

**Ruby Canyon Homeowners Association**  
**Rules & Regulations**

As required by C.R.S. 38.33.2-209.5

The following Policies and Procedures were adopted by the Board of Directors of Ruby Canyon Homeowners Association (the "Association") pursuant to the Colorado Revised Statute (C.R.S. 38-33.3.-209.5.

The following clarifications and interpretations shall apply to Article VII. Allowed Uses under the Covenants, Conditions and Restrictions (CC&R's) of Ruby Canyon Homeowners Association and shall be used along with the CC&R's when determining violations, actions, and assessing fines and penalties.

Article VII Allowed Uses, Section 4. Accessory Building. Detached accessory and storage buildings, barns and corrals must be approved by the ACCO. Construction of accessory or storage buildings and barns shall be similar to that of the principal dwelling in color and style.

Article VII Allowed Uses, Section 5. Temporary Structures. No structure of a temporary nature, such as a tent, garage, trailer house, barn or other outbuilding or basement shall be used on any Lot at any time as a residence, either temporarily or permanently. All structures shall be of new construction built on-site. No mobile, modular or manufactured housing shall be allowed.

Clarification for Sections 4 & 5. Plans for all buildings must be submitted to the ACCO for approval prior to construction. Owners who do not receive ACCO approval for outbuildings or structures may be required to alter or remove the building or structure at the owner's expense and may also be subject to fines.

Article VII Allowed Uses, Section 7. Trash. No lot shall be used or maintained as a dumping ground for rubbish or storage area for junk. Trash, garbage or other waste must be kept in sanitary containers. All equipment for the storage or disposal of refuse shall be kept in a clean and sanitary condition. No noxious or offensive activity shall be carried on upon any Lot or shall anything be done or placed on any Property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to other or which may constitute a health hazard.

Clarification for Section 7. Garbage cans, recyclable containers and other refuse storage containers must be kept in sanitary condition. Non-compliance will result in fines.

Article VII Allowed Uses, Section 8. Advertising No signs, advertising devised or billboards shall be displayed within the subdivision unless written approval thereof is granted by ACCO, with the exception of one (1) "for sale" sign per Lot, which shall not be larger than eighteen (18) inches by twenty-four (24) inches, and except for signs used by the Declarant for subdivision advertisement and signs used by builders to advertise during the building and sale period.

Clarification for Section 8. No clarification needed.

Article VII Allowed Uses, Section 9. Screening. All clotheslines, implements, recreational vehicles, motor homes, boats, equipment, service yards, wood piles, storage piles or similar storage items shall be kept screened by adequate vegetation or fencing to conceal them from public and adjoining property or shall be stored wholly within the enclosed garage or accessory building located on the Lot. All screening plans shall be submitted to the ACCO for approval prior to construction.

Clarification for Section 9. Motor homes, recreation vehicles, boats, ATV's and other similar vehicles may be parked on the driveway or on the street for a period not to exceed 72 hours for the purpose of preparing, loading or unloading. Otherwise these need to be parked behind fences or other suitable screening or within garages or approved accessory buildings. Any of the aforementioned vehicles parked past the 72 hours will result in a fine.

Article VII Allowed Uses, Section 13 Antennas. No towers or antennas shall be erected on any Lot that are higher than three (3) feet above the roofline of the highest structure on the Lot. Satellite reception dishes shall be allowed that are less than twenty-four (24) inches in diameter; and,

Article VII Allowed Uses, Section 14 Tanks. Propane tanks shall be buried underground. No elevated tanks of any kind shall be permitted; and,

Article VII Allowed Uses, Section 15 Lighting. All exterior lights and light standards shall be subject to approval by the ACCO for harmonious development and prevention of lighting nuisances. The preferred standards shall be opaque or diffused lenses and/or shades at thirty (30) degrees to the horizon.

Clarification for Sections 13, 14 & 15. Any antennas, tanks or lighting not in compliance may require alteration or removal at the owner's expense and may also be subject to fines. Low intensity lighting such as patio lights are allowed without prior ACCO approval. Likewise, seasonal, holiday and other temporary special event lighting is allowed without ACCO approval. Homeowners are permitted to petition the Board should any temporary or permanent lighting be deemed a "lighting nuisance" under this section.

Article VII Allowed Uses, Section 16 Recreational Vehicles. No snowmobiles, ATV's, go-carts, motorcycles or similar recreational vehicles shall be operated in the subdivision except that motorcycles may be utilized for transportation to public roads.

Clarification for Section 16. Any use of recreational vehicles on property may be subject to fines.

Article VII Allowed Uses, Section 17. Hazardous Activities. No activities shall be conducted on any Property and no improvements constructed on any Property that are or might be unsafe or hazardous to any person or Property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any Property, and no open fires shall be lighted or permitted on any Property (including burning of trash or rubbish) except in a contained barbecue unit while attended and in use for cooking purposes or within a safe and well-designed fireplace and except for ditch or pasture burning in accordance with County requirements and restrictions.

Clarification for Section 17. Any hazardous activities may require contact with the proper County agencies in addition to the homeowner being subject to fines.

