

Fairmount Village Association

Covenant Enforcement Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV)

BE IT RESOLVED, the Association hereby adopts the following procedures to be followed for enforcing an Animal Waste Policy within the COA.

1. Scope:

To adopt a procedure and policy outlining procedures to be followed for enforcing an Animal Waste Policy in conjunction with the Covenants, Codes & Restrictions (CC&Rs) of the Association:

In accordance in keeping with the Declaration, the Board has adopted a policy to charge all eligible owners of animal/s (that utilize the outdoor Common Elements) in the COA \$25.00 per month to pay for animal waste services.

Upon implementation of this policy, it will be the responsibility of every eligible owner to notify within 30 days the Board of Directors or the managing company of how many animal/s they or their tenants/renters/leasees have/own. Every eligible owner has 30 days upon purchasing/closing on a unit to notify the aforementioned if they own animal/s and are moving into any unit in the COA. When a lease is secured for a renter to reside in the COA, the eligible owner has 30 days to notify the aforementioned if their renter/tenant/leasee has animal/s. State registered, Service Animals are exempt from this Policy.

Failure to notify the Board or the managing company, if managed, shall result in a \$250.00 fine once it is verified the eligible owner or tenant has an animal that utilizes common COA (outdoor) elements and has not been reported within 30 days of moving into the unit or implementation of this Policy. Combined with this fine, the owner shall be back-charged to the date of purchase of the animal/s.

Eligible Owners are responsible for cleaning up after animal waste created by their animal/s. Failure to do so shall be fined \$50.00 per occurrence and may be fined every other day if the violation is not resolved. The Board may fine after appropriate notification/s based on the testimony of two witnesses or just one director serving on the Board or a picture of the violation. The violation may be disputed in accordance with the Dispute Resolution Policy. Anyone may report a violation.

2. Specifics:

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 who the violating party was, what was observed, the date, place and time of the violation and any other pertinent information, such as a description of the animal in question.

If full details are not provided with a complaint, further action beyond additional observation may be delayed or terminated. The Board will investigate the complaint further and will make additional observations if required.

If a complaint is found to be in violation of a municipal code, the complaint will be forwarded to the appropriate authorities.

If a violation is found and documented the following actions will be taken:

- A letter and photo will be sent to the 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 if they believe the violation did not occur. The unit owner will have seven (7) days to respond to the letter to dispute it. The owner will need proof their animal is not in violation of this Policy.
- It is the responsibility of the Owner to notify the Board that a violation has been cured.

Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

Non-payment of fines will fall under the Dues Collection Policy.

Voting rights may be suspended for any Owner who is or has been in violation of the Declaration in the previous thirty (30) days.

3. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
4. **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.
5. **Deviations:** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
6. **Amendment:** The Board of Directors may amend this procedure from time to time.

President's Certification: The undersigned, being the President of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution

Fairmount Village Homeowners' Association



President

Effective Date: 10-22-20
