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RESOLUTION NO. 01-2013
DURANGO WEST METROPOLITAN DISTRICT NO. 1
A RESOLUTION ADOPTING RULES, REGULATIONS AND PENALTIES:

The Board of Directors of Durango West Metropolitan District No. 1 ("Board" or "District"), pursuant to C.R.S. §32-1-101, et seq., allows the District to manage, control, and supervise affairs of the District, and the Board being cognizant of the conditions existing within the District, that are detrimental to the property values of the homes of the residents within the District which are in turn having detrimental effect on the tax revenues because of the high occupancy of tenants versus home owners. The District is also cognizant of other detrimental conditions that are having an effect on the health and safety of the inhabitants. Therefore, the Board has caused to be published this Public Notice of adopting the following rules, regulations and penalties relating to the matters hereinafter set forth,

Now Therefore, Be It Resolved by the Board of Directors that the following rules, regulations and penalties be, and the same are hereby adopted at a public meeting:

1. No noxious activity, offensive trade, unlicensed business, or raising of animals shall be conducted upon any lot or property, including streets or roadways, within the District. Noxious activity or offensive trade is defined as any conduct that would cause or affect the health and safety of any of the residents or their invitees within the District, including conduct which may constitute a fire hazard.

- 2 a. All unlicensed vehicles, boats, recreational vehicles, and off road vehicles (hereinafter collectively referred to as "recreational vehicles") stored or parked on lots within the subdivision, shall be concealed from view of the traveling public. The concealing of recreational vehicles needs to be done in a manner which is not offensive to the residents of the District. In order to store recreational vehicles on a property, that property needs to be of an adequate size to accommodate the recreational vehicle(s). Each recreational vehicle shall be parked at least twelve (12) feet distance from the edge of the District's roadways and streets, and shall not be parked in a manner that would hinder access to utility lines (above and below surface), nor to interfere with any snow plowing or snow storage. Recreational vehicles may be kept in view for short durations only for upkeep, preparation, etc., not to exceed seven (7) consecutive days. All other licensed vehicles must be parked on a driveway or other improved parking area at least six (6) feet from the curb. Improved parking is defined as

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paved pullouts perpendicular to the street. Existing gravel areas will be considered as improved parking on a case by case basis by the Board. The number of licensed vehicles must not exceed available parking.

b. No temporary residence in a recreational vehicle, tent, shed, or other similar type of housing shall be allowed, except temporary housing may be approved by the District under certain limited circumstances during new construction or property improvements, provided prior written permission is obtained by the Board of Directors, or authorized representative(s).

3. Structural Integrity of Housing Units, Garages, & Sheds, Improvements: Occupied or unoccupied structures shall not be allowed to remain in deteriorating conditions of disrepair. Siding shall be intact, and painted or stained, not rotting, or left in damaged state of repair. Skirting on mobile homes shall be neatly attached to adequately cover spacing between ground and mobile home, and shall be painted, stained, or made of materials suitable to blend with the mobile home, and constructed with materials of reasonable building standards. Porches and entry ways shall be structurally maintained, with stain or paint, and with no rotting wood. Roofing gutters, if used, must be attached and fully functional. Fencing shall be maintained. All housing or other structures, whether temporary or permanent, must use appropriate building materials, and be kept in reasonable state of repair so as not to degrade or be offensive to neighboring properties.

4. Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any property, and no odors shall be permitted to arise therefrom so as to render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property or to its occupants. Excessive accumulation of animal feces is considered unsanitary. In addition, the number of household pets, including pigeons or other birds, shall be restricted so as not to cause a disturbance to the neighbors, for example: without limitation, the barking of dogs or crowing of fowl. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any property in any manner disturbing to neighbors.

