

Pagosa Lakes
Property Owners Association, Inc.

Neighborhood
Rules and Regulations

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By the Board of Directors
Pagosa Lakes Property Owners Association

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Introduction:

Property is purchased within Pagosa Lakes for a particular way of life that includes mountains, views, lakes and trees, as well as covenant protection. Property owners should expect a pleasant and peaceful way of life. In order to maintain this expectation, the Pagosa Lakes Property Owners Association has established Neighborhood Rules and Regulations.

Living within the Pagosa Lakes Property Owners Association offers many property owner advantages, but at the same time imposes some restrictions. These restrictions are not meant as an inconvenience or an invasion of freedom, but rather as a means to maintain the harmony within the community.

The Pagosa Lakes Property Owners Association is a mixed-use development that consists of over 6,000 properties on 14,500 acres of land and is platted into 26 subdivisions. There are many sub-associations of condominiums, townhouses, apartments and commercial properties within the Association and many have additional separate declarations, restrictions and rules. Many of the neighborhoods are distinctive as to types of construction and lifestyles. The PLPOA Neighborhood Rules and Regulations are in harmony with sub-association declarations, rules and regulations.

The governing documents used in establishing the Neighborhood Rules and Regulations (i.e. Declarations of Restrictions and Board of Director resolutions), are available in the Association office or for review on the Association's web site at www.plpoa.com.

If you have any questions regarding the Neighborhood Rules and Regulations, or desire to report any violations, please call the Association.

1. Definitions:

- 1.1 **ALLEGED VIOLATOR** – Property owner or a tenant, guest or invitee who is alleged to be responsible for non-compliance of a rule or regulation. An alleged violator becomes a violator upon confirmation by an Enforcement Officer that a non-compliance condition occurred or continues to exist.
- 1.2 **AMENDMENTS** – Any changes made to the rules and regulations and adopted by the Board.
- 1.3 **ANIMAL PEN / ENCLOSURE** - Freestanding kit/panel style animal enclosures, not permanently affixed to the property, consisting of prefabricated chain-link panels.
- 1.4 **ASSOCIATION or PLPOA** - The Pagosa Lakes Property Owners Association, a Colorado not-for-profit corporation.
- 1.5 **BOARD** – Seven persons elected by the Pagosa Lakes Property Owners Association membership to serve as the Board of Directors.

- 1.6 **BURNING, OUTSIDE OPEN**– Combustion of any trash, garbage, household refuse, wood, leaves, tree debris and pine needles in an outside environment. Outside open burning is prohibited in all Subdivisions without a burn permit issued by the Pagosa Fire Protection District.
- 1.7 **COMMERCIAL ACTIVITY FROM A RESIDENTIAL UNIT** – Commercial activity is any usage resulting in a negative impact on normal residential usage including but not limited to issues of: trash, sound, odor, signage, traffic, vehicles, parking, deliveries or exterior storage of commercial equipment or materials. Residential rentals are not construed as commercial activity.
- 1.8 **COMMERCIAL EQUIPMENT** - Motorized and non-motorized equipment that is neither incidental to, nor customarily found in a residential area (i.e. excavator, wrecker, backhoe, tractor, trailers).
- 1.9 **COMMERCIAL TYPE TRUCK** – As defined by Board resolution is a truck, larger than one-ton in size, equipped with, but not limited to, a dump, flat or stake bed; tow/wrecker equipment; panel delivery or freight box; garbage/trash compactor; cement mixer or pumper; a lift crane or boom; oil field service equipment; liquid, sewage, or gas storage tanks. It shall not include sport utility vehicles, vans, recreational vehicles, or pickups, of any size with or without racks. Emergency Service Vehicle as described in CRS 38-33.3-106.5(d) is specifically excluded from the definition.
- 1.10 **COMMITTEE** – Association members approved by the Board of Directors for purposes of making policy recommendations about matters in Pagosa Lakes.
- 1.11 **DECLARATION OF RESTRICTIONS** – The documents recorded, along with each subdivision plat, setting forth the covenants and restrictions applying to the subdivisions.
- 1.12 **ENFORCEMENT OFFICER** - An Association employee including, but not limited to, covenant compliance manager and inspectors, property and environment manager, staff and conservation officers and recreation center manager and staff.
- 1.13 **FIREARM** - any pistol, revolver, rifle or other weapon of any description from which any shot, projectile or bullet may be discharged, exempting air and gas operated weapons.
- 1.14 **HEARING PANEL** - A panel of five (5) Property owners chosen from among the various Association Committee members. Three (3) members are required for a quorum.
- 1.15 **INOPERABLE VEHICLE** – As defined by Board resolution is any vehicle legally unable to be operated on a public road.
- 1.16 **PAGOSA LAKES** – The Common Interest Community comprised of all the property deed restricted with the PLPOA Declaration of Restrictions.
- 1.17 **PROPERTY OWNER** – The person who holds title to a Lot or Unit within the Pagosa Lakes community and who is responsible for the actions of tenants, guests or invitees as well as their own actions relative to a property.
- 1.18 **RULES and REGULATIONS** - Requirements adopted by the Board of Directors for the regulation of the common interest community.
- 1.19 **SIGN** – Any device, fixture, placard, or structure that uses any color, form, graphic, symbol, or wording to advertise, announce, identify, or communicate information of any kind to the public. Temporary signs and banners not permanently mounted in one location are included in this definition.
- 1.20 **TREE** – All trees, dead or alive, measured at three (3) inches in diameter or larger, measured at four and one-half (4.5) feet above the highest ground level at the base of the tree shall be defined as any tree. Gambel Oak (oak brush) is not considered to be a tree

unless it measures six (6) inches in diameter or larger measured at four and one-half (4.5) feet from the base of the tree.

- 1.21 **VEHICLE** - As defined by Board resolution is any conveyance for transporting people or goods.

2. Animal Control

The Association has contracted with the Archuleta County Board of County Commissioners to provide full-time enforcement of Archuleta County Resolution 2002-31, entitled “A Resolution of the Board of County Commissioners of Archuleta County, Colorado for the Vaccination, Control and Impoundment of Dogs in Archuleta County, Colorado” and appropriate State Statutes within the Pagosa Lakes Community.

The Animal Control Agreement with Archuleta County is an annual agreement between the Pagosa Lakes Property Owners Association and Archuleta County, providing for an animal control officer of the County to specifically provide services within Pagosa Lakes. The animal control officer operates under the supervision of the Archuleta County Sheriff’s Department in accordance with appropriate County resolutions and State Statutes.

Archuleta County does not require licensing of animals; however, as a service to the Property owners of the Pagosa Lakes Property Owners Association, the Association will issue, at no fee, an identification tag containing the animal’s name and property owner’s telephone number and record the ownership information into an Association data base for identification purposes.

To report issues or problems concerning household pets, call the Archuleta County Sheriff’s Office at (970) 264-2131.

