

Rules and Regulations

Kitchel Lake, Filing 3

Serratoga Falls Metropolitan District #1

Version #: 1

Dated: March 24, 2023

Adopted by Board on: March 30, 2023

“Disclaimer:” The property within the Kitchel Lake Subdivision is also subject to Declaration of Covenants, Conditions, Restrictions and Easements of Kitchel Lake, Town of Timanth, Larimer County, Colorado (“Covenants”) which contains further restrictions and limitations which are also binding on the owners of all Lots within Kitchel Lake. The Governing Board (as defined below) shall have the right, power and authority to amend these Rules and Regulations from time to time as deemed appropriate in the future.

I. INTRODUCTION

1. These Rules and Regulations, referred to as the “Rules & Regulations,” have been adopted by the Board of Directors of Serratoga Falls Metropolitan District #1 (the “District”) in accordance with the Covenants to give direction to Owners, as defined in the Covenants, in preparing plans and designs that reinforce the appearance of the high-quality Kitchel Lake neighborhood. The Covenants require approval from the ACC (as defined in the Covenants) prior to the installation, construction, erection or alteration of any improvement, including any structure, attachment to any structure, or landscaping of any Lot, as defined in the Covenants. These Rules & Regulations are intended to supplement and clarify the requirements of the Covenants.
2. Due to unique characteristics on individual Lots and/or groups of Lots, certain additional special requirements, relating to house design, site planning, landscaping, fencing, or any other facet of modification, addition or alteration, may be imposed by the Governing Board or, as appointed, their representative(s), during the review and approval process. Reference to the Governing Board shall be inclusive of its designated representative(s) as it relates to the process.
3. Pursuant to Section 2.4 of the Covenants, the Governing Board may adopt rules and regulations from time to time establishing procedures, criteria and guidelines in furtherance of the Covenants. Such guidelines and rules adopted by the Governing Board shall have the same force and effect as if they were set forth in and were a part of the Covenants.

II. DEFINITIONS

1. **“Application”** shall mean an application for review and approval by the ACC, or its designee, as required to be submitted under the Rules & Regulations and/or Covenants. An Application shall be substantially in the form attached hereto as Attachment A, or other form provided by the District.
2. **“Contractor”** shall mean any person who has or will become the Owner of a Lot, or any person acting as an agent of the Owner of a Lot or a prospective Owner of

a Lot, seeking approval of an Application pursuant to and as required by the Rules & Regulations.

3. **“Governing Board”** shall mean the governing board of the District.
4. **“Neighboring”** shall mean any Lot or parcel of property adjacent to or adjoining the Owner’s Lot, as well as any Lot or parcel of property located directly across the street from the Owner’s Lot

III. **BASIS FOR GUIDELINES AND INTERPRETATION**

1. **Covenants.** The Covenants is a document governing all Properties (as defined in the Covenants) within Kitchel Lake. The Covenants are available at any time from the District and are also recorded in the real property records of Larimer County, Colorado. Each Owner should review and become familiar with the Covenants. Nothing in these Rules & Regulations supersedes or alters the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the Covenants control.
2. **Governmental and Other Regulations.** Use of Property and Improvements, as defined in the Covenants, must comply with applicable building codes and other governmental requirements and regulations. Where the provisions of applicable Town of Timnath standards are more restrictive than the provisions of these Rules & Regulations, the Town of Timnath standards shall be controlling.
3. **Interpretation.** These Rules & Regulations contain both rules and informational direction. Where the terms “shall” or “shall not” are used herein, it denotes a mandatory direction that may have penalties associated with its violation. Where the terms “preferred” or the phrase “the ACC may permit” are used in a statement, the statement constitutes informational direction provided for the guidance and convenience of Owners and Contractors and shall not create any duty for the ACC to approve or permit the design elements referred to in such statement, nor shall any Owner or Contractor rely in any manner upon the ACC’s potential approval of such design element, the approval of which shall remain within the ACC’s discretion in accordance with these Rules & Regulations.

IV. **PROCEDURES FOR APPROVAL**

1. **Who is subject to the procedures set forth in these Rules & Regulations?** Any Owner and her/his Contractor desiring to undertake any modification, addition, or alteration relative to any Improvement within the Property is responsible for complying with the provisions of these Rules & Regulations and initiating the reviews and obtaining the approvals required by these Rules & Regulations before any such modification is undertaken. There are no exemptions or automatic approvals. Each Application will be reviewed on an individual basis in accordance with the Design Review Requirements and processes set forth in Article 2 of the Covenants. As is indicated in the listing of specific types of Improvements below, there are some cases in which advance written approval will not be required if the Rules & Regulations, with respect to that specific type of Improvement, are followed.
2. **Conflicts with the Covenants.** In the event of a conflict between these Rules & Regulations and the terms of the Covenants, the Covenants shall prevail.

3. **Administration of the procedures set forth in these Rules & Regulations.**

The review procedures are described in the Covenants, as supplemented by these Rules & Regulations, and are administered by the ACC or their appointed representative(s). Approval of any proposed modification, addition, or alteration of any Improvement is within the discretion of the ACC or its designated representative(s) with regard to: design; harmony of external design with existing structures; and location in relation to surrounding structures, topography and finish-grade elevations. In accordance with the Covenants, the Governing Board of the District has appointed the ACC to act on its behalf relative to enforcement, review and approval of Applications under the Covenants and these Rules & Regulations. The actions of the ACC shall be deemed actions of the Governing Board, subject to the right of appeal provided for in the Covenants.
4. **Waiver, Amendment and Third-Party Benefit**
 - A. The Governing Board maintains the right, from time to time, and at its sole discretion, to waive, amend or modify these Rules & Regulations. These Rules & Regulations confer no third-party benefit or rights upon any entity, person, Owner or Contractor.
 - B. Neither the Governing Board, nor the ACC, its respective members, Secretary, successors, assignees, agents, representatives, employees or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any builder by mistake in judgment, negligence or nonfeasance, arising out of any action of the ACC with respect to any submission or for failure to follow these Rules & Regulations. The role of the ACC is directed toward applications for review and approval of use, site planning, appearance, architectural vocabulary and aesthetics. The ACC assumes no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing, or electrical design, methods of construction, or technical suitability of materials.
5. **Applications for Review.** Applications for review and approval as well as information regarding design review procedures can be obtained from the District's Management Company ("Management Company"). The Applications for review must use the form attached hereto as Attachment A, or as provided by the Management Company. All Applications for approval of a modification, addition or alteration to an Improvement, including all other related materials, shall be submitted to the District's Management Company and the ACC for review by, or on behalf of, the Governing Board, before work commences. Once an Application submittal has been developed, three (3) copies of a plan (minimum size 11" x 17") shall be submitted to the Management Company and the ACC. The Application must contain the following information:
 - A. Lot, Block, Filing Number and Owner's name, address, and telephone number;
 - B. Contractor and/or designer's name, address, and telephone number (if applicable);
 - C. Scale of one (1) inch – ten (10) feet and north arrow;
 - D. All existing conditions, including house, walks, driveways, patios, decks, walls, plants, trees, drainage ways, property lines, and any easements;
 - E. All proposed Improvements, including information (to the extent applicable) described in "Drawing or Plans" below.
6. **Review Fee & Damage Deposits**

