

Rules, Regulations, Fees, and Enforcement Process of Pole Creek Meadows Owners Association

Version: 1.5, Date: November 12, 2008

1 Introduction

This document defines the process of enforcing the Pole Creek Meadows Owners Association (PCMOA) (“Covenants”). It also clarifies and elaborates on the specific articles of the Covenants. These powers are granted to the Board by the Covenants. Because the Covenants grant enforcement powers to the Board and its designated committees for the Covenants, these Rules and Regulations are necessary to define the details of the Covenants.

Grand County, Colorado, and Federal regulations supercede all restrictions stated in this document when those regulations are more restrictive.

The PCMOA Board has approved this document. After Board approval it shall be distributed to the Members within 90 days. **Failure to receive and disseminate any notice** due to an incorrect address on file with the PCMOA of the Member or failure to pickup mail by the Member shall not absolve or excuse the Member, his family members, residents, guests, or agents and representatives from adhering to these rules and regulations.

1.1 Change History

Version	Date	Change
1.0	Oct 13, 2003	Initial version
1.1	Dec 15, 2003	Removed fines and construction deposit section
1.2	Sep 24, 2004	Added open space burning and motor vehicle prohibition
1.3	Oct 12, 2005	Added MPB tree removal, Lot clearing standards, SB100 policies.
1.4	Dec 01, 2007	Remove MPB removal date restriction.
1.5	Nov 12, 2008	Prohibition on operating motorized OHV on owners lots for recreational purposes.

2 Schedule of Fees for PCMOA Services

2.1 Statement of a PCMOA Member's Status

The written statement listing dues payment status, outstanding unpaid fines, and unfilled obligations (e.g. lot clearing status) shall be charged actual costs to the Entity making therequest. Only persons authorized by the PCMOA Member, or their representative may make the request.

2.2 Design Review Committee Improvement Review

There is presently no fee for Improvement reviews and approval by the DRC.

The DRC Improvement Application must be completed in full and submitted with the documents specified on the form prior to review.

2.3 Annual Dues

Annual dues are two hundred dollars (\$200).

2.4 Copying and inspection of records

Owners may inspect and copy records on written request by completing the Records Request Form on the website and transmitting (mail or email) to the Secretary. Copying of the records requires payment of actual reasonable costs, including all service costs of the Association paid service provider.

2.5 Conflicting Fee documents

When any fees specified in this document different from a more recent written notice from the PCMOA, the most recent amount is the effective amount.

3 General Regulations

3.1 Parking

Vehicles, including trailers and construction equipment, may be temporarily parked on the shoulder of subdivision county roads when:

- a) Emergencies or breakdowns (maximum 2 nights or any part of a night (between the official sunset and sunrise). Emergency flashers or parking lights must be activated during the night, or
- b) There is a social or business gathering within the subdivision hosted but the PCMOA or a PCMOA Member, for a maximum of one night (between the official sunrise and sunset) or any part thereof. Parking lights must be activated during the night, or

- c) The Board has granted an “Application for Variance from the Rules and Regulations” for this specific instance.

3.2 Signage

3.2.1 General Restrictions

‘No trespassing’ signs, in addition to all other signage, are not permitted, except when allowed as an approved Improvement by the Design Review Committee (DRC).

Temporary Signs

- a) ‘Open House’ signs, ‘Party’ signs, event signs and any signs generally identifying and/or directing to social and work gathering places within the PCM subdivision are permitted without DRC Approval when in conformance with the following restrictions:
- b) Signs may **ONLY be placed at road intersections** and at the location of the gathering.
- c) Only one sign may be placed at a road intersection.
- d) The **total number of signs** permitted at and within the boundaries of the subdivision shall not exceed five (5).
- e) Signs may only be in place **during the day(s) of the event**.
- f) Signs must be **removed** on the last day of an event, or the last day of a multi-day event, not to exceed three days. Signs must be removed on the last day of the event for an event ending before sunset. Signs must be removed before noon of the day following the date of the event for an event ending after sunset.
- g) Sign placement must not **damage** ground cover, roadway surfaces, roadway shoulders, or vegetation.
- h) Signs identifying or directing persons to **locations outside of the subdivision** are not permitted, except with written permission of the PCMOA Board.
- i) Signs may **not be placed on the roadway or shoulder** of public roads for safety of the public.