3. Enforcement Procedures:

- 3.1 **AUTHORITY** - The Declaration of Restrictions, Association bylaws, resolutions, rules and regulations adopted by the PLPOA Board of Directors are established and enforced for the benefit and protection of all property owners. There is statutory authority for such enforcement in the State of Colorado Revised Statutes: CRS 38-33, 3-117, -316, -302 (1)(k).
- 3.2 **ENFORCEMENT** - Enforcement Officers shall conduct periodic inspections of the Subdivisions and facilities to determine compliance with the aforementioned governing documents. In addition, Enforcement Officers shall investigate written complaints filed by property owners or reported by the Association’s Board or Committee members (*See Violation Complaint Form Section 6.1*). The Enforcement Officers shall investigate the alleged non-compliance issue. If there is not non-compliance, the complainant shall be so notified. If non-compliance is confirmed, a letter of non-compliance shall be issued as outlined in *Section 3.3*.

- 3.3 **LETTER OF NON-COMPLIANCE** - A written letter of non-compliance, also known as first notice, will be signed by the Department Manager and mailed with a complete copy of the Neighborhood Rules and Regulations to the property owner and violator, if known, setting forth the nature of the non-compliance. The notice will state a specific time period for the owner to correct or to contact the Association with a written reply stating the owner's intent and methods proposed to bring the property into a state of compliance. If corrective action is not taken, a Notice of Violation will be issued – refer to *Section 3.5*.
- 3.4 **CONTACT** – An Enforcement Officer will attempt to contact and meet with the property owner and violator by one or any combination of the following methods: person to person visit, door hanger left on site, telephone, fax, or email. The contact is to inform the property owner and violator about the nature of the complaint, familiarize them with the rules of the Association and to find an amicable solution to the non-compliance issue. If an amicable solution cannot be reached, or if corrective action is not performed as stated in the letter of non-compliance, a Notice of Violation and Hearing (*refer to Section 6.2*) is issued as outlined below. Contacts and meetings between Enforcement Officer, property owner, and violator will be noted in the Association's property records.
- 3.5 **NOTICE OF VIOLATION** - A written Notice of Violation and Hearing (Notice) (*refer to Section 6.2*), applicable sections of the Neighborhood Rules and Regulations, and Hearing Request form (*refer to Section 6.3*) shall be served on the violator (with a copy to the property owner, if other than the violator). The Notice shall specify the violation and established fines and/or sanctions, outlined in *Sections 4 and 5*, which may be imposed after a hearing has been afforded the violator. The Notice will be sent by regular mail to the last known address or hand delivered. The Notice will state how it was delivered.
- 3.6 **SECOND OR SUBSEQUENT VIOLATIONS** – A second or third violation of *any* Association rule and regulation within 90 days or violations of the *same* Association rule and regulation within 24 months will be issued a Notice of Violation and progressive fine. A fourth or subsequent building or property violation by the same property owner / contractor within 24 months will result in suspended PLPOA privileges and a mandatory disciplinary hearing before the Hearing Panel. The Panel will impose the appropriate fines and disciplinary measures.
- 3.7 **HEARING** - A hearing date, convening time and place will be established on the Notice for all parties involved to present any statements, evidence or witnesses in their behalf. Paying the fine and correcting the violation may waive attendance at the hearing. The Notice will state that notification must be given to the Hearing Panel by the violator, no later than 10 days prior to the date set forth for the hearing, of intent to attend the hearing so that witnesses and exhibits will be available. Failure to provide this notification (*refer to Section 6.3*) is a waiver of the property owner and violator's right to a hearing or to appeal any fines and/or sanctions or costs, which may be imposed by the Hearing Panel. In the event that the property owner or their assigned agent is unable to attend the hearing, the owner may submit a written response to the Notice, which will be considered

by the Hearing Panel. The Hearing Panel shall afford the Property owner a reasonable opportunity to be heard. The minutes of the Hearing Panel shall contain a statement of the results of the hearing and the fines, costs or sanction imposed, if any. A copy of the Notice served shall be attached to the minutes of the hearing.

- 3.8 **SANCTIONS / FINE IMPOSITION** - After the hearing, the Hearing Panel shall meet and by vote of a majority of Panel Members, render its decision and determine the sanctions and/or fine, if any, to be imposed. The amount of the fine shall be based upon the schedules contained in the Neighborhood Rules and Regulations *Section 4*. The decision of the Hearing Panel is final and binding. The Association's administration office will inform the Property owner and violator about the Panel's decision by first class mail.
- 3.9 **PAYMENT & COLLECTION** - Any fines and costs imposed are due within 15 days of the receipt of the notification of the Hearing Panel results. Overdue amounts will be charged a fee of \$25 per month and may be collected by any and all collection methods permitted by law, including, but not limited to, the placement of a lien against the Owner's property, lawsuit, court order for entry to correct, and/or court injunction.
- 3.10 **SUSPENSION OF PRIVILEGES** - Failure to correct the violation and pay any fines, costs or fees will result in loss of "Member in Good Standing" status and suspension of privileges including voting, lake use permits and use of the Recreation Center and Clubhouse. While remaining "Not In Good Standing", building permits, variances and other requests for building through the Department of Covenant Compliance and the Environmental Control Committee will be deemed incomplete and denied, pending payment of the aforementioned costs.

4. Fine Schedule:

The following fine schedule relates to *Section 5* – Compliance Standards and Violation Criteria:

- 4.1 Category 1:**
- \$50 for first offense;
 - \$100 for second offense; and
 - \$200 for each subsequent offense.
- 4.2 Category 2:**
- \$100 first offense;
 - \$200 for second; and
 - \$400 for each subsequent offense.

4.3 Category 3:

- \$250 first offense;
- \$500 for the second; and
- \$1,000 for each subsequent offense.

4.4 Category 4:

- \$1000 for first offense;
- \$2000 for second offense; and
- \$4000 for each subsequent offense.

4.5 Category 5: *

- \$2,000 3-9 inch diameter tree;
- \$4,000 10-12 inch;
- \$6,000 13-17 inch;
- \$8,000 18-21 inch;
- \$10,000 21 inches or greater.

* Tree removal fine is on a per tree basis and requires a one-for-one replacement. Tree replacement must be specified by a certified arborist and approved by the Environmental Control Committee.

5. Compliance Standards and Violation Criteria

The standards and criteria, used to determine if a violation has occurred, are shown as examples following the statement of a PLPOA rule, regulation, or Declaration of Restriction. Each rule, regulation or restriction has been assigned a category used for determining fines (*see Section 4*).

5.1 CONSTRUCTION:

5.1.1 Building Permit-Approval: “Failure to obtain a PLPOA building permit for any structure to be erected on, moved upon, or added to, any lot before commencing work or for any remodeling, reconstruction, alterations or additions before commencing work.”. (*Category 3 Offense*).

