

**POLICY
FOR COVENANT AND RULE ENFORCEMENT
HIGHLAND MEADOWS HOA, SUMMIT COUNTY, COLORADO**

SUBJECT: Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

PURPOSE: To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

EFFECTIVE DATE: March 25, 2018

RESOLUTION: The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:

1. Reporting Violations. Complaints regarding alleged violations may be reported by an Owner or resident within the community, a group of Owners or residents, the Association's management company, if any, Executive Board member(s) or committee member(s) by submission of a written complaint.

2. Complaints.

(a) Complaints by Owners or residents shall be in writing and submitted to the Executive Board. The complaining Owner or resident shall have observed the alleged violation and shall identify the complainant ("Complainant"), the alleged violator ("Violator"), if known, and set forth a statement describing the alleged violation, referencing the specific provisions which are alleged to have been violated, when the violation was observed and any other pertinent information. Non-written complaints or written complaints failing to include any information required by this provision may not be investigated or prosecuted at the discretion of the Association.

(b) Complaints by a member of the Executive Board, a committee member, or the manager, if any, may be made in writing or by any other means deemed appropriate by the Executive Board if such violation was observed by a Director or Manager.

3. Investigation. Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Executive Board shall have sole discretion in appointing an individual or committee to investigate the matter.

4. Initial Warning Letter. If a violation is found to exist, an initial warning letter shall be sent to the Violator explaining the nature of the violation and the time frame required for response according to the ***VIOLATION TYPE, TIMING AND FINE TABLE*** below. The letter may also contain the fine to be imposed, and state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within 7 days of the date on the violation letter. The Violator will have 7 days from the date of the letter to request a hearing. For a sample letter, see the attached **NOTICE OF ALLEGED VIOLATION AND FINE SCHEDULE**.

5. Continued Violation After Initial Warning Letter. If the alleged Violator does not respond in writing within 7 days of the initial warning letter, this will be considered a second violation and fines may be imposed according to the ***VIOLATIONS AND FINE LEVELS TABLE*** in the attached **NOTICE OF ALLEGED VIOLATION AND FINE SCHEDULE** below **Error! Reference source not found.**

6. Notice of Hearing. If a hearing is requested by the alleged Violator, the Executive Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Executive Board, may serve a written notice of the hearing to all parties involved at least 3 days prior to the hearing date.

7. Impartial Decision Maker. Pursuant to Colorado law, the alleged Violator has the right to be heard before an "Impartial Decision Maker". An Impartial Decision Maker is defined under Colorado law as "a person or group of persons who have the authority to make a decision regarding the enforcement of the association's covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association." Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Executive Board may appoint to act as the Impartial Decision Maker the entire Executive Board, specified members of the Executive Board, any other individual or group of individuals.

8. Hearing. At the beginning of each hearing, the presiding officer shall introduce the case by describing the alleged violation(s) and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator are required to be in attendance at the hearing. The Impartial Decision Maker shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Executive Board, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been presented at a hearing, the Impartial Decision Maker shall, within a reasonable time, not to exceed 7 days, render its written findings and decision, and impose a fine, if applicable. Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee's decision absent a showing of denial of due process.

9. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 7 days of any letter, or fails to appear at any hearing, the Impartial Decision Maker may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to these policies and procedures.

10. Notification of Decision. The decision of the Impartial Decision Maker shall be in writing and provided to the Violator and Complainant within 7 days of the date of the hearing, or if no hearing is requested, within 7 days of the final decision.

11. Appeals. The Violator may file a written appeal to the Executive Board of any adverse decision of the hearing committee or individual within 7 days of the decision.

12. Fine Schedule. The following fine schedule has been adopted for all recurring violations: Please see the ***VIOLATION TYPE, TIMING AND FINE TABLE*** below which includes classes or types of violations and associated fines. The fine amounts in the table will also be used for the initial violation.