- A. The ACC reserves the right to charge a reasonable fee to cover the cost of any engineering consulting or other fees incurred in reviewing any Application.
 - B. The ACC reserves the right to require payment of a damage deposit prior to approving any Application.
7. **Drawings or Plans.** As a part of any Application, Owners are required to submit complete plans and specifications prior to commencement of any work on any Improvement (said plans and specification to show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required). In most cases, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect or draftsman and a simple drawing and description will be sufficient. In the case of major modifications, alterations or additions to Improvements, such as room additions, structural changes, or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether prepared by the Owner or a professional, the following guidelines should be followed in preparing drawings or plans.
- A. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials to be utilized in constructing or adding such Improvement. The drawing or plan should be done to scale and should depict the property lines of the Owner's Lot, all recorded easements and the outside boundary lines of the home as located on the Lot. If a copy of an improvement location certificate (survey) of the Lot is available, it should be used as a base from which to draw.
 - B. Existing Improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, fencing, walks, decks, trees, bushes, etc.
 - C. The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. (Example: Redwood deck, 10' x 12' with 2" x 4" decking. Natural stain.)
 - D. The plan or drawing and other materials should show the name of the Owner, the address of the home and a telephone number where the Owner can be reached.
 - E. The proposed Improvements must take into consideration the easements, building location restrictions, and sight distance at intersections.
 - F. Owners should be aware that most Improvements require a permit from the Town of Timnath (the "Town"). The ACC reserves the right to require a copy of such permit as a condition of its approval.
8. **Regulatory Compliance.** It is the responsibility of the Owner and Contractor to obtain all necessary permits and to ensure compliance with all applicable governmental regulations and other requirements. Plans submitted for ACC review shall comply with all applicable building codes, zoning regulations and the requirements of all governmental entities having jurisdiction over the building project or Property within Kitchel Lake. Regulatory approvals do not pre-empt the design review authority of the ACC, and ACC approval does not incorporate any governmental approvals. Governmental approvals shall be the sole responsibility of the Owner and Contractor. Owner is requested to provide a copy of the permit

to the ACC once it is obtained by the governmental entity for which the permit was applied.

9. **Interference with Utilities and Limitations on Use.**

- A. When making Improvements or modifying or altering existing Improvements, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements over such easement without the consent of the utility involved and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

Utility Notification Center of Colorado
1-800-922-1987
<http://colorado811.org/>

- B. The Property, other than any portion of the Property owned by a political subdivision of the State of Colorado, shall be used only for residential, recreational, and related purposes as may be more particularly set forth in the Covenants, these Rules & Regulations and any amendments thereto or hereto. The District, acting through the ACC, shall have standing and the power to enforce use restrictions contained in the Covenants as if such provision were a regulation of the District. The District, acting through the ACC and/or designee, shall have authority to make and to enforce standards and restrictions governing the use of Lots, including the homes thereon, and to impose reasonable user fees therefor. Land use standards constituting the initial restrictions and standards are explained in the Covenants. These Rules & Regulations shall not apply to any portion of the Property while owned by a county or other political subdivision of the State of Colorado. These Rules & Regulations are independently amendable in accordance with the Covenants and an amendment of the Covenants shall neither constitute nor require an amendment of these Rules & Regulations. Each Contractor and Owner should review any use restrictions to ensure that Improvements are in compliance with these use restrictions.

10. **Accuracy of Information.** Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations, neighbor acknowledgement and other pertinent features of the site plans.
11. **Action by ACC.** The ACC will regularly review all Application submittals. The ACC may require submission of additional material and may postpone action until all required materials have been submitted. The applicant will be contacted by phone or e-mail, if possible, if the ACC feels additional materials are necessary or if they have any suggestions for modification to the Application.
12. **Owner's Responsibility.** In accordance with the Covenants, all maintenance of the home and Lot and all structures, parking areas, and other Improvements thereon shall be the sole responsibility of the Owner thereof, who shall maintain said Property in a manner consistent with the Rules & Regulations and the Covenants, provided that if this work is not properly performed by the Owner, the District may, at its sole option, perform it and assess the Owner; provided,

however, whenever entry is not required in an emergency situation, the District shall afford the Owner reasonable notice and an opportunity to cure the problem prior to entry.

V. SPECIFIC TYPES OF IMPROVEMENTS/GUIDELINES

1. **Accessory Buildings, Storage Buildings:**
 - A. Accessory buildings and storage buildings shall be submitted to the ACC for approval prior to construction. All such buildings shall be consistent with the architectural style, materials and color of the primary residence.
 - B. Accessory buildings should be no more than 50% of the square footage of the primary residence.
 - C. Accessory buildings shall not obstruct another Lot Owner's direct view of mountains or lake.
 - D. All accessory buildings and storage buildings shall be located to the rear of the primary residence.
 - E. See also: "Sheds". The ACC reserves the right to distinguish between "sheds" and "accessory buildings" on a case-by-case basis.
2. **Additions, Expansions or Reconstruction:** Additions, expansions or reconstruction of any improvements constructed by the original builder of each Lot shall require prior ACC approval and must be in accordance with the architectural guidelines. Upon approval, construction must commence within six (6) months.
3. **Advertising:** See "Signs".
4. **Air Conditioning and Heating Equipment/Evaporative Coolers/Attic Ventilators:** No heating, air conditioning, air movement or refrigeration equipment may be placed or installed on rooftops or extended from windows. Ground mounted air conditioning equipment installed in the side yard shall be installed in a manner so as to minimize visibility from the street and to minimize any noise to adjacent property owners. Swamp coolers are not allowed under any circumstances.
5. **Antennas:** As set forth in the Covenants, the types of receiving equipment which do not require architectural review and approval include: (i) a "dish" antenna which is thirty-nine (39) inches or less in diameter; or (ii) an antenna which is thirty-nine (39) inches or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable). All transmission or receiving devices, including those governed by the Federal Communications Commission, shall be installed in a manner in which the device is not affixed to the front elevation of the residence, or higher than the ridge line of the roof of the residence on the Lot on which the receiving or transmitting device is being installed, the location of which, to the extent permitted by law, shall be approved by the ACC. Also see "Satellite Dishes" and "Television Antennae".
6. **Astroturf:** Astroturf is not allowed in lieu of any required front yard sod requirements.
7. **Awnings:** Overhangs or awnings of any material must be retractable and will require prior ACC approval. A swatch of the proposed awning material must be provided along with identification of the color on the home (body or trim) that is

being matched. Color must be the same as or generally recognized as complementary to, the primary residence color. Overhangs or awnings may be used over the patio or deck in the rear yard of a residence ONLY. Also, overhangs and awnings shall be maintained in good condition and appearance. No overhangs or awnings will be allowed anywhere on the front of the home or in the yard/landscaping of residence. No aluminum or fiberglass awnings will be allowed.