Examples include, but not limited to:

- Addition of a shed, fence, deck, or any construction of any structure.
- Any exterior painting – that changes the color
- Any new sign, poster, billboard, banner or advertising structure that does not meet the building regulations such as size, placement, materials or number of signs.
- Excavation on site
- New construction to alter an existing structure

5.1.2 Building Permit–Expired: “Failure to maintain a valid PLPOA building permit for any improvement or structure not substantially complete”. (*Category 3 Offense*).

Examples:

- All-weather driveway and/or final grading are not complete.
- Failure to submit a written extension request, fee and obtain ECC approval.
- Project started but not complete in accordance with plans and specifications, as approved, within six months – permit expiration date.
- Roof, siding, trim, fascia, windows, and doors installed but not finished.

5.1.3 Building Permit-Posting: “Failure to display a PLPOA building permit for any structure or improvement to be erected on, moved upon, or added to, any lot before commencing work or for any exterior remodeling, reconstruction, alterations or additions before commencing work.” (*Category 2 Offense*).

Examples:

- PLPOA issued building permit is not posted on site.

5.1.4 Building Permit Process-Agreement: “Failure to comply with any provision of any agreements which are part of the Building Permit Process.” (*Category 3 Offense*).

Examples:

- All construction work to take place during approved hours of 7:00 a.m. and 8:00 p.m., Monday thru Saturday and 9:00 a.m. and 8:00 p.m., Sunday.
- Encroachment including, but not limited to “excavated materials, construction materials, tools, construction debris, and equipment outside boundaries of the property on which the contractor is working...”
- Provide PLPOA with copy of the Archuleta County Certificate of Occupancy upon completion.
- Restoration of any damage due to road cuts
- Portable toilet on site from time of foundation excavation
- Trash receptacle on site and emptied at least monthly
- Tree protection throughout construction

5.1.5 Construction Storage: “Storing construction materials or equipment of any kind on any lot other than your own, without written approval of that lot owner.” (*Category 3 Offense*).

5.1.6 Plan Deviations: “Changing, adding to, or otherwise deviating from Environmental Control Committee (ECC) approved plans and specifications without additional ECC approval.” (*Category 3 Offense*).

Examples:

- Adding to a house
- Adding or changing anything that visually changes the appearance, material, and/or colors of the structure from the approved plans

- Addition or expansion of a deck
- Altering drainage or water retention
- Failure to provide an “as-formed” foundation survey prior to pouring foundation material that verifies the approved location of a structure within three feet of any property boundary.

5.1.7 Prohibited Use of Lot: “Prohibited use of any lot.” (*Category 3 Offense*).

Examples:

- Causing erosion and/or diverting water run-off
- Damage to property in any way
- Driving across lot(s)
- Driveway installed / constructed on vacant lot or parcel
- Parking vehicles or trailers, or placing any items on an unimproved originally platted vacant lot(s)
- Storage of any material on vacant lot(s)
- Temporary structures

5.1.8 Sign or Advertising Structure: “Erecting any sign, poster, billboard, or advertising structure of any kind, anywhere, without prior written ECC approval.” (*Category 2 Offense*).

Examples:

- Oversized or multiple real estate signs on one property.
- Commercial business signs.
- Political, real estate, construction, identification, banner and any other sign not compliant with the Association’s Building Permit Process.

5.1.9 Stop Work Order: “Violation of a Stop Work Order from the Department of Covenant Compliance.” (*Category 4 Offense*).

Examples:

- Building any structure without a permit
- Encroaching or excavating into neighboring lot(s).
- Pouring foundation material prior to submitting an “as-formed” foundation survey.
- Proceeding with disapproved application (i.e. colors, materials, structures, placement).

5.1.10 Tree–Damage: “Damage of any tree, tree trunk, cambium or root system.” (*Category 5 Offense*).

Examples:

- Damage caused to tree trunk, cambium or root system by driving, parking, staking material, digging, and/or compacting any area within the drip-line of the tree.
- Trimming or removal of live branches, not to exceed twenty percent (20%) of tree height, from ground level is exempt.

5.1.11 Tree–Fire Mitigation: “Removal of any tree beyond the fire mitigation plan without prior ECC approval.” (*Category 5 Offense*)

5.1.12 Tree-Removal: “Removal of any live or dead tree on vacant or improved lots (without prior ECC approval).” (*Category 5 Offense*).

Examples:

- Refer to tree definition – Section 1.20.

5.2 PROPERTY:

5.2.1 Camping: “Camping overnight, or using any temporary structure or vehicle, of any kind, as a dwelling place on any lot.” (*Category 2 Offense*).

Upon receipt of written complaint, the general enforcement criteria includes, but not limited to:

- Recreational vehicle appears to be level and blocked and jacks down.
- Utilities, most often water and electricity, are connected to the house.
- Slide-outs, or other sections extended, or the “pop-up” camper opened.
- Satellite dish TV antennas are placed to aid in TV reception.
- Entry stairs are down.
- Complainant observes camping activity; trash bags, toys or other items near the RV that may indicate occupancy.
- Complainant observes activity or lights on in the RV.
- Tents are usually used to allow children to play “camp-out” on the property in the summer. This should not be an issue unless there is a written property owner complaint.

Because the rule specifies on “any lot”, camping on a “Greenbelt”, PLPOA lake frontage, commercial subdivisions, or other common property is deemed to be trespass and would be handled through the Archuleta County Sheriff Office or reported to the owner of the affected property. Reported camping by a property owner within their neighborhood, places part of the proof of violation on them.

5.2.2 Commercial Activity: “Commercial Activity from a residential unit, which results in a negative impact on normal residential usage.” (*Category 3 Offense*).

Examples:

- Any “commercial activity” from a residential unit, which results in “a negative impact on normal residential usage.” includes, but is not limited to issues of trash, sound, odor, signage, traffic, vehicles, parking, or deliveries. Note that the definition is for “commercial activity from a residential unit” not operating a business from the residence. The word “activity” does not require that it be the place of business, only that a business practice is carried out at the residence, and that the activity causes a negative impact on residential usage.

- Commercial equipment (*see definition Section 1.8*) stored on lot.
- Commercial materials specific to the property owner's specific business (i.e. business signs, a landscapers soil, signs, fertilizer, and other landscaping materials).
- Commercial materials such as numerous stacks of lumber, roofing materials, plumbing supplies, and other materials generally used for the owner's building trade, stored for future use.
- Commercial storage of materials on a vacant lot – refer to Section 5.2.8 “prohibited use of a lot”.
- Commercial truck not operated from a living unit, but parked overnight (*refer to Commercial Type Truck section 1.9*).

5.2.3 Commercial Type Trucks: “Parking overnight, or longer, on any lot, of any commercial type truck in such a way as to have it visible to occupants of other lots or users, of any street, waterway or golf course, without prior written ECC (Environmental Control Committee) approval.” (*Category 2 Offense*).