3.2.2 Real Estate and ‘For Sale’ Signs

A total of **one** (1) Realtor or ‘For Sale’ sign advertising property for sale may be placed on a lot. Directional signage to the lot (e.g. “Home For Sale” signs) may not be placed in the subdivision.

3.2.3 Flags, Flagpoles

The United States flag and Colorado state flags may be displayed on a flagpole not to exceed 30 feet in height, and according to the Flag Code. The size of the flags may not exceed 24 square feet in area with a maximum dimension of 6 feet.

3.2.4 Political & Campaign Signs

A 'political sign' is 'a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue'. The display of political signs is only allowed 45 days before and 7 days after an election. Each lot is allowed no more than one sign per political office or ballot issue with the maximum dimensions of 36 x 48 inches. Political & Campaign Signs may not be placed on Association communal properties, road right of ways within the subdivision, or open space areas.

3.2.5 Construction Site Signs

Lots for which a DRC approved Improvement is under construction may have one temporary sign identifying the General Contractor, the Owner (if desired) and the street address for the purpose of identification for deliveries. Subcontractor signs are prohibited. All construction related and non-DRC approved signage must be removed once the earliest of one of the following conditions occur: a) **work is completed** at the site, or b) a **Certificate of Occupancy is issued** by the Building Department, or c) the time limit for the Improvement has **expired**, or d) the permission for the Improvement has been **revoked** by the DRC.

3.3 Trash Container Placement

In the interest of discouraging wildlife and domestic animals from disturbing trash or containers, and for the protection of such animals, and not obstructing public roads, trash Containers must conform to the following rules:

- a) **Sturdy and heavy wheeled containers with hinged tops are HIGHLY RECOMMENDED.**
- b) Containers must **not** be placed out for pickup **overnight**.
- c) Containers must **not** be placed on the **driving surface** of public roads.
- d) Containers must have a **secure hinged lid** or the lid must be attached to the main body of the trash receptacle to prevent distributing the contents or the lid in the subdivision.
- e) When placed out for pickup, the **lid must close** or be secured by fastening cords so as to prevent wind and animals from scattering the contents.
- f) **Extra trash** for pickup must be securely bagged and closed by tying the top. Bagged trash outside of the Container must not contain **food products or material that attracts** wildlife or domestic animals. These bags must be placed in the Container defined above.

3.4 Unsightliness

As specified in Article 3.7 of the Covenants ("No Unsightliness"), the Design Review Committee (DRC) **requires** the storage of all material and equipment, including snowmobiles and ATVs, in addition those items mentioned in the referred to article, to be

stored in a DRC approved enclosure or building. The height of such stored material and equipment shall not exceed six (6) feet above the enclosure's base. The enclosure must screen the entire contents from view, when observing the enclosure from adjacent property decks, first floor windows or doors, and from the public road surface and the lot's property lines. Licensed passenger vehicles, SUVs, and pickup trucks with snowplows mounted are excepted from the preceding storage requirements. All vehicles must be parked in parking spaces abutting driveways as designated in the Improvements approved by the DRC.

3.5 Mobile Homes, RVs

The storage of mobile homes, recreational vehicles, and camping trailers is prohibited, except for a cumulative period of 20 days per calendar year.

3.6 Construction equipment

The storage of construction equipment on a lot is prohibited at all times, except those specifically required during maintenance of roads (not to exceed 7 days), or equipment required during the execution of an Improvement as defined in the Covenants

3.7 Open Space

The operation of motor vehicles in the common areas (a.k.a. "open space") of the subdivision is prohibited, except by written permission of the Board or its authorized representative.