Article VII Allowed Uses, Section 19. Wildlife. No hunting, shooting, trapping or otherwise killing or harming of wildlife shall be permitted in the subdivision, it being the intent hereof to conserve and protect all wildlife to the fullest extent possible. Wildlife is abundant within the subdivision and fencing can impair the continuance of the presence of wildlife. Fences are available which have been field-tested. The Colorado Division of Wildlife, 711 Independent Avenue, Grand Junction, Colorado 81505, will provide information to any Owner or Owners.

Clarification for Section 19. ANY violation of Section 19 will result in reporting to applicable Federal, State and County Agencies. In addition, the homeowner may be subject to fines imposed by the HOA.

Article VII Allowed Uses, Section 20. Drainage. No modification or alterations shall be made in such manner that will obstruct, divert or otherwise alter the natural water drainage courses and patterns within the no-build zones as depicted on the recorded site plan, and no landscaping or changes to the existing terrain shall be made that shall obstruct, divert or otherwise alter such drainage. The ACCO shall strictly adhere to the prohibition of improvement and alteration of drainage courses and patterns within the no-build zones, and no variance to this requirement shall be granted.

Clarification for Section 20. Any modifications or alterations performed by the homeowner will be restored to their original courses and patterns at homeowner's expense and may be subject to fines imposed by the HOA.

Article VII Allowed Uses, Section 21 Landscaping. ACCO shall review for approval all landscaping and site plans. Irrigated areas on each Lot shall be limited to twenty thousand (20,000) square feet surrounding or near the Dwelling in order to protect and preserve the rural, pastoral and natural character of the Property. Xeriscape planning is encouraged together with natural grasses and vegetation.

Clarification for Section 21. Any landscaping not approved by the ACCO may result in added expense to satisfy the ACCO requirements and/or fines imposed by the HOA.

Article VII Allowed Uses, Section 22. Fencing. a. Residential Fencing. No fence of any kind shall be taller than six (6) feet with the exception of tennis court fencing, which shall require prior approval by the ACCO. Welded wire and open-wire, rectangular field fencing shall be permitted. Chain-link fencing shall be allowed for pet containment and tennis courts only if screened from the view of adjacent roadways and adjoining properties by vegetation or other material approved by the ACCO. All privacy and screening fences, including ornamental types, shall be within one hundred (100) feet of the foundation of the principal Dwelling, unless specific written permission is given by the ACCO for a variance. In determining whether permission should be given, the ACCO shall consider the topography, vegetation and desires of the neighborhood. b. Boundary, Intermediate and Common Area Fencing. Boundary, intermediate and Common Area fencing shall be subject to prior written approval of the ACCO.

Clarification for Section 22. All fencing must meet ACCO approval and maintenance is the responsibility of the homeowner. Lack of maintenance and disrepair may result in fines imposed by the HOA.

Article VII Allowed Uses, Section 24. Noise and Odor. No sound shall be emitted on any Property that is unreasonably loud or annoying, and no odor shall be emitted on any Property that is noxious or offensive to others.

Clarification for Section 24. Any homeowner causing a disturbance, whether noise or odor, is subject to authorities being called and/or possible fines imposed by the HOA.

Article VII Allowed Uses, Section 25. Nuisance. No noxious or offensive trade or activity shall be carried on with any Lot or shall be done thereon that may be or become an annoyance or nuisance to the neighborhood. No Lot may be called for commercial purposes except for home occupations. "Home occupations" as used herein shall be defined as the term is defined in the regulations of Mesa County, Colorado, in effect on this date.

Clarification for Section 24. Any violation which is considered a nuisance may be subject to fines imposed by the HOA.

Article VII Allowed Uses, Section 26. Animals and Livestock. Livestock is limited to horses, cows and sheep and not more than a total of two (2) livestock (two(2) horses, two (2) cows or two (2) sheep or two (2) total livestock combinations) are permitted per Lot. All livestock must be maintained in a fenced area or otherwise limited to each Owner's Lot. No other farm animals are permitted. Each Lot Owner shall exercise good stewardship with respect to livestock and pets.

Clarification for Section 26. Any additional livestock on the property will subject the owner to a possible fine imposed by the HOA.

## **VIOLATION ENFORCEMENT:**

1. Violations of any By-Laws within the Ruby Canyon Homeowners Association will be as follows according to the SB-100 Enforcement.

2. HOA Board of Directors will determine if a violation has occurred. Letters will go out in this order:

A) A courtesy letter will be sent to the homeowner giving them 10 days to correct the issue(s). This letter will also allow the owner to contest the violation, *in writing*, within the 10 day deadline.

B) After the 10 days. If the issues have not been addressed or corrected, a non-compliance letter will be mailed. This letter will give the homeowner 5 days to correct the violations indicating that a fine may be imposed.

C) Five days after the second letter, if the violations have not been corrected, a \$50 fine will be assessed the homeowner and a letter mailed informing the owner that the fine is being assessed and will continue to assess monthly if not corrected.

NOTE: These general rules do not supersede any Federal, State or Municipal laws and may be changed or amended at any time.