approval as to whether deemed appropriate for the particular style home and it's neighborhood. If approved, concrete tile must have a weathered wood look and color, textured to resemble sawed wood shingles or wood shakes, have a dull or matte surface, and installed over 30-lb. or heavier roofing felt paper.

- 6) Laminated Composition Shingles - Subject to Homes Association approval as to whether deemed appropriate for the particular style home and it's neighborhood. If approved:
- a) Architectural shingle with shadow lines and/or relief that imitates a sawed wood shingle or wood shakes in appearance.
 - b) Required to be installed with continuous weather proof sheet metal or formed weather proof metal valleys and flashing including drip lines. The color of the required sheet metal valleys and flashing must be within the same color range as the composition shingles being installed unless otherwise approved by the Board of Directors. Composition shingles shall not be used to form the valleys or used as flashing.
 - c) Pre-formed ridge and hip shingles, same style and color of shingles must be used.
 - d) Appearance and color range of the selected shingles must imitate natural weathered sawed wood shingles or wood shakes. Shingles shall have a minimum of five color blend granules.
 - e) Installation over solid decking (sheathing) placed directly on the roof joists (best for restricting the path of flames) or atop existing spaced sheathing lumber required. Use minimum of 7/16" inch thick exterior sheathing (OSB chip board, exterior plywood, etc.). Shingles **SHALL NOT** be installed over existing sawed wood shingles or wood shakes.
 - f) Installation over an underlayment of 30-lb. or heavier roofing felt paper required.
 - g) Minimum 3/16 inch thickness required, measured at the exposed butt end of overlap (creates shadow lines).
 - h) Minimum required shingle weight shall be in proximity of 300 lbs per square not including the weight of the underlayment felt roofing paper. A square being 100 square feet of shingles as installed.
 - i) Approved composition shingles used shall be Class A fire-rated as determined by Underwriters Laboratory (UL).
 - j) Approved composition shingles shall have a minimum limited manufacturers warranty of thirty (30) years.

6) Laminated Composition Shingles - CONTINUED

k) A roof or any part thereof may be shingled with composition shingles a maximum of three (3) times before all layers of prior shingles must be removed before re-shingling the roof with any type shingle.

7) Other Alternate Roofing Materials - As new and other alternate roofing materials become available on the market, the Board of Directors shall have the right to not add or add said roofing materials including applicable requirements and guidelines in these "Roofing Regulations".

Except as required above, the minimum requirements of "The NRCA Steel Roofing Manual", as published by the National Roofing Contractors Assoc., shall be followed for materials & installation.

NOTICE OF DISCLAIMER:

These regulations and guidelines have been adopted to maintain the high quality and value of the homes in Bedford Downs Homes Association, and to provide individual homeowners with details on acceptable roofing materials and procedures necessary to obtain the required Homes Association approval for roofing/re-roofing their homes. **THESE REGULATIONS AND GUIDELINES ARE NOT A RECOMMENDATION OR ENDORSEMENT OF ANY ROOFING MANUFACTURER OR PRODUCT NOR ANY ROOFING COMPANY OR INSTALLER BY THE BOARD OF DIRECTORS OF BEDFORD DOWNS HOMES ASSOCIATION.** In adopting these regulations, the Board of Directors makes no representation as to the quality, useful life, safety, or any other characteristics of any roofing materials or their installation. The responsibility to engage a reputable, competent roofing contractor to install the approved new or replacement roof, choosing quality roofing materials, and installation of same remains solely with each individual homeowner.

ENFORCEMENT OF REGULATIONS AND GUIDELINES:

The Board of Directors have adopted these regulations and guideline procedures for obtaining written homes association approval in a manner that will make property owner compliance as easy as possible. It shall be the responsibility and duty of said Board of Directors to interpret, administer and enforce the roofing amendment to the applicable "Declaration of Restrictions" including these "Roofing Regulations". Said Board of Directors, at a meeting with a quorum present, by a 51% or more majority vote, may add to, delete from or revise these "Roofing Regulations" and/or applicable forms as they feel necessary to comply with the intent and purpose of said regulations. Said "Roofing Regulations" shall exist and not be discontinued in entirety as long as aforementioned April 20, 2000 Roofing Amendment to applicable "Declaration of Restrictions" is in effect.

