

The Valley at Winter Park

Rules and Regulations for Common Areas

Created and unanimously accepted by the Valley at Winter Park [“VWP”] Homeowner’s Association Executive Board of Directors on February 3rd, 2021 and effective immediately.

These Rules and Regulations [“Rules”] will be discussed at the March 2021 quarterly meeting, with all who participate, and then will be fully adopted by the VWP HOA Executive Board [“the Board”].

These **Rules** incorporate and supplement the contents of the **Declaration of Covenants, Conditions and Restrictions for The Valley at Winter Park**. The **Rules** will be implemented and enforced as provided herein and pursuant to the **Valley at Winter Park Declaration of Covenants**, including **Article XV (Restrictions and Requirements)**.

The **“Common Areas”** are defined as those sections of our platted subdivision that are **not** private lots and **not** the county roads. Whether the county road is being physically maintained by Grand County, or not, is irrelevant for these **Rules**. Even without providing maintenance, Grand County still has jurisdiction and a legal responsibility to police the activity on our roads.

Please refer to the VWP Common Areas map for a color-coded illustration of the Common Areas. Also included on the map is our **manmade pond (proceed with caution)** as well as our **Federal Wetland area**. Please respect the wetland area by limiting your entrance or passage through, as it is a water source for many species of local wildlife including mule deer, elk, moose, black bear, snowshoe hare, blue grouse, various songbirds, and birds of prey.

This wetland corridor, in balance with surrounding watershed, creates high quality shrub habitats for foraging mammals and birds, as well as a hunting ground for predators. Please respect this area, as we are not the only ones who live here.

For a subdivision, in Tabernash, to have a **Common Area** of our size and scope is rare and it represents an incredible natural resource that we have been entrusted to properly steward. The **Board** takes this responsibility seriously, and will continue to seek a balance between recreation and nature, in these areas. The **Common Areas** also

represent a “buffer” around many of the lots that create a space of peace and quiet that should be reasonably maintained. With that in mind, we welcome its use by **residents** and their **accompanied guests only**, for a limited number of activities, with the understanding that all Owners’ family members and social invitees are expected to adhere to the rules and regulations, and that the Owner is responsible for any damage caused, complaints filed, or fines levied for such persons.

VWP welcomes hiking, snowshoeing, and cross-country skiing in the **Common Areas**. We welcome modest picnicking, but any groups of 10 or more people who gather for an extended “outing” including, but not limited to, a BBQ type event, party celebration, wedding, etc. must obtain pre-approval from the **Board** and keep noise levels (music, etc.) to a reasonable volume. Use of the common areas for groups of 10 or more people may only occur between the hours of 10:00 AM and 9:00 PM.

Signage: Currently, rather than spending extra time and money on more detailed signage in the **Common Areas**, we will leave the existing **“No Trespassing”** signs in place (and perhaps adding some additional ones). Hopefully, this will deter any non-VWP owners, who do not know that the **Rules** exist (allowing us to be there).

The **Board** is open to additional ideas and any physical improvements that the Collective Owners (upon a majority vote of owners present) deem as desired, in the future, such as: dedicated paths, mountain biking, a disc golf course, water improvement and fish stocking of the pond, or any other improvement that improves the lives of our Owners, but does not infringe upon the peace of our community.

The following activities are prohibited within the designated **Common Areas** of The Valley at Winter Park unless expressly authorized by, and then subject to such conditions as may be imposed by, the **Board**:

- 1) **No motorized vehicles of any kind when used for recreational purposes.** NOTE: An ATV, snowmobile, or automobile that is authorized, by the Board, to perform utilitarian projects or maintenance does not fall under this restriction.
- 2) **No camping** or any overnight activity, unless preplanned and approved by the **Board**.
- 3) **No open fires are permitted** except in a contained fire ring, which do not exist at this time. If permitted in the future, they must be constantly attended and can only be lit if East Grand County is permitting open fires at that time.

- 4) **No fireworks**, floating sky lanterns, or explosives of any kind.
- 5) **No hunting**, capturing, trapping, or killing of any wildlife.
- 6) Absolutely **no discharge of firearms** of any kind, for any reason including archery or cross-bow.
- 7) Any activity which materially disturbs or destroys the vegetation, wildlife, wetlands, or air quality within the community, or which uses excessive amounts of water or which results in **unreasonable levels of sound or light is strictly prohibited**
- 8) No owner shall bury any trash, garbage, or other waste material within the Common Areas or anywhere in the community.
- 9) **No drone flying** of any kind. Drone flying anywhere in the neighborhood is strictly prohibited.

Let it be known that the **Board** may enforce the aforementioned restrictions set forth in these ***Rules and Regulations for Common Areas***, as well as any violations against restrictions imposed by Grand County, the Division of Wildlife, or the State of Colorado.

Pursuant to the **Declaration of Covenants, Article VI** (including but not limited to 6.21 through 6.25) the **Board** has the right to:

- Limit an owner's use of the **Common Areas** for failure to pay HOA dues
- Enter into contracts affecting or related to the **Common Areas**, and
- Close or limit the use of the **Common Areas** for maintenance, repair, etc.

Also, the **Board** may fine an Owner for violations of these **Rules** in addition to pursuing any and all other rights and remedies deemed necessary under these ***Rules and Regulations for Common Areas***.

Fine Structure for Violation of the Rules and Regulations

Violation of these **Rules** or related Articles of the Declaration, subjects an owner to the following notices and fine structure, which the **Property Manager** will manage and enforce. This procedure and fine structure is in accordance with the CCIOA compliant **VWP HOA Enforcement Policy** (adopted on 01/16/2011) – Sections 1 through 13.

1. After receiving a complaint, and any further investigation deemed appropriate to verify the complaint, the property manager MAY give an initial oral or written notice to the owner.
2. An Owner's subsequent violation of the same or of substantially similar nature will result in fines assessed to the Owner. The Owner then has the right to defend, refute, or clarify their understanding of the violation or complaint with the **property manager** and/or any **Board** member who is willing.

1st infraction: Warning letter describing offense (and possible \$50 fine).

2nd infraction: \$100 fine and letter describing offense.

3rd infraction: \$250 fine and letter describing offense.

Also, in accordance with Section 9 of the **VWP HOA Enforcement Policy**;

“A member who accumulates more than three (3) violations within a twelve (12) month period will be deemed to be a habitual offender. For habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, the Hearing Committee (Board) may impose such additional fines as are deemed reasonable by the Hearing Committee (Board) without regard to the schedule set forth above.”

