

Grace Park Filing 1 COA

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 Condominium Owners Association (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 (CCRs) of the COA.

This Policy includes all animals that utilize outdoor spaces, including, but not limited to Emotional Support Animals (ESAs) and any other animal that creates waste in outdoor spaces. This Policy is fully enforceable under current Colorado law. It does not fine the owners of ESAs; rather, it collects fees from owners who have an animal that creates waste in outdoor Common Elements. All animals utilizing the exterior/outdoor, Common Elements create waste, and this Policy works to reduce animal waste in the community by paying for services to remove said waste and charging only the owners who own said animals.

In accordance in keeping with the Colorado Common Interest Ownership Act (CCIOA), the Board has adopted a policy to charge all owners of animals (that utilize the outdoor Common Elements) in the COA \$15.00 per month, per animal to pay for animal waste, clean up services.

Upon implementation of this policy, it will be the responsibility of every owner to notify within 30 days the Board of Directors or the managing company of animal-ownership if they or their tenants/renters/lessees have/own or take care of animals that utilize the outdoor, common spaces. Every owner has 30 days upon purchasing/closing on a unit to notify the aforementioned if they own animals that utilize exterior common spaces. When a lease is secured for a renter to reside in the COA, the owner has 30 days to notify the association if their renter/tenant/lessee has said animal/s.

Failure to notify the Board or the managing company (where applicable) shall result in a \$250.00 automatic fine once it is verified the owner or tenant has an animal that utilizes common COA (outdoor) spaces 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 also be responsible for paying the \$15.00 per month, per animal in keeping with this policy.

Owners are responsible for cleaning up after animal waste created by their animal that utilizes outdoor spaces. Failure to do so shall result in a \$50.00 per day, per occurrence,

fine. The Board may fine based on the testimony of a witness or director serving on the Board or a picture of the violation. The violation may be disputed in accordance with the Dispute Resolution Policy for the Association. Anyone may report a violation. Animal waste shall be removed from the common elements as soon as the animal creates the waste.

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 (to the best of one's knowledge) 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 pet is not in violation of this policy. Denying the violation without evidence will not end any violation fines or fees.
- It is the responsibility of the Owner to notify the Board that a violation has been rectified.

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 will be suspended for any Owner who is or has been in violation of the CC&R's 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

Grace Park Filing 1 Condominium Owners Association

___ Carl Feghali for grace partk
HOA _____
President

Effective Date: _____ **July 19, 2022** _____