

# Village Park Residential Owners Association

## Policies and Procedures For Covenant Enforcement Policy and Procedure

As required by C.R.S. 38-33.3-209.5

The following Procedures have been adopted by the Village Park Residential Owners Association ("the Association") pursuant to Colorado Revised Statute ("C.R.S.") 38-33.3-209.5, at a regular meeting of The Board of Directors ("The Board"). Additional policies, procedures and rules may exist separately.

### PURPOSE:

To adopt a policy governing the enforcement of the Declaration of Covenants, Conditions and Restrictions and the Bylaws of the Association.

NOW, THEREFORE, IT IS RESOLVED that The Association does hereby adopt the following procedures to govern the enforcement of the Association's Covenants and Bylaws:

- A. Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, fax or mail service. The complaint must state specifically the violation observed and include the name of the violating party, what was observed, the date, place and time of the violation and any other pertinent information such as license plate numbers etc.
- B. If full details are not provided with a complaint, further action beyond additional observation cannot be made. The Board and the management company will investigate the complaint further and will make additional observations if required.
- C. If a violation is found and documented the following actions will be taken:
  - 1. A certified letter, return receipt requested will be sent to the unit owner (and tenant if it is known that the unit is being used as a rental) stating that a violation has occurred while referring them to the governing documents which appear to be in violation. This letter will allow the unit owner to forward documentation, in writing, if they believe the violation did not occur. The unit owner will have 30 days to respond to the letter or to correct the violation.
  - 2. If the violation is still observed after 30 days, a second certified letter, return receipt requested, will be sent to the Owner (and tenant if it is known that the unit is being used as a rental) stating that if the violation continues then fines will be imposed. The unit owner will have 30 days to correct the violation or request a hearing with the Board (see Dispute Resolution Policy for specifics).
  - 3. If at the hearing, or after 60 days of non response, it is found that the violation did/does occur, the Owner will be charged a fine beginning on the 1<sup>st</sup> day after the second letter. The Association will charge a \$25.00 fine per occurrence for all CC&R non-compliance violations of the governing documents of the Association until fines reach \$500.00.
- D. Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

- E. Non-payment of fines will fall under the Collection Policy.
- F. In the event a perceived violation is also a violation of Federal, State, or local laws or regulations, the Board or management company will log the information however, the Board will refer the issue back to the complaining resident to contact the appropriate government entity to report the perceived violation.
- G. These enforcement provisions may be in addition to other specific provisions outlined in the Governing Documents and the Association is not required to follow these enforcement provisions before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as Code Enforcement, Police, Fire, or Animal Control, as it deems appropriate.
- H. The Association's primary objective is to uphold the terms of the Governing Documents that benefit the community at large. To the extent that a neighbor-to-neighbor dispute exists, the Board encourages the neighborly approach to resolve the dispute in an informal and cooperative manner if possible; particularly with issues that impact the parties involved, but not necessarily other members of the community. In some cases, an involved party may wish to seek formal resolution, or a community mediator may be brought in to resolve such disputes.
- I. Specific Violations
1. Parking Violations
    - Some violations need to be rectified sooner than 30 days and the Board has the right to expedite the violation and fining process for all Parking and Vehicular related violations. Such as, if anyone is parking to block access to another Owner's ( or tenant's) home, driveway, sidewalk, vehicle, etc., the vehicle may be tagged and towed without notice and the Owner of the vehicle shall be responsible for all costs incurred if this occurs on private property. If parking violations occur on the street, the proper authorities shall be contacted to enforce city code compliance. The Association has no jurisdiction on the streets and each person reporting the violation must contact non-emergency police (GJPD) for parking violations, speeding, and other reckless vehicular incidents. GJPD Non-Emergency: 970-242-6707
    - If undeniable evidence is provided, the Board may fine for obnoxious behavior committed while driving vehicles in the Association, including but not limited to:
      - Revving engines to produce high decibel sounds
      - Loud music/noises violating City Noise Ordinances between 8 PM and 6 AM
      - Reckless exhibition that may endanger residents; peeling out/burning rubber; street donuts or whipping a vehicle around with accelerated force
      - Excessive speeds
      - Running stop signs
      - Racing
      - Aggressive driving that endangers others
      - Verbally threatening residents while driving in/on a vehicle in the Association
    - Trailers and Parking: Trailers shall not be parked on the street in accordance with local/city laws, RVs, OHVs, non-licensed vehicles, small motorized, not street legal vehicles, boats, and large commercial vehicles/semis shall not be parked on city streets in compliance with local/city laws and ordinances. For Parking Rules, please see CC&Rs of the Association.
  2. Yard Violations
    - Grass must be cut so that it is no higher than 6 inches. Trees overhanging sidewalks must be cut to provide an 8-foot clearance above the sidewalk surface. Trash shall be stored in proper receptacles to be removed from the Lot every seven days. No trash shall accumulate anywhere on the Lot. No debris of any kind shall be stored on the sidewalks or in the streets.

- Weeds in grass and/or rock areas must be less than 6" tall, 6" in diameter, and shall not be allowed to encroach on sidewalks or driveways.
  - If, in the event a property owner does not comply with this policy to maintain their exterior elements, the Board has the right to address the violation in accordance with this policy.
  - Owners are responsible for any/all fines that may be levied against their property due to noncompliance of their tenants.
  - Non-payment of fines will fall under the violation section above.

CONFLICTS BETWEEN DOCUMENTS:

In case of discrepancies between this Policy and Procedure and the Declaration of Covenants, Conditions, and Restrictions (the Declaration), or the Bylaws or The Association, the Declaration shall control.

The undersigned, being the President of the Association, certifies that the foregoing resolution was adopted by The Board of Directors of the Association at a duly called and held meeting of The Board of Directors on the 22<sup>ND</sup> day of SEPTEMBER, 2023.

Village Park Residential Owners Association

*Gordon N. McFerson*   
President