8. **Balconies:** Construction of a balcony (after the completion of the home by the original builder) must receive prior approval by the ACC.
9. **Barbecue/Gas Grills:** No barbecue grills, smokers, etc. shall be placed on decks or balconies within 36" of flammable materials and must be maintained in the rear yard or within an enclosed structure and shall not be visible from the front of the home. All applicable governmental fire/smoke bans must be adhered to in all cases.
10. **Basketball Backboards:** Placement and design must be approved by the ACC. Only free-standing basketball backboards will be allowed, and they must not be permanently installed. Temporary backboards cannot be placed in any public or private right of way, street, or sidewalk, and must be stored each day in an area not visible from the street.
11. **Bird Houses and Feeders:** Birdhouses and feeders do not require ACC approval up to a maximum size of one (1) foot by two (2) feet and a height of four (4) feet. No birdhouses or bird feeders (of any size) may be attached to fencing. No birdhouses or feeders are allowed in the front yard of any residence. Any seed placed in such birdhouses and feeders must be sterile so as to be weed-free.
12. **Boats:** Boats and boat trailers shall not be stored on any Lot unless fully contained within a garage. Notwithstanding the foregoing, recreational vehicles/campers may be parked upon the driveway of the Lot for a period not to exceed forty-eight (48) continuous hours at a time. No such parking shall be allowed which exceeds more than a total of six (6) days during a thirty (30) day period. No vehicles or campers shall be parked in a driveway in a way that blocks the city sidewalk.
13. **Building Projections:** Elements that project from the main façade of the home, such as a bay window, must have a minimum projection of 12"
14. **Carports:** Free standing carports are not allowed.
15. **Chimineas/Smokers/Fire Pits/Outdoor Fireplaces etc.:** Approval is required for all permanent installations. Gas-fired fire pits are recommended. In all cases, chimineas and smokers must not create an unreasonable amount of smoke for adjoining Owners. Wood-fired fires shall not be located on decks and shall be no less than fifteen (15) feet from the home or any flammable materials. Wood fires shall be extinguished after use and shall not be allowed to smolder. All applicable governmental jurisdictional fire/smoke bans must be adhered to in all cases.
16. **Clotheslines:** No clotheslines shall be installed or maintained on any Lot unless approved by the ACC. All approved clothesline shall be retractable, located on

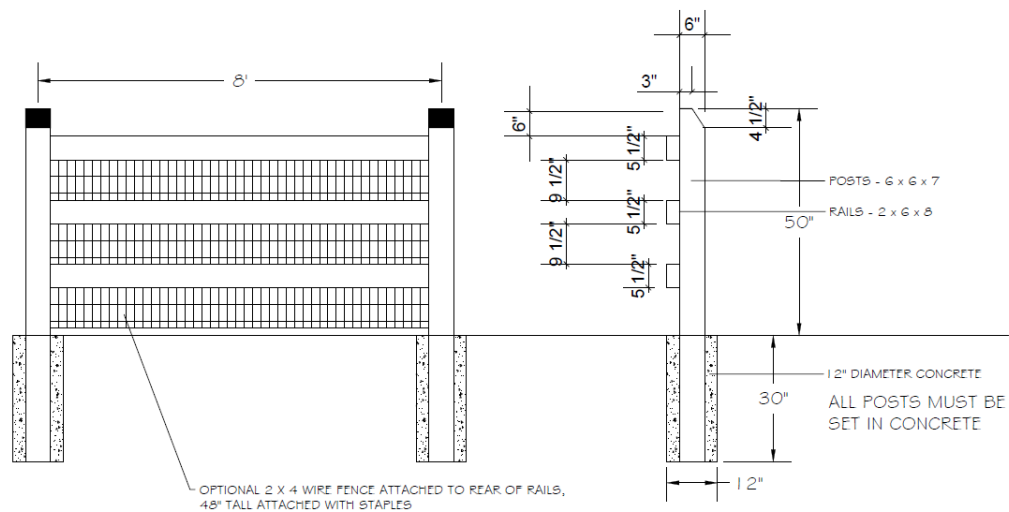
the rear of the home, no more than twenty (20) feet in total length and shall remain retracted unless in use. Retractable clotheslines may not be mounted or attached to a Lot fence. All use of retractable clotheslines must cease by sundown.

17. **Concrete:** It is recommended that only a neutral tone concrete be used for all concrete work. Colored concrete will be allowed only with specific approval by the ACC.
18. **Construction Staging and Materials Storage:**
 - A. Construction materials (other than those used in the initial construction of each home) including storage containers may not be placed on any Lot without ACC permission. Additionally, storage of construction materials/storage containers are only permitted fifteen (15) days prior to the beginning of construction (not including the original construction of each home) within the development and must be removed within fifteen (15) days of construction completion. Utility trailers are not permitted. All containers must be in good condition and the amount of materials stored must not exceed the amount required for the current project.
 - B. All staging and storage must be contained to the property Owner's Lot. No materials may be stored in the right of way or on District owned or Neighboring property.
19. **Decks & Balconies:** Approval is required. The deck must be constructed of material that would be considered similar to the material of the residence or maintenance-free type decking products as may be previously approved and be located so as not to obstruct or greatly diminish the view or create an unreasonable level of noise for adjacent Owners. Maintenance-free type decking products may be used provided that the decking material is consistent throughout the front, side or rear elevation of a building and must be of a color that complements either the existing body or trim color only on the home. Owners are reminded that as with wood, some types of maintenance-free decking products may also require periodic maintenance for proper care and to retain the product's aesthetic conformity, including, but not limited to, fading, warping, etc. Decking that extends no greater than thirty (30) inches directly above the grade of the structure may utilize a lattice skirting provided the skirting is made of the same material as the deck, minimum three-eighths (3/8) inches thick boards and stained or painted to match the remaining portion of the deck. Decks may not be more than twenty-five percent (25%) of the entire rear Lot of the home. Construction shall not occur over easements beyond the side plane of the home and must be set back a minimum of five (5) feet from the Property line. Construction of decks over a sloped area is discouraged. The applicant may also be required to plant vegetation for additional screening purposes. The deck must be installed as an integral part of the home and/or patio area.
20. **Dog Houses & Dog Runs:** Dog house(s) and Dog Run(s) require plan submittal to the ACC prior to installation/construction. Dog houses and/or dog runs must not present a visual or noise nuisance to the street and Neighboring yards, must be installed at ground level, and shall not be visible above the fence. Methods of concealment include landscaping or other methods approved by the ACC. All dog runs shall be free-draining and shall not discharge urine or diluted waste onto abutting Properties. Dog runs shall be limited to two hundred (200) square feet and fencing shall not be higher than four (4) feet. Tarpaulins and chain-link

fencing shall not be permitted.

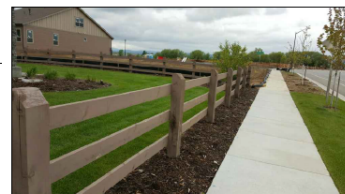
21. **Doors:**
- A. Design
 - a) Placement of doors and windows are proportionate, balances, and rhythmic
 - b) Front doors articulated and composted of recessed or grooved panels
 - c) No sliding glass doors on front elevations
 - B. Replacements and Modifications. Approval is NOT required for repair or replacement of an existing main entrance door to a home IF the material matches existing doors on the home. "Complementary colors" include the body color of the house. Approval IS required for repair or replacement of an existing main entrance door to a home if the material does not match the door being replaced.
22. **Drainage/Grading & Grade Changes:** The Covenants require that there be no interference with the established drainage pattern over any Property. The "established drainage pattern" means the drainage pattern as engineered and constructed by the original developer or homebuilder prior (or in some cases, immediately following) conveyance of title from the homebuilder to the individual Owner. When performing any landscaping work or performing any work to maintain the established drainage pattern, it is very important to insure that water drains away from the foundation of the house into the street and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways. A report may be required from a drainage engineer as part of the Application. Landscaping should conform to the established drainage pattern. Sump pump drainage should be vented at least six (6) feet from the property line, on the Owner's property, to allow for absorption. Adverse effects to adjacent properties will not be tolerated and correction of such will be the responsibility of the offending Lot.
23. **Driveways:** There shall be no extension or expansion of driveways without prior ACC approval. Driveways to the garage shall be constructed only with neutral tone concrete. If driveway extension or expansion is desired, drawings shall be submitted to the ACC showing the desired changes/additions. Any approved driveway expansion shall not be intended to promote or facilitate the parking or storage of any vehicle on the driveway or side yard.
24. **Energy Devices:**
- A. Solar: Approval is required by the ACC. Non-glare or non-reflective finishes are preferred. Installations being made for energy-efficient measures may be further defined by State or Federal regulations. Devices must be designed to appear as if they are an integral part of the roof. Every attempt shall be made to mount such devices on the back side of roof if possible, to minimize visibility from front of residence. Block out screens are required for approval (i.e.: rooftop solar panels). The Owner shall be responsible for eradication of any animals that may nest in, around or under such devices.
 - B. Electric Automobile/House Charges/Storage Batteries: Must be locked within the home.
 - C. Generators: Approval is required for all types of stand-by power generators.