Examples:

- An equipped truck larger than one-ton in size (*see definitions Section 1.9*).
- Verified by written complainant that it the truck is parked over night or longer on a lot.
- Visible to others (i.e. not in a garage).
- The truck is exempted for six months from this prohibition if written Environment Control Committee permission is obtained to park the truck on the property.

Most of the Subdivision Declarations read the same as the Master restrictions; however, the Vista/Trails subdivisions Declarations adds “no commercial-type truck larger than a pickup class...” This statement has generally exempted pickup style trucks less than one-ton size in all subdivisions (i.e. contractor trucks) because the rule addresses trucks it does not apply to vehicles not classified as trucks such as cars or construction equipment.

It could be that “Commercial Activity” and a “Commercial Type Truck” on the same property could cause violations in both categories. Those types of situations will be handled on a case-by-case basis.

5.2.4 Inoperable Vehicle: “Parking any stripped down, partially wrecked or inoperable vehicle, or sizable parts thereof, on any lot.” (*Category 3 Offense*).

Examples:

- An inoperable vehicle that cannot be driven (i.e. incapable of legal operation upon a public roadway), or being partially or totally disassembled, or having one or more flat tires or removed tires, or used for storage of debris or other items. Not having current valid license plates indicates that the vehicle is inoperable, as it has no legal status to operate on public roads.
- Vehicles that are properly stored in garages, or vehicles that are in functioning order and legal to operate on public roads are not included.

5.2.5 Maintenance Issues. “Failure to maintain any property in a manner complementary to the surrounding neighborhood or creating a general appearance of visual disharmony with surrounding properties.” (*Category 2 Offense*).

Examples:

- Exterior structure (house, garage, shed, barn and/or fence) maintenance and up-keep must be complementary and harmonious with surrounding properties.
- Building siding, trim, doors, roof, decks and porches in disrepair, peeling paint, weathered or discolored (discoloration or staining issues can be determined by comparing different sides of the same house paying attention to areas under eaves, near the ground and under porches).
- Roof missing shingles, peeling paint or rusting on metal roofs.
- Siding is damaged or missing sections.
- Outbuildings are not maintained to the same standard as the residence.
- Fences and other approved structures are in disrepair. Fences should not have broken or missing railing, loose or broken wire, peeling or weathered paint, sections falling down or missing, or other issues that detract from the overall appearance.
- Overall property appearance in comparison with the surrounding properties (i.e. number of items, toys, debris, firewood scattered over the property, lawn-care equipment scattered over the property) differs enough to create a neighborhood visual disharmony issue and is not being maintained to the neighborhood standard.
- Commercial properties not well maintained: supplies stored in view from roads, and/or broken equipment scattered around the lot.

5.2.6 Other Activity: “No noxious, offensive or illegal activity shall be carried on any lot nor shall anything be done on any lot that shall be or become an unreasonable annoyance or nuisance to the neighborhood.” (*Category 3 Offense*).

Note: Noxious, offensive and/or illegal reporting is dependant upon neighboring Property Owner participation and enforcement is based on receipt of owners’ written complaint. Life threatening or illegal activity should be reported to the Archuleta County Sheriff.

Examples:

- Any fighting, screaming, shouting, excessively loud talking, whistling, or playing of music or television, raucous behavior, or insobriety if such conduct can be heard in the normal course of activities on any other property;
- The use of any alarm, equipment, or devise, mechanical or otherwise, which creates or produces excessively loud sounds or any vibrations if such sounds can be heard or vibrations felt in the normal course of activities in any other property;
- Any threatening or intimidating conduct towards any resident, guest or pet at the Property;
- Any conduct which, in the Board’s reasonable discretion, creates any danger or risk of injury to others or damage to property at the Property or which creates any threat to health or safety of any other resident or pet, including but not limited to the discharge or firearms;

- Any excessively loud play activities if such conduct can be heard in the normal course of activities on any other property;
- Any conduct that creates any noxious or offensive odor if such odors can be detected in the normal course of activities on any other property;
- Any construction or similar activities that can be heard or any other property between the hours of 8:00 p.m. and 7:00 a.m.;
- Outdoor lighting which causes an unreasonable amount of light in other Lots, common area, greenbelts, or streets (i.e. a floodlight which shines into the windows of another home or a significant number of outdoor light fixtures which, taken together, creates an unreasonable amount of light); or
- Any similar action or activity which interferes with the peaceful use and enjoyment by any other Property Owner, members of his or her family, guests, or invitees.

5.2.7 Outside Open Burning: “No outside burning of wood, leaves, trash, garbage or household refuse shall be permitted in any Subdivision without a burning permit issued by the Pagosa Fire Protection District.” (*Category 4 Offense*).

5.2.8 Prohibited Use of Lot: “Prohibited use of any lot” (*Category 3 Offense*).

Examples:

- Driving all terrain vehicle (ATV), snowmobile, motorcycle, or other motorized vehicles on adjacent, or other lots, or greenbelts.
- Damaging soils and foliage, scarring land.
- Any activity that affects the conditions of the roadways, the embankments along the roadways and adjacent drainage areas.

Note: Driving or damaging property may be trespassing and is subject to enforcement by Archuleta County Sheriff.

5.2.9 Television and Radio Antenna: Television and radio antennas are omitted from the rules and regulations because the enforcement is precluded by Federal Communication Commission rules or building related Declarations. Also, specific enforcement has been modified or removed by PLPOA Board resolution.

5.2.10 Trash and Debris: “Dumping, storing or accumulating trash, rubbish, ashes, garbage or any other refuse or debris on any lot or on the shoreline of, or putting it into, any lake or waterway.” The following items that are exposed to view are considered trash and debris unless awaiting pick-up or are removed within seven (7) days from report date. (*Category 2 Offense*).

Examples:

- “Exposed to view on the property” includes areas inside property fences if these areas can be viewed from neighboring property, including upper story decks and windows.
- Proper trash containers/receptacle are exempt unless the trash and debris is accumulated, scattered and/or exposed to public view.

- Items not designed or intended for outdoor use, such as, but not limited to, indoor furniture, rugs, mattresses, appliances.
- Items designed for outdoors use, but not functioning for their designed purpose due to disrepair, missing parts, deterioration, damage or destruction.
- Other items including, but not limited to; broken or unserviceable items, bags of garbage, bags of leaves and/or pine needles, buckets, cans, newspapers, household refuse, cardboard boxes, plastic sheeting, scattered wood, old lumber (i.e. weathered, gray, warped) and other used building materials, Christmas trees, tree limbs, cut trees not of usable fireplace or stove size, and scattered firewood.

5.2.11 Unscreened Clotheslines: “All outdoor clothes poles, clothes lines and similar equipment, shall be placed or screened by shrubbery as not to be visible from any street, waterway or golf course within the Subdivision.” (*Category 1 Offense*).

