

# VILLAGE EAST METROPOLITAN DISTRICT RULES AND REGULATIONS

Approved February 28, 2019 by resolution of the Village East  
Community Metropolitan District

## INTRODUCTION

The Board of Directors (“Governing Board”) of Village East Community Metropolitan District (“District”) has adopted the following Rules and Regulations (“Rules”) for the benefit of Village East Subdivision. These Rules are intended to supplement and provide additional guidance with respect to the Declaration of Covenants, Conditions, Restrictions and Easements for Village East Subdivision (“Master Declaration”) and any other supplemental declarations applicable to property in Village East Subdivision, all as recorded in the real estate records of the Clerk and Recorder of Weld County, Colorado. Capitalized words used herein shall have the same definitions set forth in the Master Declaration. In the event of any conflict between these Rules and the Master Declaration, the Master Declaration shall control. These Rules are intended to maintain order, enhance the quiet enjoyment of property by all residents in Village East Subdivision and uphold the aesthetic appeal of the community now and in the future. Common courtesy and regard for your neighbors is always the best measure of appropriate conduct.

Pursuant to the Master Declaration, these Rules may be adopted, amended or repealed from time to time by the District. The District shall be responsible for enforcement of the Rules and applicable provisions of the Master Declaration.

### **I. DESIGN REVIEW**

The Architectural Control Committee of the Village East Community Metropolitan District may be responsible for reviewing designs pertaining to any Improvements to the property. Members of the Architectural Control Committee are appointed by the District and are responsible for ministerial administration and application of the Guidelines. All design review requests should be directed to the managing agent for transmission to the Architectural Control Committee.

### **II. USE OF UNITS/LOTS**

#### **A. ANIMALS**

- No livestock, poultry, reptiles or similar non-traditional household pets shall be raised, bred or kept in the community.
- No more than two dogs and two cats may be kept at a Lot at any one time, subject to the following:
  - a. Animals shall not be maintained for any commercial purpose.
  - b. Animals shall be maintained in the residence, within a rear yard or restrained by a leash at all times. A pet leash shall not be more than twelve feet in length.

c. An Owner is responsible for any damage caused by his/her pet, including removal of waste from District property.

d. The District may further restrict the number of pets in a Lot, or a pet not maintained in accordance with the Master Declaration or these Rules, in its sole discretion.

## **B. SIGNS/FLAGS/HOLIDAY DECORATIONS**

- Except as expressly permitted by applicable law, no signs or flags shall be displayed on a Lot for public view without the prior written approval of the District and/or the Architectural Control Committee. The following are excepted from the general prohibition and do not require District approval:
  - a. Signs installed by Declarant or its successors and assigns, for purposes of construction, development, operation, promotion and sales specifically for the development of Village East Subdivision.
  - b. Flags not exceeding 4' x 6' displayed on National holidays.
  - c. Signs not exceeding six (6) square feet in size used to advertise the property for sale.

All holiday decorations shall be removed within 30 days following the holiday.

## **C. BUSINESS ACTIVITIES**

Any home-based occupation shall be conducted solely within the interior of the residence and not be visible from the exterior.

- No non-residents shall be employed at the premises; nor shall customers frequent or be solicited to the premises.
- Excessive commercial deliveries are prohibited. Excessive means more than two (2) deliveries per day, more than ten (10) cumulative deliveries per week, or a single delivery in excess of one hundred pounds (which excludes occasional deliveries intended for personal consumption).

## **D. ANTENNA/SATELLITE DISH/GENERATOR INSTALLATIONS**

- Except as may otherwise be permitted by the Architectural Control Committee, no exterior radio antenna, television antenna, or other antenna, satellite dish, or audio or visual reception device of any type shall be placed, erected or maintained, except inside a residence or otherwise concealed from view; provided, however, that any such devices may be erected or installed by the Declarant (or by any builder with the express written consent of the Declarant) in connection with the sale

or rental of Lots, or otherwise in connection with development of or construction on the Property; and provided further, however, that the requirements of this subsection shall be subject to the Telecommunications Act of 1996 and applicable regulations, as amended from time to time. Windpowered electrical generators may be permitted in compliance with Colorado Revised Statutes § 38-30-168.