VIOLATION TYPE, TIMING AND FINE TABLE

TYPE	DESCRIPTION	FINE Per Violation
I	These consist of violations that have an immediate solution; parking, trash, nuisance, or obstructive behavior, and other short term violations. These fines are typically incurred without notice, although the Executive Board may choose to provide notice with a specified time frame for correction. These fines are per violation per day from the date of the initial violation.	\$50.00
II	These consist of violations that have a short-term solution and require the Lot Owner to act. Minor home and lot maintenance, weed control, erosion, etc. These fines are applicable after notice is received and the Lot Owner has not acted within seven days. After seven (7) days these fines are per violation per day from the date of the initial violation.	\$75.00
III	These consist of violations that are more serious in nature to both the HOA and the Lot Owner. Major home and lot maintenance, driveways, etc. These fines are applicable 30 days after notice is received unless the Lot Owner and the HOA Executive Board have agreed to a written solution or to a hearing within this 30 day period. The lot owner will have 30 days to either act on the violation or reach agreement with the HOA Executive Board. If after 30 days there is no resolution or agreement in place these fines will be assessed per violation per day from the date of the initial violation.	\$100.00
IV	These are for the serious violations to the covenants, guidelines, and rules and regulations and have the potential to cause adverse impact upon the community at large. These fines are per violation. These fines are applicable 30 days after notice is received unless the Lot Owner and the HOA Executive Board have agreed to a written solution or to a hearing within this 30 day period. If after 30 days there is no resolution or agreement in place these fines will be assessed per violation per month from the date of the initial violation.	\$3,500.00

Third and subsequent covenant violations may be turned over to the Association’s attorney to take appropriate legal action. Any Owner committing 6 or more violations in a 6 month period (whether such violations are of the same covenant and/or rule or different covenants

and/or rules) may be immediately turned over to the Association's attorney for appropriate legal action.

13. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.

14. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.

15. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

16. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

17. Deviations. The Executive Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

18. Amendment. This policy may be amended from time to time by the Executive Board.

PRESIDENT'S

CERTIFICATION:

The undersigned, being the President of Highland Meadows Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Executive Board on March 25, 2018 and in witness thereof, the undersigned has subscribed his/her name.

**Highland Meadows Homeowners
Association, Inc.,**
a Colorado nonprofit corporation

By: *Andrew White*
Its: President

**HIGHLAND MEADOWS HOMEOWNERS ASSOCIATION, INC.
NOTICE OF ALLEGED VIOLATION AND FINE SCHEDULE**

Date of visual report:			
Board verification by:		Date:	
Owner name(s):			
Street address:			
Lot number:			
1 st violation deadline for requesting hearing:			
Violation dates:			

Dear Highland Meadows Homeowner:

This letter is being written at the direction of the Executive Board of the Highland Meadows Homeowners Association. It is the obligation of the Executive Board to ensure that each Homeowner in our Community is adhering to the Declaration of Covenants, Conditions and Restrictions (CCR's) set forth in our Documents. Our Community is striving to continue to be a beautiful place in which to reside harmoniously with our neighbors. We are all bound to conform to the Articles of our Covenants.

We believe that you are a good neighbor and would not knowingly violate our CCR's. Please be advised that Violation(s) for your property have been indicated in the ***VIOLATIONS AND FINE LEVELS TABLE*** below.

The required compliance date(s) and potential fine(s) is indicated by the FINE LEVEL number and color corresponding to the Violation, under the description section of the ***VIOLATION TYPE, TIMING AND FINE TABLE*** on the last page of this notification.

If this is your first notification of a covenant or rule violation, you are entitled to a hearing on the merits of the matter with an impartial decision maker, assigned by the Executive Board. This hearing must be requested IN WRITING to any member of the Executive Board within **7 days** of the date of this notification.

If there is no hearing requested, or if you are not represented at the hearing, fines will be assessed according to the **POLICY FOR COVENANT AND RULE ENFORCEMENT.**

We request that you be in compliance with the Homeowners Association's Documents so that no further action is necessary. Your cooperation in completing the items noted above would be appreciated by your association and neighbors and will help maintain an aesthetically pleasing community, which in turn keeps real estate values high.