25. **Evaporative Coolers:** Evaporative coolers are not allowed.
26. **Fences:** Fencing is allowed only in accordance with the community standard, which is a maximum height of four (4) feet (not including columns) with three (3) rails, as shown below:
- The approved fence stain color for Kitchel Lake is: Monterey Tan SW3049 Sherwin Williams Superdeck.
 - The Community fence must be installed in any portion of the Lot which adjoins common area, per the approved Fencing Plan for Kitchel Lake.
 - Fences require ACC approval prior to installation. Drawings showing fence location, layout, design, height and material shall be submitted to the ACC. No fencing will be allowed anywhere within the front yard of residence unless adjoining a common area. Upon review and approval by the ACC, installation of wire mesh to the three (3) rail fence may be allowed for pet containment purposes. Owners are advised that various utility companies and other service vendors may have the right to access the Lot because of established easements (including removal of fence with no obligation to restore). The homeowner is responsible for any repairs or maintenance as needed caused by easement access.
 - Side yard fencing and returns must be set 4' back from the front of the home, unless the side yard is adjoining common area – see note E below.
 - For Lots with side yards adjoining common area, the fence may extend into the front yard up to the 14' utility easement. The return must still be set 4' back from the front corner of the house.
 - For Lots with a side yard utility easement, fencing must remain on the Lot side of the 14' utility easement. The rear 10' utility easement may be enclosed in the rear yard fencing, but is subject to utility company and District access per note C above.



NOTE:
ALL FENCING MUST BE STAINED BY ACC APPROVED STAIN COLOR.

FENCE TYPE - OPEN RAIL
SCALE 1/2" = 1' - 0"



27. **Firewood/Wood Storage:** Is NOT permitted.
28. **Flagpoles:** Freestanding flagpoles are not allowed without the express written approval of the ACC. One wall mounted flag bracket per residence shall be allowed.
29. **Garages:**
 - A. Minimum garage door impact
 - B. For plans with three car garages, third bay shall be recessed a minimum of 18" from the face of others
 - C. Trim work should compliment trim around other doors and windows
 - D. Garage doors should be painted/stained in a complementary color to the home
 - E. Garage doors must be articulated with recessed or grooved panels or windows
30. **Gardens:** Vegetable gardens shall be allowed only within the Owner's back yard, and not on the sides of the home or in the front yard. It is recommended that flower beds (especially annuals), vegetable gardens and other landscaping which requires regular watering, should not be planted within five (5) feet of the foundation wall or slab and should avoid excessive watering. Further, piping and heads for sprinkler systems should not be installed within five (5) feet of foundation walls and slabs. All flower gardens must be weeded, cared for and carefully maintained.
31. **Gazebos/Pergolas/Etc:** Approval is required by the ACC. Gazebos must be similar in material and design to the residence, must be painted or stained the body or trim color of the residence and must comply with all existing set-back requirements. Roof material must match that of house, if applicable.
32. **Greenhouses:** Greenhouses require prior ACC approval.
33. **Hard Surfaces, Including Driveways, Patios, Front Porches, Stairways, Pads and Owner-Owned Walkways:** Owners are responsible for ensuring the proper condition of hard surfaces on their Property, including driveways and sidewalks (except for sidewalks along streets), such that surfaces are intact and free of excessive cracks, crumbling, and settling. Approval is required for any revisions or additions to hard surfaces:
 - A. Approved replacement or repair will be required if any displacements, cracks or portion of a crack are more than six (6) inches long and is one-half ($\frac{1}{2}$) inch wide or greater.
 - B. Approved replacement or repair will be required if any displacements or crack that result in an uneven surface of one-half ($\frac{1}{2}$) inch or more on either side of the crack or next to a garage slab.
 - C. Approved replacement or repair will be required if any surface crumbling/spalling/pitting occurs, regardless of reason, that covers more than fifty percent (50%) of the surface area of the particular hard surface.
34. **Hot Tubs/Spa Tubs:** Hot tubs/spa tubs shall require ACC prior approval. Hot tubs/spa tubs should be an integral part of the deck or patio area and of the rear yard landscaping. Also, hot tubs/spa tubs must be installed so as not to be immediately visible from the front yard/street. Hot tubs/spa tubs shall be installed in such a manner that they will not cause noise disturbance for adjacent property owners. Owners shall take all necessary precautions to prevent accidental

drowning, including appropriate tub covers.

35. **Home Business/Office:** Home business/offices are allowed if they are not visible and do not disrupt their neighbors with signage, traffic or deliveries, as set forth in the Covenants. Every resident should also inquire with the Town prior to implementing a home business to become aware of any Town requirements or restrictions, which will also apply.
36. **Household Pets:** No animals, livestock, birds, poultry, reptiles or insects of any kind shall be raised, bred, kept or boarded in the Property; provided, however, that the Owners and residents of each Lot may keep a reasonable number of bona fide household pets (including dogs, cats or other domestic animals), so long as such pets are not kept for any commercial purpose, including breeding and are not kept in such number or in such manner as to create a nuisance to any resident of the Property.
37. **Landscaping and Irrigation:**
 - A. Landscaping plans must be approved by the ACC prior to installation. Once the landscaping plan has been approved, no alterations can be made unless approved by the ACC. The ACC may require form(s) to accompany submitted landscaping plans and payment of a review fee (except for the original builder). Plans shall depict types and locations of: fencing, decks, playing areas, sod, seeded areas, edging, retaining walls, rock areas, sprinkler systems, flower beds/gardens, other planting beds, mulch areas, landscape lighting and any other components of the proposed plan. Aspen trees and other water-seeking root plants may not be placed within 15 feet of the foundation. Owners of a Lot must maintain the builder installed tree(s) required by the Town of Timnath. Owners of a Lot adjacent to a street tree lawn are required to plant and maintain grass or groundcover of a type approved by the ACC in the adjacent street tree lawn abutting the Lot and shall install (including boring under the sidewalk) and maintain an underground sprinkler system. Lot Owners are responsible for replacing dead or diseased trees (with the species and size specified by the Town of Timnath) or plantings. No more than forty percent (40%) of the front yard landscaping shall be non-living materials, unless otherwise approved by the ACC and the Town of Timnath. The same standard shall apply to back yards. Landscaping work/installation can be accomplished by a professional landscaping designer/contractor, by a construction contractor or by residence owner(s). The Owner of each Lot (other than Declarant, as defined in the Covenants or a builder with the express written approval of the Declarant) shall install landscaping on such Lot within one hundred eighty (180) days after acquisition of such Lot by such Owner if said acquisition occurs between April 1 and October 1; if said acquisition does not occur between such dates, then such landscaping shall be installed by such Owner by the following October 1. The ACC may request additional information and/or resubmittal, as it deems appropriate. Sprinkler systems must be installed to irrigate landscaping in the front lawn. The semi-arid climate makes watering necessary. It is recommended that watering be done in the early morning or evening. One of the most common tendencies is to over-saturate the Lot. We urge each Owner to conserve water and as a result minimize problems on their own Lots as well as on adjacent Owner's Lots caused by over-watering. This can be accomplished by watering at shorter cycles more often during the course of the day. The following are some

facts to consider in selecting the type and location of the irrigation system you are going to use:

- a) Size and shape of areas to be watered.
 - b) Type of turf or ground cover.
 - c) Available water supplies and pressure.
 - d) Environment of the area-wind, rain, temperature, exposure, and grades.
 - e) Low spraying irrigation devices may help to minimize wasted water due to wind.
 - f) Installation of an irrigation system directly adjacent to front sidewalks may eventually cause undermining and deterioration to concrete and paved areas.
 - g) Type of soil and its ability to accept water. Local nurseries or do-it-yourself sprinkler stores have detailed information concerning the type and installation of irrigation systems.
 - h) Drip irrigation systems are recommended for tree and shrub areas.
- B. Weeds on all Lots (including, without limitation, Lots owned by builders) shall be kept mowed/cut (weeds must be mowed/cut when they exceed four (4) inches in height).
- C. Private Irrigation System: Irrigation water for each lot is provided by Serratoga Falls Metropolitan District #1 and each residence shall be required to adhere to Watering Rules and Regulations set by the District. A separate irrigation water fee will be paid by each lot owner for the maintenance of the private irrigation system, including the cost of administration and a reasonable reserve for depreciation.
38. **Lattice Work:** Lattice work shall require prior ACC approval. Any lattice work shall be incorporated within the "general" landscaping theme and must be maintained in good condition and appearance. Lattice work may not be attached to any fencing. Lattice work is permitted on rear decks or trellises but shall NOT be permitted on the front elevation of the Lot/home.
39. **Lights and Lighting:** Lights and Lighting shall be of conventional style with illumination patterns which do not cause a nuisance to Neighboring properties. Light/lighting for use in landscaping shall require prior ACC approval (see "Landscaping").
40. **Ornaments:** Ornaments, such as fountains, statuary, artificial plants, wagon wheels or equipment, or other ornamental features commonly known as "yard art" shall not be placed or allowed to remain where visible from streets unless the same have been approved by the ACC. The ACC may require removal of any ornamental feature placed in the front yard which is not in keeping with community standards for good taste and architectural integrity.
41. **Painting:** All exterior painting of residences shall be kept in good condition and in the color approved with the original construction submittal. Color changes thereafter must be prior approved by the ACC. A master approval for paint colors may be provided for each building in the community. No two adjoining homes may have the identical paint color scheme
42. **Patio Coverings:** Patio coverings must be approved by ACC. They must be constructed of wood or materials generally recognized as complementary to the residence and must be similar or generally recognized as complementary in color

to the primary residence color.

43. **Paving:** Paving can be performed with a variety of materials and used to enhance the resident landscaping or to create patio areas, walkways, stoops, porches, landscaping trim, etc. Approved paving materials are as follows: neutral tone concrete, flagstone, stepping stones, pre-cast patterned or exposed aggregate concrete pavers, and colored or natural rock. All material must be installed/located so as not to block any existing drainage pattern of the Lot. All paving will require prior ACC approval.
44. **Play and Sports Equipment:** Play and sports equipment requires prior ACC approval. In general, all play equipment, trampolines and other sports equipment shall only be allowed in the rear of a residence and the ACC may require reasonable screening from the street. Play structures are to be maintained in a "like-new" condition and shall be promptly removed if the structure falls into disrepair or becomes unsightly due to degradation of any of the component materials.
45. **Playhouses:** Playhouses require prior ACC approval. Playhouses shall not exceed eight (8) feet in height at the peak, shall have no more than one hundred and twenty (120) square feet of interior floor space, and shall be located in the rear yard of the residence. Basic design, materials, colors and roof materials must match the residence. Playhouses are to be incorporated into, and at least partially screened by, landscaping and should not unreasonably obstruct adjacent neighbor's corridor views. "Play and Sports Equipment" also applies.
46. **Pools:** All swimming pools shall require prior ACC approval. Moveable small children type (twelve (12) feet in diameter or less and eighteen (18) inches in depth or less) swimming pools need not receive ACC approval. Swimming pools may be located only in the rear of residence and must be an integral part of the deck or patio area. They should be located in such a way that they are not immediately visible to adjacent property owners. It is strongly recommended that some form of protection be installed surrounding any and all swimming pools (such as fencing – also subject to ACC approval) to protect against accidental drowning.
47. **Recreation Vehicles/ Campers:** Recreational vehicles and/or campers shall not be parked on the property or stored on any Lot unless fully contained within a garage. Notwithstanding the foregoing, recreational vehicles/campers may be parked upon the driveway of the Lot for a period not to exceed forty-eight (48) continuous hours at a time; and no such parking shall be allowed which exceeds more than a total of six (6) days during a thirty (30) day period.
48. **Retaining Walls:** Retaining walls require prior approval of ACC. Retaining walls may be used to accommodate or create abrupt changes in grade. Such walls should be properly anchored to withstand overturning forces. Stonewalls should be made thicker at the bottom than at the top to achieve stability. To avoid destructive freeze-thaw action, all retaining walls should incorporate weep holes into the wall design to permit water trapped behind them to be released. Walls shall not be located so as to alter the existing drainage patterns, and shall provide for adequate drainage over or through (by means of weep holes) the wall structure. Also see "Landscaping".
49. **Roofing:**

- A. Design
 - a) Visible main roof form complemented by smaller roof planes
 - b) Vents, flashing are painted to match the roof; behind the ridge if possible
 - B. Materials and Colors
 - a) Minimum 40-year composition roof, architectural grade
 - b) Rich, natural roof colors required
 - c) Metal roof accents require approval
 - d) Alternate material may be permitted subject to ACC approval
 - C. Approval is not required for re-roofing with the same material and color as originally installed on the home or accessory structure. Approval is required for all changes to an alternate roofing material, if not originally installed on a home either attached or detached or an accessory structure and must maintain an appearance that is similar to the surrounding homes. Owners wishing to change the roofing materials or color of the roof on their homes must receive prior approval. In the case of a neighborhood or Filing that primarily has one consistent roofing color, such as "weathered wood," requested changes to roof color selections will be discouraged.
50. **Roof Top Equipment:** No roof top equipment is allowed (see also "Air Conditioning Equipment" and "Antennae"). Lighting rod(s) are permissible. Decorative roof mounted weather vanes require prior ACC approval.
51. **Satellite Dishes:** Microwave and/or satellite television dishes are permitted as long as they are mounted or placed on the side or rear of residence with prior approval by ACC and are appropriately screened, or architecturally integrated into residence. The types of receiving equipment which do not require architectural review and approval include: (i) a "dish" antenna which is thirty-nine (39) inches or less in diameter and is designed to receive direct broadcast satellite service including direct to home satellite service; or (ii) an antenna which is thirty-nine (39) inches or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable). Also see "Antennae".
52. **Seasonal Decorations:** Seasonal decorations are permitted with the following qualifications and conditions
- A. Christmas decorations shall not be displayed prior to November 15 and must be removed by January 15 of the following year
 - B. Other holiday decorations shall be removed within one week after the celebrated holiday
 - C. No decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.
53. **Sheds:**
- A. The following rules apply:
 - a) Materials: Storage shed materials should be the same character and quality of the house, and use the same colors. If the storage shed comes in a different color than the house, it should be repainted. The roofing shall match that of the main structure, both in type and color. Resin or plastic sheds are not allowed.
 - b) Maximum Size: 10 foot x 12 foot.
 - c) Maximum Peak Height: The maximum height at the peak of the roof shall be 10 feet.