Burning or setting fires in the common areas (a.k.a. "open space") of the subdivision is prohibited at all times, except by written permission of the Board or its authorized representative.

Disposal or storage of any materials in or on the common areas (a.k.a. "open space") is prohibited except by written permission of the Board or Forestry Committee.. Destruction of open space vegetation is prohibited and any revegetation cost must be born by the offending person, thru litigation if necessary, except by written permission of the Board or Forestry Committee.

3.8 Lot Maintenance

3.8.1 Mountain Pine Beetle Infestation

Owners are required to remove of and properly dispose of MPB tree trunks.

3.8.2 Ladder limbs and slash

A. Remove all dead limbs below the height of eight feet from the ground.

- B. Bury, chip or remove all stumps unearthed during the Work period.
- C. Dispose of dead and live or green limbs, know as "slash" by removing them from the Pole Creek Meadows Subdivision, or by chipping the slash and distributing the chippings about the lot evenly so that no piles remain after completion of the Work. Reduce the size of each piece of vegetation to less than 2 inches in diameter and 6 inches in length.
- D. Remove and dispose of logs except as specified for use as "Fire Wood" or landscaping or building material by the Owner.
- E. Fire Wood shall be cut to lengths not to exceed six feet and stacked on the Lot in no more than individual twenty stacks. Landscaping or building material logs may be of any length an must be neatly stacked while in storage prior to their intended final use, in no more than 20 stacks.
- F. Remove all dead trees from the lot, or convert them to firewood, if not rotten,
- G. Slash may be stacked for burning during the following winter, but must be burned or removed 18 months following the date when it was cut from trees. It should be dried for 4 months prior to burning.

3.8.3 Fire Mitigation Plan

Owners shall conform to Covenant Article 3.30(a), regarding implementation of a fire mitigation plan.

3.9 Board Meetings

3.9.1 Notice

Notice of Board meetings will be posted on the website.

3.9.2 Owner Participation

Owners or their representative may participate in Board meetings by speaking on an issue for a maximum of five minutes between the motion and Board Member's discussion.

Owners must sign up to speak on an issue with the Secretary at the meeting.

Owners may request electronic notice via email of Board meetings. Such notices must be archived by the Association Secretary.

3.9.3 Conflicts of Interest

Board Members may not vote on issues on which they possess a conflict of interest unless they announce the conflict and answer all Board member's questions on the extent and detail of the conflict. The other Board members may then call a vote on excluding the member possessing the conflict of interest from voting on the issue. The member possessing the conflict of interest may not vote on his inclusion in the issue vote.

3.10 Operation of OHVs

The operation of recreational Off Highway Vehicles (OHV) for recreational purposes on an Owners lot is prohibited, except on driveways and parking areas designated as such per the DRC Improvement process. Exceptions to this prohibition are the use of such

equipment (ATVs, 4x4 vehicles) for the purpose of maintaining the property, including logging, spraying, snow removal, planting, construction, moving debris and vegetation. Off road OHV operation for lot inspection is not an allowed use. Operation of OHVs on the Open Space is prohibited except when a special use permit is approved by the Forestry Committee.

4 Enforcement Process

4.1 Notice of Violation

The Board Secretary or Committee shall send a First Notice to the Member in violation (“Member”) of the Covenant Article, Rule or Regulation identifying the violation and suggesting a course of action by the Member. If there is no written response received by the Association, a Second and Third Notice shall be sent no less than 10 days following the previous Notice's postmark.

4.2 Continuing Violations

In the event that a continuing violation will cause potential or an increased level of damage to property or value of property of the Association or Members, continued or potential injury to individuals, or require more expense to eventually correct or remediate the violation, including but not limited to construction of an unapproved Improvement, pollution, burning; the Association may immediately seek legal action to cause the Member to cease the activity. The Association may take this legal action during and after the Notification period.