Thank you in advance for your anticipated cooperation in this matter.
Sincerely,

HIGHLAND MEADOWS HOMEOWNERS ASSOCIATION EXECUTIVE BOARD
hmhoa.me

**HIGHLAND MEADOWS HOMEOWNERS ASSOCIATION, INC.
NOTICE OF ALLEGED VIOLATION AND FINE SCHEDULE**

VIOLATIONS AND FINE LEVELS TABLE

√ VIOLATION	Governing Document ¹	FINE LEVEL				
		I	II	III	IV	
CONSTRUCTION AND HOME IMPROVEMENTS						
<input type="checkbox"/>	Washout of cement truck at an unapproved location.	ADG 4.8, 4.20				
<input type="checkbox"/>	Maximum building height violation.	PUD B.1.				
<input type="checkbox"/>	Construction material/equipment storage violation.	ADG 4.15				
<input type="checkbox"/>	Excessive construction noise or noise outside of daily operation hours.	ADG 4.14, 4.24				
<input type="checkbox"/>	Blasting without proper notification.	ADG 4.13				
<input type="checkbox"/>	Exterior not compliant with the ARC approved plans.	ADG 5.13				
<input type="checkbox"/>	Site preparation or construction started without ARC approval.	ADG 5.10				
<input type="checkbox"/>	Property improvement not as approved by the ARC.	CCR 12.01				
<input type="checkbox"/>	Residential dwelling does not meet the minimum standards as outlined in the Covenants.	CCR 12.04.1				
<input type="checkbox"/>	Changes or additions after the initial home construction approval and any remodeling, reconstruction, alterations or additions to the exterior of the structure on any Lot that did not receive prior approval from the ARC.	CCR 12.01 ADG 5.12, 7.M.				
<input type="checkbox"/>	Failure to obtain ARC approval for any improvement or alteration on any lot.	ARC 12.01				
<input type="checkbox"/>	Significant landscaping without ARC approval.	CCR 12.09 ADG 5.4.9				
<input type="checkbox"/>	Failure to provide written notice of project completion to ARC.	ADG 5.13				
<input type="checkbox"/>	Failure to request inspection by the ARC prior to obtaining Summit County Certificate of Occupancy.	ADG 4.5				
<input type="checkbox"/>	Improper storage of trash or debris	ADG 4.8				
<input type="checkbox"/>	Use of a Contractor not approved by the ARC	CCR 12.05, 12.06				
<input type="checkbox"/>	Failure to submit evidence of the appropriate construction insurance prior to initiating improvements on a lot.	ADG 4.26				
<input type="checkbox"/>	Installation of hot tub, spa, fence, outbuilding or other structure not approved by the ARC.	CCR 12.01				

¹ CCR: Declaration of Covenants, Conditions and Restrictions for Highland Meadows HOA

¹ ADG: Architectural Design Guidelines

¹ PUD: Highland Meadows Planned Unit Development Designation

**HIGHLAND MEADOWS HOMEOWNERS ASSOCIATION, INC.
NOTICE OF ALLEGED VIOLATION AND FINE SCHEDULE**

√ VIOLATION	Governing Document ¹	FINE LEVEL			
		I	II	III	IV
<input type="checkbox"/> Failure to submit building plans and specifications to the ARC prior to the commencement of any improvements.	CCR 12.01				
<input type="checkbox"/> Mud/debris not removed from road on a regular basis.	ADG 4.8, 4.14				
<input type="checkbox"/> Damage by construction/property owner to roads, open space, other lots.	CCR 13.16 ADG 4.20				
<input type="checkbox"/> Installation of an above ground propane tank.	CCR 12.01, 12.08				
<input type="checkbox"/> Improper setback of a structure from right of ways or lot lines.	PUD B.2.				
<input type="checkbox"/> Driveway not paved or within compliance of the governing documents.	PUD A.1.b.				
<input type="checkbox"/> Alteration/interference of natural drainage.	PUD A.1.d. CCR 13.22 ADG 2.3				
GENERAL RULES					
<input type="checkbox"/> Removal of rocks, topsoil, plant material from the common area or other lots without prior approval from the Board.	CCR 13.14				
<input type="checkbox"/> Vehicles or machinery blocking or eroding roadway.	PUD B.3. ADG 2.5, 4.11				
<input type="checkbox"/> Noxious or offensive activities, noise, lights, etc.	CCR 13.04				
<input type="checkbox"/> Use of a temporary structure, RV, trailer or tent as a residence.	CCR 13.10.3				
<input type="checkbox"/> Accumulation of trash, debris or other waste on the lot.	CCR 7.01,13.03 PUD B.7. ADG 4.8				
<input type="checkbox"/> Storage of waste outside in a non-bear proof container.	CCR 13.03 PUD B.7.				
<input type="checkbox"/> Burning trash on your lot.	CCR 13.03				
<input type="checkbox"/> Causing or allowing excesses odors or sounds to originate from your lot.	CCR 13.04				
<input type="checkbox"/> Housing non-domesticated animals or having more than three (3) domestic household pets per household.	CCR 13.09				
<input type="checkbox"/> Feeding of wildlife in a non-approved manner.	CCR 13.07				
<input type="checkbox"/> Non-approved in-house commercial activity.	CCR 13.11				