- d) Setback from Property Line: A 5 foot setback from the property line is required in order to take care of drainage and access for maintenance. The storage shed should be capable of being maintained without going over onto a neighbor's property and creating.
 - e) Anchored: Any storage shed in the community should be adequately anchored to a concrete pad to eliminate the hazard of flying objects during a storm.
 - f) Screening: Depending on the location on the lot, screening may need to be provided, particularly if the storage shed can be viewed from the street.
 - g) Use: Storage shall not be used for workshop purposes.
- B. A special exception may be granted by the ACC to the above restrictions, as long as such exception does not materially deviate from the existing standards.
- C. ALL APPROVALS ARE SUBJECT TO TOWN OF TIMNATH REQUIREMENTS

54. **Signs:** All signs require ACC prior approval, except temporary real estate "For Sale", "Open House" or "For Rent" signs. These temporary signs advertising property for sale shall be no larger than five (5) square feet in the aggregate. Signs may be placed only on the Lot for which the sign is intended, and off-site lead-in signs in city right of way shall be only allowed from 5:00 p.m. on Fridays until 9:00 p.m. on the following Sunday. Builder signage will be regulated by the Declarant and is exempt from this provision. All trade signs, which include, but are not limited to, landscaping, remodel, painting and roofing may only be displayed while work is in progress and must be removed upon completion of the job. There will be no more than one sign per Lot permitted. Sold signs must be removed within twenty-four (24) hours after closing, unless otherwise required by law. No political sign may be placed on any Common Area owned or maintained by the District, unless first receiving written consent of the Board of Directors. Owners and occupants may have one political sign per candidate or ballot issue placed on their Lot. Political signs shall be the smaller of what may be allowed by the Town of Berthoud sign ordinance or thirty-eight (38) inches by forty-eight (48) inches; and Owners and occupants may have one political sign per candidate or issue installed on their Lot no earlier than forty-five (45) days before the day of an election and must be removed no later than seven (7) days after the election day.

55. **Solar Panels:** Require prior ACC approval. Where possible, back-up generators shall be placed so as not to create a noise nuisance for adjacent property owners during self-test cycles.

56. **Street Trees:**

- A. The Overall Site and Landscape Plan for Serratoga Falls – Third Filing is provided within the approval documents of the Town of Timnath as required by the Preliminary and Final Development Plans for the community.
- B. Certain aspects of the Street Tree Requirements require specific attention and are highlighted below:
 - a) All Street Trees shall be provided with adequate irrigation from each individual Lot adjacent to the right of way where such tree(s) are located. All irrigation expense and maintenance shall be at the cost of the Contractor/Owner.

- b) Street Trees shall be maintained in a healthy condition free of disease and shall be pruned as necessary by the respective Contractor/Owner in order to preserve the health of such trees.
- c) Street and ornamental trees shall adhere to the planting and location requirements of the Town of Timnath. There shall be a minimum clearance of three (3) feet on each side of fire hydrants, and no vegetation other than turf or ground cover planted in front of fire department connections.
- d) No substantial impediment to visibility shall be created by any tree between the height of three (3) feet and eight (8) feet at any street intersection within a site triangle beginning at the point of intersection of the edges of the driving surface, then to forty (40) feet along both intersecting edges and then along a transverse line connecting these points.
- e) Replacement of trees shall be the responsibility of the Contractor/Owner, in accordance with the above requirements.
- f) Contractor/Owner installed trees shall be warranted by the Contractor or the Landscape Contractor for one (1) year after installation.

- 57. **Swamp Coolers:** Swamp coolers are not allowed.
- 58. **Swing Sets:** Swing sets require prior ACC approval.
- 59. **Television Antennae:** Television antennae are not allowed to be mounted anywhere on the exterior of residence. Also see "Antennae" and "Satellite Dishes".
- 60. **Temporary Structures:** Temporary structures are not allowed without express prior written approval of the ACC and in accordance with Section 3.4 of the Covenants. See also "Accessory Buildings, Storage Buildings".
- 61. **Trash (garbage) Containers, Enclosures and Pickup:** Approval is required for any trash or garbage enclosure. Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind may not be kept, stored or allowed to accumulate on any Lot except in sanitary containers or approved enclosures. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner (except that a container for such materials may be placed outside at such times as may be necessary to permit garbage or trash pickup.) Trash may be placed on the street for pickup after 7:00 p.m. the night before that such trash is to be picked up. Trash containers shall be properly stored the evening of pickup.
- 62. **Tree Houses:** Shall NOT be permitted.
- 63. **Underground Installations:** ACC approval is required.
- 64. **Utility Equipment:** Installation of utilities or utility equipment requires approval. Pursuant to the Covenants, pipes, wires, poles, utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
- 65. **Utility Trailers:** Utility trailers shall not be parked on the property or stored on any Lot unless fully contained within a garage. Notwithstanding the foregoing,

recreational vehicles/campers may be parked upon the driveway of the Lot for a period not to exceed forty-eight (48) hours at a time; and no such parking shall be allowed which exceeds more than a total of 6 days during a thirty (30) day period.

66. **Vehicles:**

- A. No bus, large commercial or construction type of vehicles shall be parked, stored or kept on any Lot except where reasonably necessary during construction of improvements or residences.
- B. The following may not be parked, stored, or kept on any Lot, except as otherwise authorized by Colorado law (see C.R.S. §38-33.3-106.5(1):
 - a) Oversized vehicles, longer than a standard twenty (20) foot long driveway;
 - b) Commercial vehicles (not including work vehicles that are passenger cars or light duty trucks or vans);
 - c) Trailers;
 - d) Camping trailers;
 - e) Boat trailers;
 - f) Hauling trailers;
 - g) ATV's or UTV's;
 - h) Snowmobiles;
 - i) Boats, or accessories thereto;
 - j) Self-contained motorized recreational vehicles; or
 - k) Any other oversized types of vehicles or equipment as prohibited by rule or regulation.
- C. The above may be parked as a temporary expedience (but not to exceed a forty-eight (48) hour period) for loading, delivery of goods or services or emergency. The Board may adopt rules and regulations regarding registration of such vehicles in order to enforce this restriction and the time limitations contained herein. This restriction shall not apply to commercial vehicles temporarily located within the community which are necessary for the construction or for the maintenance of any common elements or construction of new homes.
- D. No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicle, trailer or boat may be performed or conducted outside of garages. Minor repairs may be performed, provided they may be completed the day commenced, and all equipment and parts are removed upon completion of the work. No vehicles may be left unattended on jacks or jack stands.

67. **Wells:** Shall NOT be permitted.

