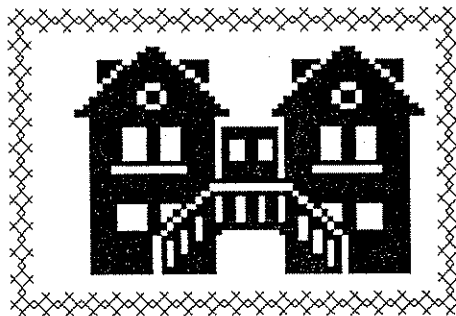


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# **PHEASANT CREEK Book of RULES AND REGULATIONS**



REVISED JANUARY 1997

**RULES AND REGULATIONS  
OF THE  
PHEASANT CREEK HOMEOWNERS ASSOCIATION**

**I. PURPOSE**

A. These Rules and Regulations have been adopted and implemented to protect the investment of the members, to enhance the values of the properties subject to regulation by the Association, and to regulate and control relationships between owners, residents, or guests.

B. These Rules and Regulations ("Rules") replace all former rules, regulations, and policies and procedures previously adopted by the Association.

C. In those instances where there is a violation of these Rules, a fine may be imposed as specified in these Rules and paragraph IX.

**II. PARKING, STORAGE, TOWING, AND REPAIR POLICIES**

A. Any house trailer, camping trailer, boat trailer, hauling trailer, running gear, boat, or accessories thereto, motor driven cycle, truck (larger than 3/4 ton), self contained motorized recreational vehicle, may be parked or stored on the properties only if such parking or storage is done wholly within an enclosed garage except such parking is permitted as a temporary expedience for loading, delivery, or emergency.

B. Parking on cobblestone or common area is prohibited and violators are subject to fines and/or towing by the Association's designated towing company. Owners are also responsible for the cost of any repairs to the cobblestone, grass, sprinkler heads, or sidewalks as a result of their actions or those of their tenants or guest.

C. Motorcycles shall not be stored in fenced backyards, parked on the common areas, sidewalks, or cobblestone.

D. Vehicles shall not be parked in such a manner as to obstruct any common sidewalks, driveways, common entrances, stairways, or passageways.

E. Vehicles shall not be parked in such a manner as to prevent the ready access to a unit or entrance from any part of the premises.

F. Owners and related users shall cause their vehicles to be parked in their assigned space or other available parking.

G. All vehicles must have current license plates, registration, and must be in an operable condition to be parked within the Pheasant Creek community.

H. Abandoned or inoperable vehicles of any kind shall not be stored or parked on the properties.

I. An abandoned or inoperable vehicle, for the purpose of these regulations, is defined as any automobile, truck, motorcycle, boat, trailer, camper, house trailer, or self contained motorized recreational unit, which has not been driven under its own propulsion system for a period of two weeks or longer or which does not have an operable propulsion system. If a vehicle is deemed abandoned or inoperable, the owner will receive a written notice of violation, which will be personally delivered to the owner or placed upon the vehicle in a conspicuous place. If the abandoned or inoperable vehicle is not moved within 72 hours after notice has been provided, it will be towed at the owners expense and/or the owner fined.

J. Vehicles shall not be continuously parked or stored in an unassigned parking space for a period of more than 2 weeks.

K. Activities such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing, of any kind of vehicles, trailers, or boats, are prohibited from being performed on the properties unless it is done within a completely enclosed structure which screens the sight and sound of the activity from the street and/or adjoining units. The foregoing restrictions shall not be deemed to prevent washing and polishing of any vehicle nor with those activities normally incident and necessary to such washing and polishing.

### III. TRASH COLLECTION POLICY

A. These trash policies are instituted to prevent problems such as, blowing trash, wild animals tearing open bags, and containers being left out after trash has been picked up.

B. Trash in bags are not to be placed out prior to the morning of trash pickup day. If in trash cans with fitted lids, trash must be put out no sooner than the evening prior to trash day.

C. Trash cans must be removed from the pickup site no later than the evening of trash pickup day.

D. Ashes placed out as trash must be placed in proper receptacles.

E. The Curbside Recycle Program is in force. The blue recycle bins must be placed out no sooner than the morning of collection and contain approved recyclables only.

F. An Association representative will monitor the property the evening prior to trash pickup days and the morning of the day after trash pickup days to ensure that trash rules are adhered to. Violators of trash policies will be subject to the fine provisions of these rules and regulations.

G. Recycling questions should be directed to the BFI Hotline by calling 287-8040 or Customer Service at 287-8043.

H. All trash receptacles **MUST** include each unit owners address.

#### **IV. POOL RULES**

A. The pool will normally be open from Memorial Day weekend through Labor Day weekend between the hours of 7:00 AM and 10:00 PM daily. Dates and times may be changed by the Board of Directors as deemed necessary.