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√ VIOLATION	Governing Document ¹	FINE LEVEL			
		I	II	III	IV
<input type="checkbox"/> Use of or the discharging of fireworks of any kind.	CCR 13.04				
<input type="checkbox"/> Hunting on the property other than to dispose of nuisance wildlife.	CCR 13.21				
<input type="checkbox"/> Use or discharge of a firearm other than to dispose of nuisance wildlife.	CCR 13.21				
<input type="checkbox"/> Signs not in compliance with guidelines.	CCR 13.12 ADG 4.22				
<input type="checkbox"/> Damage caused to the designated wetlands.	CCR 13.23				
<input type="checkbox"/> Failure to remove or trim dead or dying trees and tree limbs that have been identified as a threat to the community.	CCR 13.24.3				
<input type="checkbox"/> Loud or annoying sound, or violation of the Summit County Noise Ordinance 12.	CCR 13.04, 13.07, 13.09				
<input type="checkbox"/> Failure to notify Association of changes in contact information.	CCR 5.07.1				
<input type="checkbox"/> Violation of rental/leasing uses or time frames.	CCR 6.11, 13.05				
<input type="checkbox"/> Damage to another person or property of the Association	CCR 13.16, 13.09				
<input type="checkbox"/> Failure of owner to provide a statement in a lease to all rental tenants that the lease and occupancy is subject to compliance with the HOA governing documents.	CCR 13.18				
HOMES, LOTS, MAINTENANCE AND LANDSCAPING					
<input type="checkbox"/> Exterior lighting not compliant with dark sky policy.	CCR 13.27 ADG 2.12				
<input type="checkbox"/> Compliance with antenna and satellite dish rules.	ADG 2.10				
<input type="checkbox"/> Play/sports equipment not located in back yard or not placed to minimize the visual impact from adjacent Lots or roadways.	CCR 7.01				
<input type="checkbox"/> Failure to maintain a defensible fire zone around all buildings on your lot.	CCR 13.24.3				
<input type="checkbox"/> Planting species other than native landscaping.	ADG 2.17, CCR 12.04.4				
<input type="checkbox"/> Failure to maintain your property (roof, fence, structures, siding).	CCR 7.01, 7.03				

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**HIGHLAND MEADOWS HOMEOWNERS ASSOCIATION, INC.
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<input type="checkbox"/> Failure to reseed within one growing season with grasses and wildflowers native to the area after any construction or landscaping work is performed.	CCR 12.09				
<input type="checkbox"/> Failure to prevent erosion.	CCR 7.01, 12.09				
<input type="checkbox"/> Noxious weeds and/or grasses on your lot, or noxious weeds and/or grasses not managed in accordance with the Summit County Weed Management Plan.	CCR 7.01				
VEHICLE VIOLATIONS					
<input type="checkbox"/> Recreation vehicle and other vehicles permitted in CCR section 13.10 on site more than 5 consecutive days or 2 consecutive weeks without advance permission from Executive Board.	CCR 13.10				
<input type="checkbox"/> Vehicles causing damage to other properties.	CCR 13.16				
<input type="checkbox"/> Use of a motorized vehicle on subdivision trails.	PUD A.1.				
<input type="checkbox"/> Accessing the National Forest through the subdivision entry points with a motorized vehicle.	PUD A.1.				
<input type="checkbox"/> Storage of a non-operational or non-licensed motorized vehicle on your lot outside of a fully enclosed building.	CCR 13.10				
<input type="checkbox"/> Sleeping in any motorized vehicle parked outside of a fully enclosed building.	CCR 13.10.3				
<input type="checkbox"/> Vehicle parked on community road without permission of the Executive Board or ARC.	PUD 3., CCR 2.T.				
<input type="checkbox"/> Unsafe operation of a motor vehicle on the community roads.	CCR 13.04				
<input type="checkbox"/>					
<input type="checkbox"/>					

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