68. **Windows and Window Tinting:**

- A. Placements of windows and doors must be proportionate, balanced, and rhythmic.
- B. Single Story Elevations: Minimum of 15% front window area, does not include garage face or front door
- C. Two Story Elevations: Minimum 25% front window area, does not include garage face or front door
- D. Sides: For homes with sides elevations that face common areas, public streets, or recreational areas shall consist of a minimum 15% window area
- E. Rears: Window percentages to match front elevations listed in B and C above, and may include patio door.
- F. Design

- a) Windows should be centered on building mass, vertically and horizontally
 - b) Any mounting design except for the standard checkerboard shall first be submitted for approval.
 - c) Any type of window material except for standard glass shall first be approved (glazed, opaque, glass blocks etc.).
- G. Replacements and Modifications: Approval is required, unless the windows are being replaced with the exact style and color as previously installed and approved on the home. The use of mounting bars for all replacement windows is optional, but in all cases shall be consistent with each side's exterior elevation. For instance, if the Owner is replacing their windows in the front of the home only (the front elevation), then all the windows must have or not have the mounting bars. For window tinting and window replacement applications, only non-glare or non-reflective tints will be considered. A sample of the material shall be provided with the Application for approval.

VI. GENERAL DESIGN AND IMPROVEMENTS GUIDELINES

1. **Diversity Requirements.** All improvements to the exterior of the home should promote a diversity of product throughout the neighborhood.
2. **Repeat Elevations.** A minimum of two of the five below criteria must be met for all elevations. The ACC reserves the right to review and request additional variances in a case-by-case basis.
 - A. 50% of Windows and Doors should differ
 - B. Shapes of two different window dormers and/or window bays
 - C. Shapes of at least two gable ends differ
 - D. Shapes of porches and or similar projecting elements differ
 - E. More than 50% of the front elevation cladding is different material
3. **Streetscape Diversity.** All elevations must incorporate the following:
 - A. All homes should incorporate single-story building elements
 - B. Single story/ranch homes: 40% of the front façade cannot be the garage, including the return
 - C. Two Story homes: 50% of the façade cannot be the garage, including the return. 30% of the width of the first floor cannot be the garage.
 - D. The ACC may exempt recessed, third car garage facades from the above percentage calculations
4. **Front Elevations and Entries.**
 - A. Must create single story building volumes with recessed entries/porches
 - B. Must contain a minimum of three architectural elements listed below:
 - a) Brackets or Braces
 - b) Board and Batten
 - c) Window Awnings
 - d) Multiple Shutters
 - e) Vent of Significant Character and Size
 - f) Belly Bands
 - g) Metal Roofing Accents
 - h) Copper Gutters
 - i) Rafters on Soffits
 - j) Brick or Stone Accent
 - k) Other elements as approved by the ACC

- C. Entry Columns
 - a) If box/square, minimum 10" width
 - b) If round, minimum 10" diameter. May taper if smallest portion meets the 10" criteria.
 - c) If columns are masonry, minimum 16" width
 - D. Piers crowned with appropriate cap.
 - E. Wooden posts a minimum of 8" square
 - F. Grouped posts, two or more, minimum of 6" square
 - G. Turned posts 8" minimum measured at largest diameter
 - H. Posts should be designed with cap, base trim, and brackets
 - I. Avoid long expanses of blank walls and windows
5. **Wall Articulation.**
- A. Fronts: Three wall planes separated by 12" or more offsets.
 - a) Required for rears that face major roadways or reservoirs
 - B. Rears: Two wall planes required for rears, unless facing major roadway or reservoir, as described above
 - C. Rear elevations should incorporate at least one of the following:
 - a) Box or bay window
 - b) Covered porch
 - c) Gable ends
6. **Materials and Colors**
- A. Every home should use strong textures and rich colors with a mix of materials, including: brick, stone, shingles, and clapboards.
 - B. Front and rear elevations should have a minimum of three different textures.
 - a) This shall apply to sides of homes that face public roadways or common areas
 - C. Sides of homes should have a minimum of two different textures, except those that face roadways or common areas as stated above.
 - D. Lap siding, wood grained or cement board, shall not exceed 8" exposed.
 - E. Board and batten siding shall not exceed 12" of board and 2" of batten.
 - F. A minimum of three colors must be visible on all facades, not counting the roof.
7. **Material Applications**
- A. Transitional elements provided, such as: frieze boards, sills, corner boards.
 - B. Masonry corners need to wrap a minimum of 4'. See also "Masonry Accents" in the CCRs for more detail.
 - a) If side faces common space or roadway, wrap must extend to wall break
 - b) Required for all rear elevations that face of street, roadway, or Kitchell Reservoir.

VII. **FINE POLICY and SCHEDULE**

The following fine policy and fee schedule will govern all infractions of the Rules & Regulations outlined above:

- 1. **Intent**
 - A. In accordance with the Covenants, and other governing documents, the District has adopted the Rules & Regulations to promote the health,

safety, and welfare of the Owners and the maintenance and aesthetic appearance of the community for the preservation of property values and the assets of the District.

- B. While many violations are resolved through a courtesy/warning notice there are instances when further action is required. Fines are intended to bring properties into conformance with the Covenants, Architectural Guidelines, Rules & Regulations, and any other regulations set forth by the District (collectively, the “Governing Documents”) in a timely manner while providing due notice and appeal rights to property owners.
- C. In order to gain compliance, the District intends to impose and collect monetary penalties as authorized by 6.2.2 in the Covenants and reserves the right to enforce the community’s restrictions in any other legal manner.

2. Notice of Violation

- A. Notice Required: Upon an Owner’s first violation of any provision of the Governing Documents, the District shall provide a written Courtesy/Warning (“Warning”) to the Owner to allow the Owner the right to cure said violation as stated in the Warning.
- B. Courtesy/Warning Notice: A Warning of the first violation shall be mailed via certified mail to the Owner and contain, at a minimum, the following information:
 - a) The alleged violation of the Governing Documents;
 - b) The date of the violation or the date the violation was observed;
 - c) The first and last name of the person who observed the violation or the name of the management person confirming the violation;
 - d) A statement that the violation must be cured within ten (10) days of the date of the Warning, and failure by the Owner to cure the violation within ten (10) days shall result in a fine in accordance with the Fine Policy and Schedule of Fines (“Schedule”) in effect at the time of the violation; and
 - e) The Owner’s right to appeal the violation.
- C. Right of Appeal: An Owner who receives a Warning regarding a violation may appeal the violation by sending a written response via certified mail to the District’s address (as listed on the Warning of contact form recorded with the county recorder) within ten (10) days of the date of the Warning.

3. Notice and Imposition of Fines

- A. Notice of Imposition of Fine: If the Owner fails to cure the violation within ten (10) days of the date of the Warning, the District shall send the Owner a Notice of Imposition of Fine (“Notice”) via certified mail, which Notice shall state that the Owner has been assessed a fine for the violation in accordance with the Schedule, and that failure by Owner to cure the violation within the period stated in the Notice shall result in additional fines to the Owner.
- B. Further Failure to Comply: Additional Notices citing Owner’s failure to cure the violation shall be mailed to the Owner at the frequency and fine rate stated in the Schedule. Each Notice shall indicate the current fine, pass due fines and late fees, if any, the date that the violation must be cured to avoid additional fines, and Owner’s right to appeal.

