

Fairmount Village Condominium Owners Association

Covenant Enforcement Policy and Procedure

Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV)

Heat/Grill/Open Flame Device 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:

To adopt a policy outlining procedures to be followed for enforcing a prohibition on all open flame or electrical grilling devices and or grilling in any manner within 10 feet of any exterior surface/building in the Association.

2. Specifics:

This Policy bans/prohibits the use of any grilling, using exterior grills, BBQs, open flame or electronic devices anywhere within 10 feet of the exterior of any building in the Association.

1. This means that all grilling is prohibited on exterior decks, patios, sidewalks, porches, concrete pads or any other exterior surface if located within 10 feet of the exterior of any building within the Association.
2. Any such devices shall not be stored within 10 feet of any exterior surface in the Association.

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, as well as a picture of the violation, 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 license plate numbers etc.

If full details are not provided with a complaint, further action beyond additional observation may not be continue. The Board may 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:

- See the Covenant Enforcement Policy for steps to enforce and remedy violations to this Policy.
- This is considered a safety violation and the owner on record may be fined to the fullest extent of the Covenant Enforcement Policy in accordance with HB 22 1137 after 72 hours from the date of the observed violation.
- It is the responsibility of the Owner to notify the Board and/or Managing Agent that a violation has been rectified.

- The BODs can also give the member 3 days' notice that if the violation is not corrected, the HOA will cure the violation and remove the grill, if needed, and charge the member directly for all associated costs to cure the violation.

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, and/or the Association's Managing Agent, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

Fairmount Village Condominium Owners Association



President and/or Managing Agent

Effective Date: 7/30/26