

# Summerville HOA

## Covenant Enforcement Pet/Rubbish/Open Flame Policy 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 policies rules and regulations and other governing document of the Association.

### **1. Scope:**

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

### **2. Specifics:**

#### **Summerville HOA Rubbish Policy:**

- No trash containers/receptacles of any kind shall be allowed in open sight from the street. This means recycling containers must also be kept out of sight from street view.
- All such trash/rubbish and containers/receptacles shall be placed behind a fence, screen, or stored out of sight. Any containers in sight will be subject to fines per day, per occurrence.

#### **Summerville HOA Pet Policy:**

- Owners/Members/Tenants must clean up after their pets. If a member observes an Owner/Member/s/Tenant/s allowing their pet to defecate on any Common HOA area and reports it to the Board or Management Company, said Owner/Member shall be fined. Please follow the criteria in the Policy for reporting Pet issues.
- Pets must be on leashes at all times. Owners/Members shall be fined per incident reported.

#### **Summerville HOA CC&R Violations & Open Flame Policy:**

- Any type of open flame device and/or any open flame is expressly prohibited within thirty (30) feet of any structure in the Association at all times. Including but not limited to: all grilling devices; fire pits; heating devices; and/or any device or chemical substrate that may be used to create combustion leading to an open flame.
- All Covenant violations and restrictions shall follow this policy, per the requirements below:

Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, phone, 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 made. 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 courtesy 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 10 days to respond to the letter if they believe the Pets or Rubbish in question do not belong to them.
- If the violation is observed a second time, a second violation letter will be sent to the Owner (and tenant if it is known that the unit is being used as a rental) stating that a fine of \$75.00 has been added to the Owners account. The Owner can request a hearing if they dispute the contents of the violation.
- If at the hearing it is found that the violation did (does) occur, the Owner will be charged fine from the 7<sup>th</sup> day after the date of the second letter. The Association will charge \$100.00 per occurrence for all CCR non-compliance issues.
- If a hearing is not requested by the owner within 7 days of the second violation letter, fines of \$100/day per occurrence, per day will continue until the documented violation is corrected.
- It is the responsibility of the Owner to notify the Board that a violation has been rectified.
- The BODs can also give the member 30-60 days' notice that if the violation is not corrected, the HOA will fix the issue and charge the member directly for all associated costs to remedy the situation.

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 and in witness thereof, the undersigned has subscribed his/her name.

**Summerville Home Owners' Association**

*Robert Mc Gell*

**President**

**Effective Date:**

*9-24-2019*