5. Trash Containers and Collection. No garbage or trash shall be placed or kept on any property except in covered containers. Rubbish, trash and garbage shall be removed from lots and not be allowed to accumulate thereon. Due to the bear population scavenging for trash within the District, the Board shall have the right to require any residence to provide, at the property owner's expense, a bear proof container. Trash raided by wildlife shall be immediately removed by the resident(s), due to the safety risks of attracting bears or other potentially dangerous wildlife. The District reserves the right to enforce separate policies, currently in place or subsequently adopted, including penalties, for situations which pose safety risks to residents by attraction of wildlife due to failure to comply with timely trash clean up, without providing prior notice to the residents.

6. Machinery and Equipment. No machinery or equipment of any kind, such as construction, agricultural, or heavy type equipment, shall be placed, operated or maintained upon or adjacent to any property, unless stored or concealed from view when not in operation. Exceptions include snow blowers, lawn mowers, and the like that are used customarily in connection with the maintenance of a dwelling unit, appurtenant structures, or other improvements and which the owner or the Board may require for the operation and maintenance of the property, which need not be concealed when not in use. Further, in the event of a remodel or major construction to a residence or structure on a property, equipment may not be concealed for up to thirty (30) days while the property is undergoing renovation or reconstruction, which thirty days may be extended by the Board on a case by case basis.

7. Any property owner violating any of the foregoing rules and regulations is subject to penalty in the amount of not less than \$50 and not more than \$200 per day for each day that the violation occurs, as may be determined by the Board.

Be It Further Resolved that in the event the offending property owner continues in violation of the rule or regulation after being notified in writing by the District's authorized representative, who shall issue a notice to the property owner to have a hearing in front of the Board of Directors. Such hearing shall be either at the next regularly scheduled meeting of the Board, or special meeting called for that purpose. At the hearing, evidence shall be presented to the Board to ascertain whether a violation occurred, and if so, what is due the District. The property owner charged with such violation shall have the right to present his or her case, and shall have the right to be

represented by counsel. After all evidence is in and arguments made, the Board shall make its decision. In the event the Board finds a violation has existed, it shall retain the amount of the penalty for the number of days that the violation has occurred. The property owner shall be responsible for the actions of the tenants or occupants of the property owner's residence. Further, in addition to its other rights, the District may enforce compliance with the rule or regulation by an injunctive action in the La Plata County District Court and cause the cost thereof, including attorney's fees incurred to enforce compliance with the foregoing rules. Penalty violations assessed against the premises, and costs and fees collecting the same, shall be made in a manner consistent with unpaid water or sewer fees, assessments or taxes owed to the District.

Any notices given pursuant to this Regulation may be given by regular U.S. mail or by posting the notice on the property in a conspicuous place, such as a front door of the residence, either of which notices shall be deemed to be sufficient notice. Further, said notices shall be deemed to have been given within three (3) days after the same have been mailed or posted.

Should any provision of this Resolution be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision of this Resolution, nor shall such holding constitute an invalidation of the entire Resolution.

This Resolution shall be, as of the date of its adoption, effective thirty (30) days after the recording of this Resolution in the Clerk & Recorder's Office of La Plata County, Colorado. Further, a copy of this said Resolution shall be sent to all property owners within the District by regular U.S. Mail.

ADOPTED THIS 16TH DAY OF JANUARY, 2013, BY THE DURANGO WEST METROPOLITAN DISTRICT NO. 1 BOARD OF DIRECTORS

1/16/2013
Date

By: Scott Miller
Scott Miller, President


ATTEST:

By: Mary Sulkosky
Mary Sulkosky Secretary

Date: 1/16/13

CERTIFICATION

I certify that this is a true and correct copy of the resolution Number 01-2013 proposed and adopted by the Board of Directors at a regular board meeting on January 16, 2013.




Janet Anderson, Manager of Durango West
Metropolitan District No. 1

STATE OF COLORADO)
) ss.
County of La Plata)

The foregoing instrument was acknowledged before me this 17th day of January, 2013 by Janet Anderson, Manager of Durango West Metropolitan District No. 1.

WITNESS my hand and official seal.
My commission expires: 8/26/2015



Notary Public