Examples:

- Clothes displayed for more than 7 (seven) consecutive days.
- Clothes poles, lines, equipment located in front yard.

The Environmental Control Committee and the Board of Directors have ruled that outdoor clothes drying is acceptable in the rear yard in recognition of rising energy costs and the need for energy conservation.

5.2.12 Unattractive Growth: “All lots, whether occupied or unoccupied, and any improvements placed therein, shall at all times be maintained in such manner as to prevent becoming unsightly by reason of unattractive growth on such lot or the accumulation of rubbish or debris thereon.” (*Category 2 Offense*).

Examples:

- “Unattractive” and “unsightly” growth are interpreted by individual property owner’s within a specific area based on what they perceive as “unattractive” or “unsightly” and must be reported by a property owner using an Association Complaint Form (*see Section 6.1*). When a report is received, a DCC Inspector will investigate and photograph the property (growth).
- Unsightly conditions may include conditions that do not promote, preserve, maintain, or enhance property values or quality of life.
- Unattractive growth may consist of weeds or other materials that have begun to flower or seed creating an unsightly condition.
- Unrestricted growth may be considered a fire hazard.
- Weeds and/or natural grasses taller than 8-inches in height within 50 feet of a structure inside the property boundaries may be considered unattractive.
- These restrictions only include residential lots; greenbelts and right-of-ways are exempt.

5.3 SUBDIVISION SPECIFIC DECLARATION OF RESTRICTIONS:

The following subdivision specific restrictions are recorded in the Declaration of Restrictions under *General Prohibitions and Requirements* and are subject to enforcement procedures within the respective Subdivision. Examples include livestock, vehicle repair, noxious or offensive activities, parking, and operation of vehicles on common areas.

5.3.1 Lake Hatcher Condos:

- a. Parking of recreational vehicles (boats, trailers, campers, etc.) is not permissible in regular parking areas or on streets, or anywhere else on property not specifically designated for parking of recreational vehicles. (*Category 1 Offense*).
- b. Fuel tanks for storage of fuel installed outside any building in the Subdivision shall be either buried or screened.
 - *Placement or lack of screening requirement governed by state statutes and local fire codes; refer to PLPOA Board resolution 87-8.*
 - *Fuel tanks must meet the Pagosa Fire District codes.*
- c. Every outdoor receptacle for ashes, trash, rubbish or garbage shall be installed underground or screened. (*PLPOA Board resolution 87-7 – limits enforcement to gross abuses*). (*Category 4 Offense*).

5.3.2 Martinez Mountain I, II, Meadows II, III and IV:

- a. No pigs or swine shall be bred, raised or allowed on any parcel; not more than two (2) goats or sheep shall be bred, raised or allowed on any parcel; not more than two (2) horses and/or cows for each acre owned shall be bred, raised or allowed thereon; no chickens, other than as domestic pets, shall be allowed to run at large...Must be maintained clean and sanitary conditions... And the Declarant or its designee shall have the right to inspect any and all outbuildings which house either fowl or animals to determine if such are being maintained in a sanitary condition. (*Category 1 Offense*).
- b. No business or commercial activity other than the conducting of a farm, ranch, dude ranch or horse stables shall be permitted. Nothing herein contained shall be construed to prohibit the conducting of a medical, dental or legal office on any parcel. (*Category 2 Offense*).
- c. Requires screening or buried fuel storage tanks and trash receptacles. (*Category 1 Offense*).
 - *Placement or lack of screening requirement governed by state statutes and local fire codes; refer to PLPOA Board resolution 87-8.*
 - *Fuel tanks must meet the Pagosa Fire District codes.*
 - *PLPOA Board resolution 87-7 – limits trash receptacle enforcement to gross abuses*). (*Category 4 Offense*).
- d. No overnight camping shall be permitted on any parcel without the prior written approval of the Committee (ECC). (*Category 2 Offense*).

5.3.3 North Village Lake:

- a. Violation or breach of any restriction herein contained shall, should such violation or breach continue for a period of twenty days after written notice thereof, entitle

- Declarant and/or a representative of the Environmental Control Committee to the right to enter upon the property with respect to which said violation or breach exist, and summarily to remove at the expense of the owner, lessee or occupant thereof, any structure, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof.” (*Category 1 Offense*).
- b. Overnight parking of recreational vehicles is not permissible in regular parking areas or on streets, or anywhere else in the subdivision not specifically designated for parking of recreational vehicles. This goes on to say that the Declarant will provide a storage area, which was not done; therefore, this prohibition is invalid at this time.

5.3.4 Lake Pagosa Park - (Master Declaration of Restrictions):

- a. Fuel tanks for storage of fuel installed outside any building in the Subdivision shall be either buried or screened.
- *Fuel tanks must meet the Pagosa Fire District codes.*
 - *Placement or lack of screening requirement governed by state statutes and local fire codes; refer to PLPOA Board resolution 87-8.*
- b. Every outdoor receptacle for ashes, trash, rubbish or garbage shall be installed underground or screened. (*PLPOA Board resolution 87-7 – limits enforcement to gross abuses*). (*Category 4 Offense*).

5.3.5 Pagosa Highlands And Pagosa-in-the-Pines II:

- a. Horse maintenance standards in Pagosa Highland Estates on lots larger than 15,000 square feet. (*Category 1 Offense*).

5.3.6 Ranch Community:

- a. Allows each lot owner the right to keep one horse (equestrian right) on Tract A-common area but Board of Directors can pass additional rules to limit or eliminate this “right”. (*Category 1 Offense*).

5.3.7 South Shore Estates:

- a. No exterior horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of the improvements on any lot shall be placed or used on any lot. (*Category 1 Offense*).
- b. No activity shall be allowed or conducted on the property, which are or might be unsafe or hazardous to any person or property. (*Category 2 Offense*).
- c. All animals shall be confined to the area constituting the Building Site. (*Category 1 Offense*).
- d. No livestock except for 3 horses on Lot 15 may be kept. (*Category 1 Offense*).