4. Continuing Violations

- A. In the case of repeat and persistent violations, this system of fines may ultimately lead to prosecution of non-responsive violators. Fines will not take the place of legal action but will be used as an additional remedy. Fines shall not exceed the level, if any, established by state law.
 - B. In addition, the District shall have the right to remedy the violation and seek reimbursement from the Owner for collection costs and reasonable attorney fees and costs incurred as a result of such failure to comply with the Governing Documents without the necessity of legal proceedings.
 - C. The Governing Board may take legal action against the Owner at any time after a fourth has been sent to the Owner, when accrued fines equal or exceed \$250, or if the District determines, in its sole discretion, that immediate legal action is necessary to preserve the health, safety, and welfare of the Owners. Pursuant to State law, in any legal action pursued hereunder, the court shall award reasonable attorney fees, costs, and costs of collection to the prevailing party.
 - D. To ensure that the District is aware of continuing violations, the Management Company shall list the violating Owner on the Executive Session agenda when a fourth Notice has been sent to the Owner, when accrued fines equal or exceed \$250, or when the Management Company believes immediate action by the District is necessary to preserve the health, safety and welfare of the Owners. At such time, the District shall deliberate as to whether the District should take other appropriate action against the Owner as provided herein.
5. **Recurrence of Violation.** Any recurrence of the same violation within six (6) months of the original violation, as noted in the Notice, shall make the Owner subject to the imposition of a fine. Such fine shall be levied at the current rate of a 2nd violation in accordance with the Schedule then in effect. Such violations shall be considered a continuing violation and no notice shall be provided to the Owner.
6. **Failure to Pay**
- A. Fines shall be due and payable within thirty (30) days of the notice. Fines not paid within thirty (30) days shall be charged a late fee.
 - B. All rights and remedies of the District are cumulative and not exclusive, and the District shall have all rights and remedies to levy and collect fines which may be available to it under the Governing Documents and applicable law.
 - C. Until paid by the Owner, all fines, fees, and charges assessed against the Owner pursuant to the Schedule, as amended from time to time, including, but not limited to, the cost of collecting fines, fees, and charges such as collection agents and attorney fees, shall constitute a lien on and against the property in accordance with the Covenants and Tile 38, Article 33.3 of the Colorado Revised Statutes.
 - D. Fee Schedule:
 - a) Late Fee Charge: A late fee of \$15.00 will be assessed on every account that is not paid in full within the thirty (30) days reference above. The late fee charge may be amended from time to time by resolution of the District.
 - b) Bad Check Charge: For each check that for any reason is returned to the District unpaid, the Owner shall owe the District a "bad check" charge of \$35.00. The bad check charge may be amended from time to time by resolution of the Governing Board.

- c) **Collection Fees:** The Owner shall be responsible for all collection costs incurred by the District as part of the collection process, including, but not limited to, attorney fees, collection agent fees, and court costs.

7. Appeal Process

A. Notice

- a) Any Owner who receives a Notice may appeal such violation to the District by providing the District, via certified mail, a written request for a hearing. Such request must be submitted to the District within ten (10) days of the date of the Notice. Fines set forth in any Notice from the District will continue to accrue during the appeal process so that the appeal process is not used to delay effective enforcement of the Governing Documents, as defined in the Schedule noted above.
- b) If a timely request for a hearing is submitted by the Owner, the District shall set a date and time for the hearing and notify the Owner in writing of the date and time of the hearing.

B. Appeal Process

- a) The hearing shall be held before the Governing Board in executive session.
- b) The Governing Board President shall summarize the appeal request before the Governing Board and introduce all parties.
- c) The Owner shall be afforded ten (10) minutes to state his or her case and to present to the Governing Board any evidence that is applicable to the Lot owner's appeal.
- d) Each Governing Board member shall have an opportunity to question the Owner regarding the appeal.
- e) Upon completion of the question-and-answer period, the Governing Board President will state that the appeal has been heard and the Governing Board will make their decision in closed session. In reaching a decision, the Governing Board may take into account the Owner's statements and evidence presented, the Owner's willingness to work towards compliance, and any other factors that may be pertinent as determined by the Governing Board.
- f) The Governing Board may continue the hearing if it determines that additional information is required from the Owner before making an informed decision. The Governing Board shall notify the Owner in writing of the date and time of the continued hearing and the additional information that the Owner must present on the continued hearing date
- g) The minutes of the meeting shall contain a written statement of the results of the hearing and the fine, if any, imposed. The Owner shall be given written notice of the results of the hearing within ten (10) days from the date of the hearing.

C. Denied Appeals

- a) All decisions of the Governing Board are final and may not be further appealed through the District.
- b) If the Governing Board denies the Owner's appeal, the Owner must bring the violation into compliance and pay all outstanding fines and charges accrued to date within the time period specified in the written notice received from the Governing Board regarding the Governing Board's decision. Failure to cure the violation

within the designated time period stated therein shall constitute a continuing violation and subject the Owner to subsequent fines at the rate and frequency noted in the Schedule, which additional fines shall not be subject to the appeal process.

- c) The Governing Board may, in its sole discretion, take legal action against the Owner at any time after an Owner's appeal has been denied and the Owner has accrued fines equal to or greater than \$250 or the Governing Board determines that immediate legal action is necessary to preserve the health, safety, and welfare of the Owners.

- 8. **Schedule of Fines:** Fines may be levied as shown in Attachment B, attached hereto. The Governing Board may amend the Schedule from time to time as it deems necessary by a majority vote of the Governing Board.

VIII. **FURTHER QUESTIONS OR CONCERNS**

- 1. For further questions regarding rules and regulations, submittal procedures or process, or the fine policy and schedule, please visit the website www.KitchellLake.com or contact the District Manager, Centennial Consulting Group, LLC, 2619 Canton Court, Suite A, Fort Collins, CO 80525. Phone: (970) 484-0101. Email: serratogafallsd1@ccgcolorado.com.

Attachment B

SCHEDULE OF FINES:

Violation	Amount of Fine				Assess	CC&R's
	1st	2nd	3rd	Thereafter		
Architectural Committee Review and Approval Required	Warning	\$25	\$50	\$50	Bi-weekly	Article 2 and Rules & Regulations
Architectural Review, Improvement not Conforming to Request/Approval	Warning	\$25	\$100	\$200	Bi-weekly	Article 2 and Rules & Regulations
Residential Use: Professional or Home Occupation	Warning	\$25	\$100	\$200	Bi-weekly	Section 3.2 and Rules & Regulations
Declaration of Covenants, Other Not Listed	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.1 and Rules & Regulations
Drainage & Irrigation	Warning	\$25	\$100	\$200	Bi-weekly	Article 3 and Rules & Regulations
Household Pets	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.3 and Rules & Regulations
Leases	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.12 and Rules & Regulations
Vehicle Parking, Storage and Repairs	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.6 and Rules & Regulations
Light, sound and Orders	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.9 and Rules & Regulations
Nuisances	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.7 and Rules & Regulations
Hazardous Activities	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.8 and Rules & Regulations
Completion of Landscape	Warning	\$25	\$50	\$50	Bi-weekly	Article 3 and Rules & Regulations
Lot Maintenance	Warning	\$25	\$50	\$50	Bi-weekly	Article 3 and Rules & Regulations
Miscellaneous Requirement & Improvements including signage	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.5 and Rules & Regulations
Temporary Structures	Warning	\$25	\$50	\$50	Bi-weekly	Section 3.4 and Rules & Regulations
Trash and Materials	Warning	\$25	\$50	\$50	Bi-weekly	Article 3 and Rules & Regulations