#### **E. LEASES**

- All leases of Lots shall be in writing and shall be for a term of not less than six (6) months. Within thirty (30) days of execution of the lease, a copy shall be filed with the managing agent or the District.
- All tenants are expected to adhere to and comply with the Master Declaration, these Rules and any other governing documents applicable to Village East Subdivision and the specific property being leased.
- The Owner and the tenant(s) shall be jointly and severally liable for any violations of these Rules, Guidelines and the Master Declaration or any physical damage caused by the tenant(s).

#### **F. RENEWABLE ENERGY DEVICES**

- Renewable energy devices may be permitted in accordance with applicable law. All installations of renewable energy devices shall be submitted to the Architectural Control Committee and/or District for review and approval.

#### **G. FENCES**

- All fences must conform to the specifications adopted by the District as contained in the District's Guidelines.

### **III. USE OF COMMON AND DISTRICT PROPERTY**

#### **A. DAMAGE TO PROPERTY/LITTERING**

No littering, disposal of cigarette butts or trash is permitted on common areas or District property.

- Any person damaging or defacing ground, walkways or improvements on the common area or District property shall be responsible for all damages caused thereby.

## **B. USE OF AMENITIES**

- Residents are expected to supervise young children at all times and to discourage behavior that may be disruptive to other members of the community.

## **IV. ACTIONS OF OWNERS AND OCCUPANTS**

### **A. NUISANCES**

- The District abides by all local noise ordinances. At a minimum, between the hours of 10:00 p.m. and 7:00 a.m., no person shall use or operate or allow to be used or operated, any musical instrument, loud speaker, public address system, radio, music player, television or other sound amplifying equipment in such a manner as to be plainly audible when crossing a property line or within a dwelling unit on a Lot which is not the source of sound. For purposes of this restriction, “plainly audible” means that the information content of the sound is unambiguously communicated to the listener (such as understanding speech, comprehension of raised or normal voices, or comprehension of musical rhythms).
- Lights, sounds or odors that may be offensive to others may be a nuisance under the law, and should be avoided.

## **V. STORAGE AND WASTE CONTROL**

### **A. HAZARDOUS SUBSTANCES**

- Volatile or incendiary materials shall not be stored on or at a Lot. Fuel for small machinery should be properly stored in approved containers.

### **B. TRASH/TRASH CONTAINERS**

- All trash receptacles shall be stored out of plain sight except on scheduled pick up days.
- All trash shall be placed in designated containers provided by the waste disposal company. Items too large to fit in the designated containers shall be disposed of offsite through other means.
- All trash must be picked up by the approved vendor for the District (presently Waste Management). Homeowners will need to contract with the trash provider individually.

## **C. STORAGE**

- All building materials, construction and maintenance equipment, garden supplies, compost piles and similar items shall be completely screened from view of surrounding Lots.
- No clothing, towels, draperies, rugs or similar materials may be hung on the exterior of a patio or structure so as to be visible from surrounding Lots.
- All sport, playground or recreational equipment shall be submitted to the Architectural Control Committee for approval prior to installation. To the extent feasible, such equipment shall be stored from view when not in use.
- The storage and use of reasonably sized propane tanks in conjunction with portable or permanent gas grills are specifically allowed.

## **VI. MOTOR VEHICLES**

- Please see Section 3.6 of the Master Declaration with regards to rules regarding vehicular parking in the community.

## **VII. ADMINISTRATION AND ENFORCEMENT**

### **A. ASSESSMENTS**

- Homeowners shall pay assessed fees applicable to the area of the District in which they own property. Fees shall be paid to the managing agent pursuant to the system established by the managing agent for payment (voucher or on-line).
- A late fee of \$15.00 per month shall be assessed against any account in which the account balance is past due or remains past due more than 30 days.
- The managing agent or other designee of the District is authorized to record notices of lien and notices of lien release as necessary in the delinquency process. A fee of \$100.00 shall be imposed for each notice of lien and each notice of lien release that is recorded with the County in order to reimburse the District for expenses associated with collection of delinquent amounts. This fee shall be charged to the homeowner's account.
- A fee of \$20.00 shall be assessed for all non-sufficient funds checks. This fee shall be charged to the homeowner's account.