4.3 Collection of Unpaid Assessments

Unpaid assessments shall increased by an interest charge of 18% per annum. On decision of the Board, unpaid assessments may cause a lien to be filed by the Association on the subject property. Notice of such intent to file a lien must be mailed to the owner. When an assessment continues to remain unpaid, foreclosure on the property shall be commenced by the Association against the property in order to obtain the owed monies thru resale.

4.4 Hearing Process

4.4.1 Hearing Committee

The Hearing Committee (“Committee”) shall consist of three persons meeting the requirements of the Board of the PCMOA, as defined in the Covenants. They shall be appointed to or removed from the Committee by a motion of the Board at any time without reason. They may not be members of the Board, as their recommendations are presented in writing to the Board for a final decision. The Committee shall elect a

Chairperson. The Chairperson shall act as the chairperson according to Robert's Rules of Order.

4.4.2 Request for a Hearing

The Member may request a hearing before the Committee ("Hearing") in writing before the Committee within **ten days** of receipt of the Notice of Violation. The Committee must schedule the Hearing within **sixty days** from receipt of the request. Any communication that makes arguments in relation to the Violation by the member shall be considered as input to a Hearing, but shall not excuse the granting of a Member's request for a Hearing by the Committee.

4.4.3 The Hearing

4.4.3.1 Form of Presentation

The Member may present verbally in person or by a representative, or submit written arguments in person or by mail. The Member may send a representative in his place or may have a councilor present and make the presentation of the member's arguments.

4.4.3.2 Duration of arguments

The Member shall have a Presentation Limit of twenty minutes to make a presentation of arguments. The Committee may interrupt the presentation to ask for clarification or explanation. These interruptions shall not count against the Presentation Limit time. The Committee may grant additional time as necessary to gather the facts. The Committee shall have the final determination in accounting for the Presentation Limit time.

4.4.3.3 Vested Interest

A Committee member is not permitted to have close social or business interests in the case. In this case the Committee member must recuse him or herself from the case. The Committee may then replace the recused committee member or proceed without the member.

4.4.3.4 Deadlock

In the case of a **deadlock** by the Committee, the case shall be passed up to the Board for a final decision. The Board may direct a new Committee to make a recommendation based on the received input.

4.4.3.5 Hearing Duration

The Hearing shall not exceed two hours.

4.4.3.6 Deliberation

The Committee shall meet in private session immediately after the Hearing and render a written recommendation to the Board for a final decision.

4.4.3.7 Premature Termination

The Committee may choose to terminate the hearing in the event of foul or abusive language or continued irrelevant statements clearly not pertaining to the case. The Committee shall warn the Member that the Hearing may be terminated for these reasons.

4.4.3.8 Final decision

In the absence of a request for a Hearing, or written arguments within thirty days of the third Notice, the Committee may make its recommendation, or simply notify the Board that no response from the Member was received. The Board may then make its decision on what action to take. The Board makes a final decision based on the recommendation that it receives from the Committee. The Board is not bound to follow the Committee's recommendation in making its final decision. The Board may seek any remedies allowed under the Covenants, including correction of the violation at the Member's expense

4.4.4 Collection

The PCMOA has the right to seek a Court judgment for the unpaid amounts of fines. A Reimbursement Assessment may be issued against the property for all expenses and legal costs, as specified in the Covenants. Failure to pay the Reimbursement Assessment shall cause the Board to file a Lien on the property. The Lien may be foreclosed and the property put up for sale in order to cover the Lien amount. All legal remedies available by law may be pursued by the PCMOA. Interest on unpaid fines and assessments is 1.5% per month as specified by the Covenants.

5 Approval

These regulations have been approved by the PCMOA Board of Directors on this day

_____ , _____.

President _____

Vice President _____

Secretary _____

Treasurer _____

Board Member _____