

BRANDON CREEK HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

PURPOSE

The fundamental purpose of the Brandon Creek Homeowners Association Rules and Regulations is to provide a basis for protecting members' equity in their own property and common property, maximize enjoyment, assure the continued aesthetic beauty of the Association, and to provide the framework within which people can live in harmony. The restrictions set forth in the Association's governing documents are legally binding upon all property owners in the Brandon Creek Community. It is expected that owners, who are ultimately responsible, will provide copies of these rules & regulations to their tenants who are then expected to adhere to them. These regulations are established to protect and enhance the harmony and property values in the Brandon Creek community.

SELECTED PROVISIONS FROM THE HOA PROTECTIVE COVENANTS

The following is a summary of Article X: Protective Covenants from the Declaration of Covenants document.

Section 1: BCHOA is restricted to residential dwellings for residential and recreational use. No temporary structures, trailers, boats, campers or shells, inoperative vehicles, tents, shacks, barns, or other buildings are allowed. This means that no free-standing sheds are allowed, but a shed attached to the house may be allowed with Architectural Committee permission. As well, no boats, campers, trailers or dead cars are allowed in the driveways or in the cul-de-sac.

Section 3: No animals are allowed except for domesticated dogs, cats, fish and birds. No livestock or poultry.

Section 4: All lots must be clean and sanitary. No rubbish, refuse or garbage is allowed to accumulate. No fire hazards are permitted.

Section 6: You can only have one For Rent or For Sale sign, not larger than 5 square feet in size. No other advertising, billboards, unsightly objects or nuisances are allowed to remain on the property. The property cannot be used in any way that would endanger the health of or disturb anyone else.

Section 8: Except for the deck and patio areas, no landscaping, fences, hedges or walls can be erected without permission from the Architectural Committee. No trees, bushes or plants are allowed on decks or patios which would affect the view of another owner, without permission from the Architectural Committee.

SUMMARY OF THE OWNER'S MAINTENANCE RESPONSIBILITY FROM THE HOA COVENANTS

The following is a summary of Article IV, Section 4, (A) & (C): Owner's Maintenance and Service Responsibility from the Declaration of Covenants document.

A.1) Each owner shall maintain and keep in repair the yard, landscaped area, deck, patio such that a clean, orderly, attractive and sanitary condition is maintained consistent with the standards set by the BCHOA Architectural Committee. No owner shall fail to do so such that any other lot or common area is affected.

A.2) Each owner shall maintain and keep in repair the house and all other areas of the lot, including the interior of the house and garage, including fixtures, doors, windows and utilities so that the attractive appearance is maintained and no other lot or common area is being damaged.

A.3) In the event that an owner fails to keep the areas mentioned above maintained as described above, BCHOA has the right to do that maintenance on behalf of the owner and the cost shall be reimbursed by the owner and secured by a lien against the property.

C) In the event that an owner permits any portion of the lot to fall into disrepair so as to create, in the opinion of BCHOA, a dangerous, unsafe, unsightly or unattractive condition, BCHOA has, after a thirty (30) day written notice, the right to enter the owner's lot and correct the condition. The owner shall promptly reimburse BCHOA for any costs. BCHOA will place a lien against the property.

HOA Note: BCHOA includes in "disrepair" any lot that is in a dangerous, unsafe, unsightly or unattractive condition. The term is not limited to a broken and/or malfunctioning condition.

GENERAL RULES AND REGULATIONS

PETS

- In general, guardians are responsible for any damage or annoyances caused by their pets.
- Guardians are responsible for immediately picking up after their pets on common grounds and private properties when their pet(s) leave droppings.
- Guardians are responsible to pick up droppings on their private property so that it is not obtrusive or offensive to the community and also to prevent the spread of disease. For those in violation, an outside pickup company will be hired by the HOA and the owner billed for the cost.
- For barking dogs we defer to Boulder's City Ordinance 6-1-19. Issues should first be addressed with your neighbor to try and remedy the problem and follow up with Animal Control at 303-565-3726 if necessary.

"City Ordinance 6-1-19: Barking, Howling, or Other Unreasonable Animal Noise Prohibited

(a) No person owning or keeping any animal shall fail to prevent such animal from disturbing the peace of any other person by loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling, or making any other loud and persistent or loud and habitual noise, whether the animal is on or off the guardian's or keeper's premises.

(b) No person shall be charged with violating this section unless a written warning was given to the person by an agent or employee of the city within twelve months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites subsection (a) of this section and states that a complaint has been received that an animal of which the defendant is a guardian or keeper is disturbing the peace of an individual. A warning is given under this subsection if it is personally given to the person owning or keeping the animal or if it is mailed first class to such person. The city manager shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given.

(c) No person shall be convicted at trial of violating this section unless two or more witnesses testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness on this element.

(d) The provisions of subsections (b) and (c) of this section do not apply when the animal is a cat and it is proven beyond a reasonable doubt that the cat was off the premises of its guardian or keeper at the time of the disturbance."