5.3.8 South Village Lake/Mallard Point:

- a. No junk equipment, which is visible to the occupants or users of any street or waterway within the Property, is allowed on the Property. (*Category 3 Offense*).
- b. Every outdoor fuel storage tank and trash receptacle will be installed underground or screened. (*Category 1 Offense*).
- *Placement or lack of screening requirement governed by state statutes and local fire codes; refer to PLPOA Board resolution 87-8.*

- *Fuel tanks must meet the Pagosa Fire District codes.*
- *PLPOA Board resolution 87-7 – limits trash receptacle enforcement to gross abuses. (Category 4 Offense).*
- c. No noxious, offensive or illegal activity on the property or become an unreasonable annoyance or nuisance to the neighborhood. The [Environmental Control] Committee, if not removed within ten (10) days of notification, may remove nuisances, and removal cost charge to owner or lessee. *(Category 2 Offense).*
- d. Storage or disposal of hazardous or radioactive materials on the property is prohibited. *(Category 3 Offense).*
- e. Overnight parking of recreational vehicles is not permissible in regular parking areas or on streets, or anywhere else on the Property not specifically designated for parking of recreational vehicles. *(Category 1 Offense).*
- f. No car or motor vehicles can be worked on for mechanical repairs on the Property. *(Category 1 Offense).*
- g. No vehicles shall be parked overnight on streets. *(Enforcement by Archuleta County Sheriff).*
- h. The owner or the lessee of the property shall reasonably maintain landscaped areas. *(Category 1 Offense).*
- i. Maintenance of Pedestrian Easement Improvements shall be the responsibility of each adjacent Parcel owner until such time as these Improvements are conveyed to the PLPOA. *(Category 1 Offense).*

5.3.9 Vista/Trails:

- a. Pets shall be confined so as not to become a nuisance. *(Enforcement by Archuleta County Sheriff).*
- b. All pets must be inoculated against rabies. *(Enforcement by Archuleta County Sheriff).*
- c. Repairs or overhauling of automobiles shall not be permitted on any lot or street in the subdivision. *(Any activity on the street – Enforcement by Archuleta County Sheriff) (Category 1 Offense).*
- d. No overnight parking of any type of vehicle shall be allowed on any street in the Subdivision. *(Enforcement by Archuleta County Sheriff).*
- e. Motorcycles, motorbikes, trail bikes or snowmobiles are allowed to operate on streets and on lots in the Subdivision only for the purpose of traveling in a direct route between lot and destinations outside of the Subdivision. These vehicles must at all times be operated at the lowest possible noise level while in the Subdivision. *(Enforcement by Archuleta County Sheriff may include vehicle registration, operation and trespassing).*
- f. Boats and boat trailers, or any similar property, may not be stored on any street in the subdivision but may be stored on lots only at such time that lot is occupied. *(Category 1 Offense).*

5.4 FISHING, BOATING AND LAKES

5.4.1 Recreational Use

- 5.4.1.1 Fishing is not allowed in Vista Lake at any time.
- 5.4.1.2 Provisions of the lake use rules and regulations contain specific penalties for their violations.
- 5.4.1.3 In addition to the fines and penalties imposed by the PLPOA, civil charges may be filed under one or more Colorado statutes: CRS 18-4-401 (theft of property); CRS 18-4-504 (trespass); CRS 18-4-511 (littering); CRS 33-6-116 (fishing without permission)

5.4.2 Lake and Fishing Access

- 5.4.2.1 Important: Private parties own most of the land around our lakes.
- 5.4.2.2 Anglers are not permitted to fish from, or cross, private property without the express consent of the property owner. Fishing from, or crossing, private property without the express consent of the property owner can result in a criminal charge of trespassing.
- 5.4.2.3 Fish only from posted areas. "Fishing without a valid PLPOA permit" - \$100.00 fine per violation.

5.4.3 General Rules

- 5.4.3.1 These regulations apply to Hatcher Lake, Pagosa Lake, Village Lake, and Lake Forest. All current Colorado state fishing regulations are made a part of the regulatory system on the lakes, unless otherwise noted herein. Only "Members in Good Standing" of the Pagosa Lakes Property Owners Association, their renters and guests are permitted to fish in the lakes. Any permit holder observing or learning of any violation of these regulations shall immediately report it to a PLPOA Conservation Officer or to the Administration office. **WARNING:** Colorado game fish transported outside of Pagosa Lakes must be accompanied by PLPOA fishing permit.
- 5.4.3.2 The unauthorized introduction of any fish into any lake at Pagosa Lakes is strictly prohibited. "Unauthorized introduction of any fish into any lake" - \$500.00 fine.
- 5.4.3.3 Cleaning fish at lake locations is strictly prohibited. "Cleaning fish on lake or lake shoreline" - \$100.00 fine.
- 5.4.3.4 Littering is strictly prohibited. You must remove all matter foreign to the lake or lakeshore brought by you. (This includes fishing (monofilament) line, general

litter and trash, bait boxes, and cigarette butts.) “Littering on lakes property”- \$50.00 fine per violation.

5.4.3.5 Fishing from private property, without the owner's permission, is deemed trespass and is illegal. You may be liable for civil trespass.

5.4.3.6 Parking or driving on private property, without the owner's permission, is deemed trespass and is illegal.

5.4.3.7 If requested, any and all fish that have been taken must be shown to an inspecting PLPOA Conservation Officer, DPE staff or other authority. “Refusal to show any and all fish taken to an enforcement authority” - \$50.00 fine.

5.4.3.8 Fishing in areas temporarily closed to fishing for lake and fishery management purposes is prohibited. “Fishing in a “Closed to Fishing” posted area” - \$50.00 fine per violation.

5.4.4 Membership Classification

5.4.4.1 *OWNER*: The Pagosa Lakes property owner, their spouse, and dependent children living in that household. Visiting descendent children must purchase their own Lake Use Permit (s) at the owner rate.

5.4.4.2 *RENTER*: A tenant living in a rented residence in Pagosa Lakes, including their spouse and dependent children living in that household, may purchase a Lake Use Permit (s) providing the renter retains a rental or lease agreement for a minimum of two consecutive months from a landlord who is an Association Member In Good Standing. Renters must provide proof of residency by showing either a letter from the owner, a copy of the lease, utility bills or other documentation. Time-share renters must provide verification of unit use at the time of purchase of Lake Use Permit (s).

5.4.4.3 *LIMITATION ON MEMBERSHIP*: In the event that a Lot (as defined in the Association Bylaws) is owned by a corporation, partnership, joint ownership, or similar arrangement, such entities shall advise the Association of the names of two persons who shall be designated as owners for purposes of purchasing a Lake Use Permit.

5.4.4.4 *SPONSORED GUEST*: A person who is an Association member in good standing (owner) may sponsor guests who may fish or boat upon payment of the appropriate Lake Use Permit fees. The PLPOA member sponsor (owner /renter) must accompany a guest to acquire a guest permit and must sign a sponsor form. Further, the sponsor is liable for all actions of a guest while fishing.

5.4.4.5 *TIME SHARE OWNER*: Must provide verification of unit use at the time of purchase of the Lake Use Permit.

5.4.5 Lake Use (Fishing) Permit

- 5.4.5.1 The fishing season will open on January 1, on Lake Pagosa, Village, Hatcher and Forest Lakes, and close on December 31. There is no special ice fishing season.
- 5.4.5.2 Permits are not transferable, and any permit alterations will invalidate that permit. "Altering or transferring a permit" - \$50.00 fine per incident.
- 5.4.5.3 Permits shall be carried on the person while fishing, displayed on the outer clothing so as to be visible while fishing. "Failure to have lake use (fishing) permit in possession while fishing" - \$50.00 fine per incident.
- 5.4.5.4 Lost or damaged permits will be reissued for a charge of \$3.00 each.
- 5.4.5.5 Persons making false statements to obtain a permit invalidate the permit and are fined \$50.00 and lose fishing privileges for one year.