B. Children, under 14 years of age, must be supervised at all times by a responsible person 18 years of age or older.

C. Children in diapers, whether cloth or disposable, must wear plastic pants when in the pool area.

D. Persons having infectious diseases, open sores, bandages, or recent vaccinations are not permitted in the pool area.

E. Glassware, gum, or chewing tobacco are prohibited in the pool area.

F. Toys, equipment, and other paraphernalia not specifically intended for pool use are prohibited in the pool area.

G. Pets are prohibited from being in the pool area or any part of the common area around the pool whether leashed or unleashed.

H. Horseplay, running, spitting, undue splashing, and excessive noises are prohibited.

I. Climbing on or over the pool enclosure fence is prohibited.

J. Guests are allowed if accompanied by a member. Members may have no more than four pool guests at a time.

K. Trash shall be disposed of in proper containers.

L. Diving is prohibited.

M. **THE POOL IS UNGUARDED. PERSONS SWIM AT THEIR OWN RISK.**

N. **THE GATE MUST REMAIN CLOSED AND LOCKED AT ALL TIMES.**

O. Violation of any of these rules may result in suspension of the right to use the pool, or fine, or both.

#### **V. PET RULES AND REGULATIONS**

A. A total of no more than three (3) bona fide household pets may be kept by residents of each lot so long as such pets are not kept for commercial purposes and are not kept in such a manner as to create a nuisance to any residents.

B. Dogs must be on a leash when in the common areas.

C. Any pet causing or creating a nuisance or unreasonable disturbance or, any pet deemed vicious by proper authority may be banned from the property after a ten (10) day written notice from the Board of Directors.

D. Pet owners must pick up and properly dispose of all pet droppings.

E. Pet owners shall be responsible for any damage, injury, or disturbance caused by their pet.

F. Pets shall not be chained to any stationary object on or in the common area. When in a common area, all pets must be carried or on a leash and attended by a person able to control such pet.

G. Pets shall not be permitted to howl, bark, whine or make other loud noises for an unreasonable time.

H. The following agencies may be contacted for more detailed information regarding pet ordinances:

Jefferson County Animal Control  
700 Jefferson County Parkway  
Suite 160  
Golden, CO 80401  
271-5070

Lakewood Animal Control  
445 S. Allison Parkway  
Lakewood, CO 80226  
987-7173

#### **IV. ALTERATIONS, ADDITIONS, OR IMPROVEMENTS TO LOTS OR UNITS**

A. All changes, alterations, additions, improvements, or adjustments to the exterior of any unit requires the **PRIOR** approval of the Associations Architectural Control Committee.

B. Forms necessary to make a request for a change or alteration to a unit may be obtained from and submitted to:

**PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.**  
c/o Management Specialists, Inc.  
5855 Wadsworth By-Pass  
Building B, Suite 100  
Arvada, CO 80003-5441  
(303) 420-4433

#### **VII. COMMON AREAS**

A. There shall be no obstruction of the common areas.

B. Toys, bicycles, or other personal property shall not be left unattended in the common areas.

#### **VIII. MISCELLANEOUS**

A. The installation of air conditioners or swamp coolers require the prior approval of the Architectural Control Committee. Such units will not be authorized to be installed in the front windows of a home.

B. Firewood may be neatly stacked in patio areas but must not be stacked higher than the top of a fence.

C. No real estate signs may be placed in common areas. All For Sale signs should be placed inside a front window.

#### **IX. POLICIES AND PROCEDURES FOR ENFORCEMENT OF THE DECLARATION, BY LAWS, AND RULES AND REGULATIONS**

A. Notices of Hearing for any provisions of the Declaration, Bylaws or Rules and Regulations shall be provided to the applicable owner as soon as reasonably practicable following discovery by the Board of such alleged violation. The Board may also, at its option, provide a copy of such notice to any non-owner violator. They shall describe the nature of the alleged violation and shall further state that the Board may seek to protect its rights as they are specified in the governing legal documents.

B. Service of all notices required or permitted to be given hereunder shall be made as follows:

(1) By personal delivery to the Owner and/or Lessee; or by U.S. Mail, postage prepaid, addressed to the last registered address of the Owner and/or Lessee as contained in the Association's records.

(2) If to the Association, by personal delivery or U.S. Mail, postage prepaid, addressed to the Association in care of its registered agent and office, as maintained with the Colorado Secretary of State, or such address as the parties may be advised of in writing. Any notice personally delivered shall be deemed received on the date of delivery, and any notice mailed shall be deemed received on the third day following the date of mailing.

