

# Country Creek Patio Home Association

## Covenant Enforcement Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV) & HB 22-1137

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

**SCOPE:** To adopt a procedure and policy outlining procedures to be followed for enforcing policies rules and regulations and other governing documents of the Association.

### **Violation Reporting Specifics:**

1. Enforcement of the governing documents is the responsibility of the Board of Directors. The Board, management company, or its agents may conduct property inspections to determine if violations have occurred.
  - I. Any member of the Association may file a written complaint identifying the complainant, the alleged violator (if known), and detailing the time, date, and nature of the alleged violation. Written complaints must include sufficient information to allow investigation.
  - II. Pictures and videos are preferred.
  - III. If a complaint represents a violation of municipal code, it will be forwarded to appropriate authorities.
  - IV. If a violation is confirmed, the Owner will receive written notification in accordance with the governing documents of the Association, including this Policy, as well as all state statutes, rules and regulations.
  - V. In 2025, the owner must receive the notice via certified mail. The cost of which is charged on the owner's ledger.
  - VI. Non-written complaints or written complaints that lack required information may not be investigated.
  - VII. If the English language is not the Owner's first, primary language or does not have the ability to read English, the Owner may request the Notification written in their primary language. All additional expenses incurred in this endeavor shall be paid by the Association.
  - VIII. The unit Owner may also identify another person to serve as a designated contact for the unit Owner.

**Disputing a Violation & Hearing Request:** If the Owner disputes the violation and there is a hearing in accordance with the Association's Dispute Resolution Policy, at the hearing, if it is found that the violation did/does occur, the Owner will be charged a fine from the 30<sup>th</sup> day after the date of the first letter.

- I. If a hearing is not requested by the Owner within 7 days of the first Violation Notification, after 30 days from the date of the First Violation Notification, fines in accordance with this policy shall be added to the Owner's ledger, per month, per violation until the documented violation is cured or the maximum fine threshold of \$500.00 is reached, whichever occurs sooner.
- II. It is the responsibility of the Owner to notify the Board or the Managing Agent that a violation has been cured to avoid further fees/fines.

**Safety Related Violations:**

2. Violations involving threats to safety, hazardous behavior, fire risks, or documented dangerous conduct may result in fines in accordance with local and state regulations. Currently, an Owner receiving a Safety Violation must cure the violation immediately and will be fined after 72 hours and every other day up to \$500.00.
  - I. If an owner/resident/guest commits a follow up/secondary/continued Safety Violation after receiving one initial notice, (and does not cure the first violation), a second fine may be automatically issued to the Owner of record as long as the owner is not receiving a fine more than every other day, in accordance with state statutes.
  - II. Safety Violations shall be determined at the discretion of the Board and may include, but are not limited to:
    - i. Excessive rubbish/trash/debris accumulating on the lot that can be seen, smelled or viewed and represents a noxious or fire safety threat to the owners or the environment;
    - ii. Weeds/vegetation/hazards either growing in excess or compiled on the lot, creating a fire safety hazard;
    - iii. Inoperable vehicles located on the lot that may be leaking toxic fluids or used for prohibited lodging;
    - iv. Chemicals stored on the lot;
    - v. Owner or residents acting in a way that is a nuisance, obnoxious or otherwise threatens the safety of the community in any way.
      1. This includes but is not limited to: acting aggressively by verbally or physically threatening others; screaming/yelling/intimidating others; acting in such a way that threatens the safety of others.
  - III. The Board may also cure any Safety Violation after 72 hours and charge the Owner all fees/fines associated with this violation.

**Notice Schedule & Fine Structure for All Normal (non-safety related) Violations:**

1. First Notice of Violation. Day 1 – 30: If an Owner is found to be in violation of the Association’s Governing Documents, a Notice shall be sent to the Owner to cure the violation. The Owner shall have 30 days to cure the violation or respond to dispute the violation. To dispute any violation, see the Dispute Resolution Policy, as disputes outside of the stated deadlines will automatically be rejected.
2. Second Notice of Violation and Fine. Days 31 – 60: Thirty days after receiving the first Notice of Violation, the Association or Management Company shall send a Second Notice of Violation if the violation has not been cured and fine the owner of record \$50.00 per month until cured.
  - I. After 30 days, the Management Company shall charge the Owner’s ledger \$10.00 each month to follow up on the violation until cured. This fee is in addition to the Association’s fine for uncured violations.
  - II. Each violation fine has a limit of \$500.00, including Management Reinspection Fees.
3. Third Notice of Violation. Days 61 – Curing of the Violation: If the violation is not cured after 60 days, the Association shall continue to fine the Owner \$50.00 per month until cured.
4. Fourth Notice of Violation (Excluding Safety Violation/s). Days 91 – Curing of the Violation: If the violation is not cured after 90 days, the Board may convene and approve giving the Owner 3 days to cure the violation and/or the Association (or its contracted vendor) shall enter the exterior element/Lot in violation and cure the violation.
  - I. The Owner in violation shall be charged on their ledger the full expense of curing the violation.
5. Fifth Notice of Violation. 121 – Curing of the Violation. If the Association has not cured the violation in accordance with the previous step under the Fourth Notice of Violation, the Owner shall continue to receive a monthly fine until the Owner’s ledger reaches \$350.00. At that time, the Association should cure the violation by sending out a vendor to resolve/cure the violation. All fees/fines associated with curing the violation shall be attached to the Owner’s ledger, up to \$500.00.

**Additional Violations and fines.** For all additional violations that take place while/during any violation is uncured and the 30-day threshold for fining is met, a violation fee of \$10.00 shall be charged to the Owners ledger every other day until either all violation/s are cured or the maximum fine of \$500.00 is reached.

- I. For example: the first violation is not cured, and the owner is fined \$50/month; the owner commits a second violation 30+ days later—the second/following violation/s may be charged at a rate of \$10 every other day, in addition to monthly fines, until the maximum threshold of \$500/violation is met.

**Board Decision is Final:** The Board reserves the right to waive or reduce a penalty at their discretion, if this is done uniformly and fairly so that every owner enjoys the same consideration for similar violations. If an Owner does receive any beneficial reduction in fees/fines, the Board shall document the circumstances in detail in order for any other Owner to receive similar beneficial outcome/s for violations.

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

**Dues Collection:** Non-payment of fines will fall under the Dues Collection Policy and state regulations.

**Voting:** Voting rights will be suspended for any Owner who is or has been in violation of the CC&Rs in the previous thirty (30) days.

**Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.

**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.

**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.

**Amendment:** The Board of Directors may amend this procedure from time to time at their own discretion without input or approval of the Owners of the Association.

**President's Certification:** The undersigned, being the President and/or the duly elected Director or Managing Agent 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.

## Country Creek Patio Home Association

  
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President and/or Managing Agent

Effective Date: 12/3/2025