5.4.6. Possession and Size Limits

- 5.4.6.1 No size limit on any species of fish.
- 5.4.6.2 All children 5 years and younger may fish without a permit if accompanied by an adult permit holder but are entitled to only two-thirds limit of fish. "Exceeding daily bag or possession limits" - \$50.00 fine per fish.
- 5.4.6.3 All injured fish must be kept and not returned to water. Trout that have been kept alive by stringer, container, or basket, shall not be returned to the lakes. Once a limit of a species has been caught, the person who has filled the limit must cease fishing for that species. No substitution of fish is allowed. "Returning to lake injured fish or fish kept alive by stringer, container or basket" - \$50.00 fine per fish.
- 5.4.6.4 Single angler bag limits and special species regulations are subject to change or modification. Please call the Department of Property and Environment or pick up a copy of the current fishing regulations at either the Recreation Center or the Administration office. "Exceeding daily bag or possession limits" - \$50.00 fine per fish.
- 5.4.6.5 **WHITE AMUR (GRASS CARP) CANNOT BE KEPT AND MUST IMMEDIATELY BE RELEASED.** They are an environmentally friendly species that keep down the weed levels in the lakes. "Exceeding daily bag or possession limits" - \$50.00 fine per fish.

5.4.6.6 "Filling Out" the limit for other members of a fishing party by fisherpersons who have taken their limit is prohibited. You must catch your own fish." Filling out fish limits for other members of a fishing party" - \$50.00 fine per incident.

5.4.6.7 Possession limit is twice the daily bag limit. "Exceeding daily bag or possession limits" - \$50.00 fine per fish.

5.4.7 Fishing Methods

5.4.7.1 Each person fishing shall use only one personally attended rod or line. One line is defined as a single line and single hook. Multiple hooks tied on a single line will not be allowed. "Using more than one personally attended rod or line" - \$50.00 fine per line.

5.4.7.2 No more than one hook shall be allowed for bait fishermen. No double or treble hooks will be permitted for baiting. Treble hooks on a non-baited spinner or lure will be allowed, but crimping or removing barbs is **highly** recommended.

5.4.7.3 Fishing hours shall be from one hour before sunrise to dark (daylight to dark) except in Village in which fishing hours extend from daylight to midnight. "Fishing after hours as set forth on license rules & regulations" - \$100.00 fine.

5.4.7.4 Chumming is not permitted. Live minnows & amphibians (water dogs, frogs, salamanders, etc.) are not allowed as bait. Lights may not be used to attract fish. "Chumming, using live minnows as bait, or using a light to attract fish" - \$100.00 fine.

5.4.7.5 No netting or snagging of fish is allowed. No fishing up the inlet channels during spring runoff. "Using any sort of net to take game fish"- \$100.00 fine.

5.4.7.6 LAKE HATCHER fishing methods for all anglers will be with artificial flies and lures only, no bait. Prohibited baits include power bait, worms, salmon eggs, marshmallows, etc. It is highly recommended that all hooks be barbless. The bait rule will be lifted during the winter ice fishing season for all anglers (encouraging the harvest of yellow perch. "Using prohibited bait or baits on Hatcher Lake" - \$50.00 fine.

5.4.8 Boating

5.4.8.1 No boat shall be floated or used on any of the four Association owned lakes until registered annually (January 1 – December 31) with the Pagosa Lakes Property Owners Association. An issued decal shall be attached to the left outside rear panel of the boat. Single person inflatable boats (such as float tubes) are exempted. Registration forms, fee schedule and decals are available at the Association office, 230 Port Avenue, Pagosa Springs, Colorado.

- 5.4.8.2 No internal combustion engine-powered boats are allowed, except for PLPOA and Pagosa Area Water and Sanitation District employees assigns or agents, while in the performance of their duties. If an outboard or inboard internal combustion engine is attached to a boat and cannot easily be removed, the fuel line must be disconnected from the engine for the boat to be permitted on a lake.
- 5.4.8.3 Each boat must have at least one U.S. Coast Guard approved wearable Type I, II or III personal floatation device for each boat occupant. Each boat occupant under the age of 12 must wear a Type I, II or III personal flotation device while the boat is in use on any lake.
- 5.4.8.4 Each boat must have at least one usable oar or paddle.
- 5.4.8.5 All boats must be operated in a safe manner.
- 5.4.8.6 The use of homemade rafts or plain inner tubes is not permitted.
- 5.4.8.7 Except for lakeshore lot owners, boats must be launched from established boat ramps. If a boat is stored at a boat ramp or launch area, the boat must be chained and padlocked to the posts provided. The Association will impound boats not chained and locked to posts and a \$75.00 fine will be assessed. The boat will not be released until the fine has been paid in full.
- 5.4.8.8 Violation of any boating rule or regulation - \$75.00 fine per violation.

5.4.9. Swimming

- 5.4.9.1 SWIMMING IS NOT ALLOWED IN ANY OF THE LAKES. "Swimming in lakes" - \$50.00 fine per violation.

5.4.10. Snowmobile

- 5.4.10.1 For safety, noise nuisance and water quality reasons, snowmobiles may not be operated upon the frozen surfaces of the lakes. "Use of snowmobile on frozen lakes." (*Category 4 Offense*).

5.5 RECREATION CENTER

VIOLATIONS OF THESE RECREATION CENTER RULES OR INCONSIDERATE OR DISRUPTIVE BEHAVIOR MAY RESULT IN SUSPENSION OF MEMBERSHIP AND PRIVILEGES. RECREATION CENTER STAFF HAVE FULL AUTHORITY TO TAKE WHATEVER DISCIPLINARY DECISIONS AND CORRECTIVE ACTIONS THEY FEEL IS NECESSARY IF THEY VIEW BEHAVIOR THAT MAY ENDANGER THE USER, OTHER USERS OR THE FACILITY.

5.5.1 Hours of Operation

5.5.1.1. BUSINESS HOURS ARE SUBJECT TO CHANGE. PLEASE PHONE THE RECREATION CENTER AT 731-2051 TO CONFIRM THE HOURS OF OPERATION.

5.5.1.2. The pool is closed to OPEN swimming from 6:30 a.m. to 10:30 a.m. Monday through Friday; 4:15 p.m. to 5:45 p.m. Monday through Thursday; and 2:15 p.m. to 3:45 p.m. Friday during the months of January through May.

5.5.1.3. June through August the pool is closed to OPEN swimming until noon on Monday through Thursday. OPEN swim starts at 10:30 a.m. on Friday. Pool closes at 8:45 p.m. daily.

5.5.2 Membership Classification

Refer to Fishing, Boating and Lakes Section 5.4.4

5.5.3 General Rules

To ensure safety and enjoyment for everyone, we ask all members to please...