C. The Board shall hear and decide cases set for hearing pursuant to these Rules and Regulations. The Board may appoint an officer or other lot owner to act as the Presiding Officer at any of the hearings.

D. Each hearing shall be held at the scheduled time, place and date, provided that the Presiding Officer may grant continuances for good cause. At the beginning of each hearing, the Presiding Officer shall explain the rules, procedures and guidelines by which the hearing shall be conducted and shall introduce the case before the board by reading the Notice of Hearing. The Board may exercise its discretion as to the specific manner in which a hearing shall be conducted and shall be authorized to question witnesses, review evidence, and otherwise take such reasonable action during the course of a hearing of which it may deem appropriate or desirable to permit the Board to reach a just decision in the case. Neither the complaining parties or the Owner must be in attendance at the hearing.

However, the decision of the Board at each hearing shall be based on the matters set forth in the Notice of Hearing and such evidence as may be presented at the hearing.

E. The Board shall render its decision within fourteen (14) days after the hearing. A decision, either a finding for or against the Owner, shall be by a majority of the Board. The Board may issue written findings of fact and conclusions, and, if applicable, shall impose a reasonable fine as provided in these Rules and Regulations. The Board may also issue and record with the County Clerk and Recorder, a Notice of Finding of Violation. Upon satisfactory compliance with the Associations governing documents, the Notice of Violation may be released by the Association by issuing and recording a Release of Notice of Findings of Violation.

#### **X. FINE ASSESSMENTS SCHEDULE**

A. All fine assessments shall be due and payable immediately upon notice of such fine or assessment, as set forth in the Policies and Procedures for Enforcement set forth below. Notwithstanding anything to the contrary in these Rules and Regulations and in Policies and Procedures, the Association shall be entitled to take such action and perform such work as specified in these Rules and Regulations or as otherwise permitted or required by Law, the Declaration or the Bylaws, prior to, in the absence of, or during the pendency of any hearing. If any fine assessment is not paid within fifteen (15) days after the due date, a late charge in the amount of \$20.00 shall be assessed to compensate the Association for the expenses, cost and fees involved in handling such delinquency. Any payment received from the Owner following assessment of the fine will be first applied to the outstanding fine, late charges and attorney fees, if any.

B. Lot owners shall be personally, jointly, and severally liable for all fines/penalty assessments. In the event a fine assessment is not paid within fifteen (15) days, the Association may thereafter commence an action at law, or in equity, or both, against any Lot Owner personally obligated to pay the same, for recovery of said assessment plus late charges. The prevailing party shall be entitled to recover its reasonable attorney's fees and associated costs and expenses incurred in connection with such legal proceedings.

C. Unless provided otherwise in these Rules and Regulations, any violation of the Declaration, Bylaws or of these Rules and Regulations shall subject an Owner to the rights and remedies allowed or provided the Association in the Declaration, and shall also subject the Owner to a reasonable fine assessment imposed by the Association as follows:

(1) First Offense/Violation - Written notice warning letter to Owner and/or Lot Owner.

(2) Second Offense/Violation - \$25.00 fine may be assessed against the Lot Owner.

(3) Third Offense/Violation - \$50.00 fine may be assessed against the Lot Owner.

(4) Fourth Offense/Violation and Each Subsequent Offense/Violation - \$100.00 fine may be assessed against the Lot Owner.

D. Any penalty/fine assessed against a Lot Owner may be collected in the same manner as provided in the Declaration for the collection of unpaid assessments. The Association shall be entitled to recover its reasonable attorney fees and cost in connection with any legal proceedings to collect any penalty/fine. In the event the Association commences legal proceedings against a Lot Owner to abate or obtain an injunction against any conduct in violation of these Rules and Regulations, the Association shall be entitled to recover its reasonable attorney fees and cost. To lodge a complaint against a homeowner a written report shall be submitted to the Board showing the date, time of the incident, a brief description of the incident, and unit number of the Owner. This will act as documentation for the Board of Directors, City of Lakewood and/or Jefferson County. This policy will also ensure that innocent people are not wrongly charged with a violation.

#### **IX. CORRECTIONS TO THESE RULES AND REGULATIONS**

A. After the date of adoption of these Rules and Regulations by the Board of Directors all changes, corrections, additions, deletions, and modification must be approved by the Board and published as a separate document specifically designating those items subject to change.