PARKING

- No trailer, motor home, vehicle that is not capable of moving on its own power, bus, camper, snowmobiles, ATV, large commercial-type vehicle, including vehicle mounted camper, or pickup coach tent, boat or truck (except a pickup) shall be parked, placed, erected, maintained or constructed on any lot, on any Common Area, on the street segment south of 4864/north of 4852 and 4854, or in the cul-de-sac. For the remaining segments of Brandon Creek Drive, which are owned by the City of Boulder (the long N-S straightaway and the short E-W straightaway), please see City Ordinance "7-6: Parking Infractions." The fact that a vehicle of the above description may be licensed by the State of Colorado or any other state as a passenger vehicle shall in no way exempt it from this provision or the general intent of this provision.
- No vehicles which are being repaired, restored or otherwise being worked on may be stored on any Lot unless in the garage.
- No parking within 5 feet of fire hydrant or in a fire lane (as indicated by red paint on the curb or fire lane no parking sign). Parking signs must be abided by.
- Please do not park so that you prohibit easy access in or out of a driveway or block access to a mailbox by either the Post Office or the owner/tenant.

NOISE

Any noise issues should first be addressed with your neighbor to try to remedy the problem and follow up with City of Boulder if necessary. For noise issues we defer to Boulder's City Ordinance, Boulder Revised Code Title 5-9.

City Ordinance Revised Code Title 5-9

"The city's noise ordinance is intended to allow residents the quiet enjoyment of their homes. Noise must not exceed 55 dBA between 7 a.m. and 11 p.m. in a residential zone. This is equivalent to a speaking voice at the street. The level decreases to 50 dBA after 11 p.m. In addition, no person shall recklessly engage in, or be responsible for, loud or unruly conduct which disrupts another person in his or her home."

"The city has three noise regulations. Disruption of Quiet Enjoyment of the Home prohibits loud behavior that disrupts a neighbor in his/her own home. Unreasonable Noise applies to amplified sounds after 11 p.m., loud car stereos on public property anytime, limited construction activity between 5 p.m. and 9 p.m., use of lawn maintenance equipment between 9 p.m. and 7 a.m., yelling and screaming after 11 p.m., car alarms lasting more than 5 minutes and other similar noise. Excessive Sound Levels may be applied to any loud noise or sounds that exceed 55 decibels between the hours of 7 a.m. and 11 p.m., lowering to a maximum of 50 decibels after 11 p.m."

Noise

Information: 303-441-3239

Report noise: 303-441-3333

For full ordinance please reference: <http://www.colocode.com/boulder2/chapter5-9.htm>
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HOME & LAND REGULATIONS

The following requirements are intended to retain an aesthetically pleasing appearance as well as a sense of harmony within Brandon Creek HOA. The Architectural Committee (AC) is charged with annual "Walkabouts" to review the overall maintenance and appearance of both, Common Grounds and individually owned properties. Any item(s) in need of attention will be identified and owners given notice of needed repairs. Owners are required to submit plans within 30 days of receipt of notice to address the needed work. Appeals are permitted as outlined in By-laws.

When there is a question the Architectural Committee should be consulted. If an issue has not been remediated within 30 days after written request, the HOA Board has the authority to make the necessary repairs and/or alterations, and the Owner will be charged.

YARDS & TRASH

- Lawns and gardens will be weeded, mowed and watered so that the yard appears tidy, healthy and well maintained.
- Trash, recycle & compost containers can be placed on the curb no earlier than the evening before pickup and must be removed from the curb no later than the night of pickup.
- Otherwise, all such containers must be stored out of sight from the street.
- Items including, but not limited to, gardening implements, toys, building materials, wood piles, equipment, etc. must be stored out of sight from the street and public walkways, including paths maintained by Boulder County.
- Ownership and responsibility of trees are determined by where they are planted. If a tree impinges on a neighbor's property, it is encouraged that the neighbor first address the issue with the owner. However branches that impinge on a neighbor's property can be trimmed by the neighbor without the owners permission as a common law right according to Hindman Sanchez, Attorneys at Law, who also state that because of that, Colorado has no statutes to reference on this specific issue. They do advise compromising with the neighbor prior to taking any action.

HOME MAINTENANCE AND APPEARANCE

All exterior modifications (new/changing original construction, not repairs) must receive prior approval from the AC. This includes, but is not limited to:

- additions to homes
- doors – garage and entry
- storage sheds
- decks
- outdoor stairs
- driveways
- fencing
- hot tubs
- overhangs, trellises, pergolas and awnings
- painting and paint colors for exterior siding, stairs, and trim
- roof shingles
- windows, if they change the footprint from the original style

Houses and exterior structures are to be maintained in good structural and visual condition. This includes but is not limited to:

- roofing
- garage doors
- sheds
- siding
- trim
- windows

Air conditioning equipment is to be reasonably screened from view and installed in such a way that noise to adjacent properties is minimized.

Houses must have a house number on the front that is visible from the street, preferably by the front door or on the garage.

Your cooperation in adhering to the above rules and regulations is appreciated.