5.5.3.1 Present membership cards and sign in at the front desk.

5.5.3.2 Accompany and supervise all children under 12.

5.5.3.3 Pay a \$5.00 charge for lost locker keys.

5.5.3.4 Eat food only in the lobby and on outside pool decks.

5.5.3.5 Leave muddy shoes in the entry foyer.

5.5.3.6 Not smoke or drink alcoholic beverages in the Recreation Center.

5.5.3.7 Help us keep the Recreation Center clean.

5.5.3.8 Report any problems experienced with the equipment.

5.5.3.9 Accompany guests or inform Recreation Center staff of all guests. There is a daily guest fee for each person. We expect all guests to be familiar with and abide by the rules.

5.5.3.10 LEAVE YOUR VALUABLES AT HOME, WE CANNOT ENSURE, AND ARE NOT RESPONSIBLE FOR, THE SAFETY OF YOUR VALUABLES

LEFT IN THE LOCKER ROOM, OR ANY OTHER PORTION OF THE CENTER.

5.5.4 Racquetball Courts

- 5.5.4.1 Make only one court reservation per day. (Please do not schedule two hours by having both players sign up.)
- 5.5.4.2 You must wear clean and non-streaking court shoes.
- 5.5.4.3 Shirts must be worn.
- 5.5.4.4 Use eye protection (available at the front desk.)
- 5.5.4.5 Call if you will be more than ten minutes late for court time. We reserve the right to give away your court time if you are late.
- 5.5.4.6 Call and cancel reservations if you can't make it so others can sign up. Anyone failing to show for two reservations will not be allowed to reserve a court for two weeks.

5.5.5. Pool

- 5.5.5.1. Be fully responsible for yourselves, your children and your guests.
- 5.5.5.2. **THERE IS NO LIFEGUARD ON DUTY.**
- 5.5.5.3. Ensure that an adult (16 years of age or older) accompanies and supervises children less than 12 years of age at all times.
- 5.5.5.4. Read and observe all posted rules in the pool area.
- 5.5.5.5. Use only beach balls or soft foam balls in the pool.
- 5.5.5.6. Dry off before entering lobby.
- 5.5.5.7. Take no food into the pool area.
- 5.5.5.8. Children who are not toilet trained must wear pool diapers.
- 5.5.5.9. Please help us by reminding your children to void before entering the pool and to take regular bathroom breaks to avoid nasty "accidents".
- 5.5.5.10. Also encourage your children to report "accidents" in the pool promptly so we may clear the pool and add additional sanitizer. ****Feces or vomit in the pool is a serious health hazard and may cause closure of the pool for prolonged periods.****

5.5.6. Weight Room

5.5.6.1 Children under the age of 15 are not allowed in the weight room. See front desk for exceptions.

5.5.6.2 Proper workout attire is required.

6. Association Forms / Attachments:

- 6. 1 Violation Complaint Form
- 6. 2 Notice of Violation and Hearing Form
- 6. 3 Hearing Request Form

Closing Statement:

Thank you for your time, attention, reading and compliance with the Pagosa Lakes Neighborhood Rules and Regulations. You should now have a better understanding of the complexities of the Pagosa Lakes Property Owners Association.

For access to all Declarations of Restrictions, Bylaws, Articles of Incorporations, Board of Director Resolutions, Rules and Regulations, Building Permit Process and many other documents, which are pertinent to living in Pagosa Lakes, please visit the Association's web site at www.plpoa.com.

Again, if you have any questions regarding any of the information contained within this document, please contact the Association at 230 Port Avenue, Pagosa Springs, Colorado 81147; call 970-731-5635 or 888-467-5762 or email us at plpoa@plpoa.com.

* * *

Section 6.1

{PLPOA Letterhead}

**NEIGHBORHOOD RULES AND REGULATIONS
VIOLATION COMPLAINT FORM**

Complaining Party's Name: _____

Address: _____

Phone #: _____

Alleged Violator - Name: _____

Address: _____

Subdivision & Location of Incident: _____

Date & Time of Incident: _____

Description of the Incident / Nature of Complaint: _____

I hereby attest that I am the witness and complaining party to the above incident. Additionally, I hereby state that, I will appear at the Pagosa Lakes Property Owners Association Hearing Panel meeting and/or legal proceedings where I will present my complaint before the Hearing Panel, violator, and/or other officials.

Signature

Date:

Received by PLPOA / Title

Date:

Section 6.2

{PLPOA Letterhead}

Case # _____

NOTICE OF VIOLATION and HEARING

VIOLATION: _____

LOCATION OF VIOLATION: _____

VIOLATOR: _____ **PHONE #** _____

CURRENT ADDRESS: _____

PROPERTY OWNER: _____ **PHONE #** _____

(Legally the property owner is responsible for actions of tenants, guests, or invitees)

The Pagosa Lakes Property Owners Association has the right to impose a fine of \$ _____ against you which will continue in effect until the violation is corrected and the fine and fees are paid.

A hearing, at which you may present any statements, evidence or witnesses on your behalf, is set for 7:00 PM on (day & date) _____ at the Pagosa Lakes Clubhouse, 230A Port Ave., Pagosa Springs, CO 81147. However, you may waive the hearing by correcting the violation and paying the fine prior to the hearing date at the Pagosa Lakes Administration Office, 230 Port Avenue, Pagosa Springs, CO 81147.

You must notify the **HEARING PANEL** of your plans to attend the hearing. The Hearing Request Form (*see Neighborhood Rules and Regulations Section 6.3*) must be submitted, in writing, not later than **10 days** prior to the date set for the hearing so that witnesses and exhibits will be available. Failure to provide the **10-day** notice is a waiver of your rights to a hearing or to address any fines and/or sanctions or cost which are imposed by the Pagosa Lakes Property Owners Association.

Method of service:

- Personally delivered to _____

On this _____ day of _____, at _____ AM/PM

Recipient's Signature: _____

(Signature is only a verification of receipt)

- Sent to address of owner as shown in PLPOA records on (date) _____

Name of Server/Department

Signature of Server

Copy Distribution: *Yellow* – Administration Copy; *Gold* – Department Copy; *Pink* - Owner/Violator Copy

Section 6.3

{PLPOA Letterhead}

NOTICE OF VIOLATION & HEARING

HEARING REQUEST FORM

A hearing at which I may present any statements, evidence or witnesses in defense of the Notice of Violation

Case # _____ is set for _____ AM/PM on (date) _____ at the
Pagosa Lakes Club House, 230A Port Avenue, Pagosa Springs, Colorado 81147.

This Hearing Request Form must be received by the Association no later than (day & date) _____
_____ (10-days prior to hearing date). Failure to give any notice is a waiver of my right to a
hearing.

I _____, request a hearing before the HEARING PANEL.

(Print Name)

Signature _____

Date _____

Received by PLPOA _____

Date _____