

Brookwillow Village Condominiums HOA

Noise Policy

BE IT RESOLVED, the Association hereby adopts the following procedures to be followed for enforcing policies rules and regulations and other governing document of the Association.

1. Scope:

This Noise Policy shall dictate the HOA's policy on after hour's noises.

2. Specifics:

No loud noises shall be allowed from 11 p.m. through 6 a.m. Brookwillow Village Condominiums (BWVCs) follows Grand Junction's Noise Ordinance in this regard as stipulated: Ordinance #6, Section VI: Regulating Noise on Public and Private Property, pages 6 & 7, subsection 4 and 5.

It shall be prima facie evidence that this Ordinance has been violated if, between the hours of 11:00 p.m. and 6:00 a.m. in any location zoned for residential occupancy, sound or noise emanating from any premise or property shall exceed the level of normal human conversation at the property line of the property from which the sound or noise is emanating. For the purpose of this Ordinance, a law enforcement officer is empowered to make a prima facie determination whether sound or noise violates this Ordinance.

Except as exempted in paragraph 6 of this Section VI, this Ordinance shall apply to all sound or noise, whether on public or private property, of whatever nature, whether stationary or mobile, including, without limitation, animal noises; vehicle noises; tool, equipment and machinery noises; music; and the use of television, radios, disc players, [digital players], tape players, phonographs, musical instruments, and amplifiers.

3. Filing a Complaint:

Full details are needed for the complaint. Any member of the HOA or otherwise may submit a noise complaint. Please provide the time of the offense and whether or not you contacted non-emergency police at (970) 242-6707.

- a. The first complaint will result in a courtesy notice.
- b. The second complaint will be sufficient to fine the offender. Although testimony from at least two members of the community is sufficient to issue a fine, the Board of Directors would like some evidence of the violation (i.e. a recording) to substantiate their complaint.
- c. The Board will investigate the complaint further and will make additional observations if required.

4. Violations

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

- a. A letter or email (electronic communication) 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 Noise Policy which appears 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 7 days to respond to the letter or to correct the violation.

- b. If the violation is still observed after seven days, a fine will be sent to the Owner (and a notice of the fine to the tenant if it is known that the unit is being used as a rental) stating that a second complaint was filed without resolution. The unit owner will have an additional 7 days to correct the violation or request a hearing with the Board (see Dispute Resolution Policy for specifics)
- c. If at the hearing it is found that the violation/s did (does) occur, the Owner will be charged fine/s from the 7th day after the first complaint. The Association will charge \$50.00 per day/occurrence for all Policy non-compliance issues.
- d. If a hearing is not requested by the owner within 7 days of the first violation letter, fines will commence and continue until violation is corrected.
- e. 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.

- 5. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
- 6. **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.
- 7. **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 and in witness thereof, the undersigned has subscribed his/her name.

HOA Name

Debbie Thomas

President

Effective Date:

2/5/19