- Delinquent accounts may be referred to the attorney for the District for collection. All attorney's fees and costs incurred by the District in collecting a delinquent account shall be charged to the homeowner's account.
- Payments received from a homeowner shall be applied to the homeowner's account in the following order:
  - Attorney's fees and costs incurred by the District and for which the homeowner is responsible pursuant to Colorado law and the District's governing documents.
  - Interest which has accrued on all unpaid amounts.
  - Fines, late charges or other monetary charges or penalties.
  - Delinquent assessed fees.
  - Current assessed fees.

## **B. COVENANT ENFORCEMENT**

- All complaints pertaining to an infraction of the Master Declaration, the Guidelines or these Rules shall be brought to the attention of the managing agent and shall be made in writing. The managing agent will also make physical inspections of the District. Physical inspections will include the following: a drive-through of the entire community in order to assess the general condition of the grounds and to report on design review and covenant enforcement issues. The managing agent will also conduct a walkthrough of common areas.
- The District officers and directors, and the managing agent may orally report allegations of violations. Written complaints shall include the following information to the extent available:
  - The address or location of the violation
  - A description of the violator (e.g. resident, guest, child, etc.)
  - Identification of the provision or rule believed to have been violated.
  - Date, time and place of violation.
  - Property damage caused by the violation, if any.
  - Name, address, telephone number of the individual filing the complaint.
- Upon receipt of a complaint, the managing agent shall issue a violation letter to the alleged violator and shall allow a period for abatement of the violation which shall be not less than ten (10) days.
- If the alleged violator fails to cure the alleged violation during the allotted cure period, then a second notice of violation shall be delivered to the alleged violator and he/she shall be invited

to be heard at the next regularly scheduled meeting of the Governing Board prior to the imposition of penalties and fines.

**Penalties and fines:**

1 Violation	Written notice to the Owner and tenant
2 <sup>nd</sup> Violation	\$50.00
3 <sup>rd</sup> Violation	\$75.00
4 <sup>th</sup> Violation	\$200.00

- A copy of the complaint plus all related documents shall be filed in the Owner’s property file for a period of twelve (12) months from the date of the initial complaint.
- Each day that a violation continues after expiration of the cure period shall be considered a separate violation.
- In all cases, an Owner has the right of appeal to the Governing Board. In order to invoke this right of appeal, the Owner shall deliver written notice of his/her intent to appeal to the managing agent within ten (10) days from the date that the adverse decision is communicated to the Owner. Upon receipt of a timely appeal, the managing agent shall schedule the matter on the agenda of the next regularly scheduled meeting of the Governing Board.
- The District shall have the authority to take any remedial action it deems appropriate in the event of a violation of these Rules, including assessment of charges and penalties, the filing of a lien, and/or the filing of an action for injunctive or monetary relief.

**C. MANAGEMENT SERVICES AND FEES**

- The managing agent has been designated to act as liaison with homeowners, realtors, mortgage companies and title companies during the sale or refinancing of properties. The managing agent may issue status letters, address PUD issues, make certifications and generally address day to day issues as they arise. The managing agent may charge a fee for its services based on its then prevailing rate, which fee shall be assessed to the requesting party/ies.
- An administrative fee to offset expenses associated with the transfer of a homeowner account shall be assessed at closing for each conveyance. The administrative fee shall be included in the status report.



## VIII. MISCELLANEOUS

- The District is a quasi-municipal corporation and political subdivision of the State of Colorado and pursuant to Colorado law, the District may fix and from time to time increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District. The managing agent for the District should be contacted for current information regarding the services, programs or facilities furnished by the District and any fees, rates, tolls, penalties or charges associated therewith.
- Failure by the District or any person to enforce any provision of these Rules shall in no event be deemed to be a waiver of the right to do so thereafter.
- The managing agent shall have the authority to make interim decisions on matters not expressly covered by these Rules. Such interim decisions shall be binding unless altered by the Governing Board.

Adopted by resolution of the Board of Directors of the Village East Community Metropolitan District at a meeting held on February 28, 2019. These Rules became effective upon adoption and all prior Rules and Regulations are hereby repealed.