B. Items published in the Associations newsletter, letters from the Associations Agent, nor any other type of written or verbal notice shall not be deemed an authorization to change or modify these Rules and Regulations unless specifically titled "Change to the Rules and Regulations of the Pheasant Creek Homeowners Association dated \_\_\_\_\_", and such publication signed by the Secretary.



## PHEASANT CREEK BOOK OF RULES AND REGULATIONS

### VIII. MISCELLANEOUS

#### D. ANTENNA/SATELLITE DISH RULES AND REGULATIONS

##### DEFINITION:

**ANTENNA** -- Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multichannel multipoint distribution service (MMDS). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

##### NOTIFICATION:

- A. Any Owner who wishes to install an antenna must immediately submit the enclosed notification form to the Association. If the installation complies with these Association Rules and Regulations, installation can occur immediately. Otherwise, approval by the Board of Directors must be obtained prior to installation.

##### ANTENNA SIZE AND TYPE:

- A. DBS and MMDS antennas larger than one meter in diameter are prohibited.  
B. Transmission-only antennas are prohibited.

##### ANTENNA LOCATION:

The standard for installation shall be:

- A. The antenna must be installed within the Owner's individually owned property or a limited common element inside patio or balcony area reserved for the exclusive use or control of the Owner as defined in the Townhouse Declaration.  
B. No antenna shall encroach on common property. Antenna must NOT be attached in any way, to include guy wires, to any exterior part of a unit. This includes the roof, siding, fence and exterior trim boards of each unit.  
C. If a quality signal can be obtained from an indoor location, the antenna must be placed in such a manner.  
D. If exterior installation is required, the antenna must be located in the back patio or backyard area below fence line and not visible from the street or common area. (Board input necessary)  
E. If a quality signal cannot be obtained within these standards, the Owner must submit written certification from a qualified installer stating that a quality signal cannot be obtained within these standards and recommending a secondary location.  
F. The Board of Directors reserves the right to require additional screening, if necessary.

##### ANTENNA INSTALLATION:

- A. Antennas must not create a potential hazard to any of the common areas or neighbor's unit. Furthermore, all installations shall be adequately secured so as not to pose a potential hazard to any person and/or structure. All installations will comply with all applicable codes.  
B. All installations must be adequately grounded.

- C. Wiring shall be installed in such a manner as to be minimally visible and in the most concealed location possible.
- D. Installation shall be by a qualified person knowledgeable about and experienced in proper installation of antennas, insured or bondable.

#### **MAINTENANCE AND REPAIR OF ANTENNA:**

Maintenance and repair of antennas are:

- A. Absolutely the responsibility of the unit Owner.
- B. To be properly maintained so as not to pose a potential safety hazard to any person or structure.
- C. To be dealt with quickly and properly by the unit Owner when maintenance or repair is required. Maintenance and repair needs may be determined by the Association. In the event an antenna requires attention, the unit Owner shall be notified in writing by the Board of Directors that they must resolve the problem within a time frame determined by the Board of Directors.
- D. If the antenna is installed on property that the Association has maintenance responsibility for, the Owner shall still be responsible for maintenance of the antenna. Antennas shall not be installed in a manner that would increase the maintenance costs for the Association.
- E. If Association maintenance requires removal of the antenna, the Owner shall receive a 10 day notice, except in cases of emergency where the Association may remove the antenna immediately. If the antenna is not removed in the required time, the Association may remove it at the Owner's expense without any liability to the Association or responsibility for reinstallation.

#### **RESPONSIBILITY:**

- A. The Owner of the antenna shall be responsible for any and all real or personal property, or for any injury resulting from the installation of the antenna and/or its use, including but not limited to:
  - 1. Damage to any real or personal property caused by, related to, or arising from the installation due to dislodgement, use, or maintenance of any antenna.
  - 2. Injury to any person resulting from the installation of the antenna or its use.
  - 3. Removal of an antenna from the property for which the Association has maintenance responsibility. The Owner shall promptly restore the property to its original condition.

#### **MISCELLANEOUS:**

- A. If any of these provisions are ruled invalid, the remaining provisions shall remain in full force and effect.
- B. The Board of Directors may amend this document from time to time as it deems necessary.
- C. To the extent that this document conflicts with any prior existing rule, restriction or architectural guideline, this document is controlling.
- D. All prior existing rules, restriction or architectural guidelines not in conflict with this document shall remain in full force and effect.

**NOTE: ANY UNIT OWNER OR RESIDENT OF THE COMMUNITY WHO DOES NOT FULLY COMPLY WITH THIS DOCUMENT WILL BE SUBJECT TO ANY FINE STRUCTURE AND OR LEGAL ACTION WHICH THE ASSOCIATION MAY DEEM APPROPRIATE.**