ENFORCEMENT OF REGULATIONS AND GUIDELINES - CONTINUED

To fulfill it's duties under the Declaration creating Bedford Downs Homes Association and to protect and preserve the character of said Homes Association and the home values of all property owners of Bedford Downs, Foxfield and Foxfield Estates sub-divisions, the Board of Directors shall strictly enforce these regulations to the full extent allowable by law.

Enforcement may include, where appropriate, applying to any court of the competent jurisdiction, seeking an injunction, mandatory or otherwise, to prevent a breach or to enforce the Declaration of Restrictions and these Regulations and/or assessment of fines where appropriate.

Enforcement may also include the reimbursement to the homes association, from the property owner, of any applicable homes association, legal and court expenses incurred by the homes association implementing necessary enforcement against a violating property owner.

All State, County, City and other applicable laws shall prevail. If at any time any of the provisions of these "Roofing Regulations and Guidelines" shall be found to be in conflict therewith; then such parts which are in conflict with said applicable laws shall become null and void, but no other part of these "Roofing Regulations and Guidelines" shall be affected thereby.

Additional Guidelines:

The following should be considered when planning to re-roof a home:

- 1) When considering slate, clay, tile or concrete tile materials, the roof framing structure may need to be reinforced to carry the additional weight of the new proposed materials.
- 2) When installing any roofing material the homeowner, with the advise of a roofing contractor, should consider attic and roof ventilation requirements.
- 3) Existing rubber weather collars and similar vent fittings extending through the roof should be replaced during re-roofing as these components are frequently the source of water leaks when disturbed.
- 4) Roofs with a shallow pitch of less than 3 inches per foot (such as over flat-roofed dormers) must be covered with a rolled roofing material or possibly composition shingles. If composition shingles are used, the above specifications for Laminated Composition Shingles must be followed.

PROPERTY OWNER PROTECTION INFORMATION:

- 1) Prior to ordering materials or commencement of any work, property owner should obtain an agreed upon written quotation from the Contractor, on Contractor's letterhead stationary showing both parties complete addresses, dollar amount agreed upon, signed and dated by Contractor including installment payment terms based on percentage of job completion. Each party should receive and safe keep copies of each signed document. The entire job should only take one to two weeks, not more than four weeks weather permitting.
- 2) It is recommended that the entire roofing job from materials, to warranties (material and workmanship), to demolition, to staging, to interim weather protection, to installation, to final clean up be discussed and agreed upon in writing and signed by both parties, prior to any materials being ordered or work commenced.
- 3) There are many quality laminated composite roofing products on the market today, but these products are only as good as the roofing contractor/installer.
- 4) Roofing Contractor should provide a list of three (3) contact references of similar homes in which Contractor has installed the same product selected.
- 5) Roofing Contractor should have been working in the roofing industry for more than five (5) years. Seek proof through City Contractors License and Certificate of Insurance.
- 6) The roofing contractor should be properly insured for this type work. Insurance should include both liability and workers' compensation.
- 7) Roofing Contractor should provide a minimum of five (5) years, 100% non-prorated warranty against any defects in the installation of the roofing, except from common exclusions, such as Acts of God or property owner caused damage.
- 8) Property owners should be advised that some manufacturers move in and out of the market. Some have financial problems and not all products are available from all roofing Contractors.
- 9) Ask pertinent questions of the contractors and suppliers in order to ascertain their stability and reliability.
- 10) It is suggested that property owners should not make "payment in full" prior to commencement of roof work. Payments should be installments based on work performance completed. Final payment should not be made until job is complete, site cleaned up and property owner satisfied with quality of installation.