

Pagosa Lakes
Property Owners Association

NEIGHBORHOOD RULES
AND REGULATIONS

Adopted July 27, 2002

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By the Board of Directors

Pagosa Lakes Property Owners Association

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PAGOSA LAKES

NEIGHBORHOOD RULES AND REGULATIONS

We have all purchased property in Pagosa Lakes to assure ourselves of a particular way of life that includes mountains, views, lakes and trees, as well as covenant protection. We all want to be assured of a pleasant and peaceful way of life. In order to help achieve this type of environment, the Pagosa Lakes Property Owners Association has established the following Rules and Regulations.

If you have any questions regarding the Rules and Regulations, or to report any problem, please call:

Association Office	(970) 731-5635
Toll Free	(888) 467-5762
Recreation Center	(970) 731-2051

The DECLARATION of RESTRICTIONS, PLPOA BY-LAWS, and RULES & 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). This booklet explains how the provisions of those requirements are enforced.

ENFORCEMENT PROCEDURES

The Covenant Compliance Inspectors, Department of Property and Environment staff and Conservation Officers shall conduct periodic inspections to determine if there are any violations of the aforementioned governing documents. In addition, such persons shall investigate complaints filed by Property Owners within Pagosa Lakes or reported by the Association's Board, ECC or staff.

1. **NOTICE OF NON-COMPLIANCE** - A Notice will be sent to an owner setting forth the nature of alleged non-compliance. The Notice will state a specific time period for the owner to contact the Department of Covenant Compliance with a reply stating the owner's intent and methods proposed to reinstate the property to a state of compliance.
2. **NOTICE OF VIOLATION** - A written *Notice of Alleged Violation and Hearing* ("Notice") shall be served on the Property Owner (with a copy to the violator, if other than the Property Owner, since the Property Owner is the party legally responsible for the actions of tenants, guests or invitees). The *Notice* shall specify the alleged violation and indicated fines and/or sanctions that may be imposed after a hearing has been afforded the alleged violator.
3. **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. Attendance at the hearing may be waived by paying the fine and correcting the violation. The *Notice* will also state that notification must be given to the Hearing Panel, 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 is a waiver of your 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 you are unable to attend the hearing, you may submit a written response to the *Notice*, which will be considered by the Hearing Panel.

A Hearing Panel shall afford the Property Owner a reasonable opportunity to be heard. The *Notice* will be sent by hand delivery and/or by regular or certified mail to the last known address of the Property Owner and to the alleged violator, if different from the Property Owner. The *Notice* will state how the *Notice* was sent. A receipt of the *Notice* is not necessary to the process. The *Notice* requirement is satisfied if the Property Owner and/or the alleged violator appear at the hearing. 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.

4 SANCTIONS/FINES 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. The decision of the Hearing Panel is final and binding. The Property Owner will be informed of the Panel's decision by mail.

5 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 late fee of \$20 and may be collected by any and all collection methods permitted by law, including the placement of a lien against the Owner's property. Failure to pay any fines, costs or late fees will also result in loss of "Member in Good Standing" status and suspension of privileges including voting, fishing 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 denied, pending payment of the aforementioned costs.

DEFINITIONS

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.

ASSOCIATION or PLPOA - The Pagosa Lakes Property Owners Association.

BOARD - The Board of Directors of the Pagosa Lakes Property Owners Association.

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.

RULES and REGULATIONS - Requirements adopted by the PLPOA for the regulation of our common interest community.

DECLARATION OF RESTRICTIONS – The documents recorded, along with each subdivision plat, setting forth the covenants and restrictions applying to the subdivisions.

AMENDMENTS – Any amendment to the rules and regulations adopted by the Board.

COMMERCIAL ACTIVITY FROM A RESIDENTIAL UNIT – Commercial activity will be considered any usage resulting in a negative impact on normal residential usage including but not limited to: trash, sound, odor, signage, traffic, vehicles, parking, deliveries or exterior storage of commercial equipment or materials. Residential rentals are not construed as being a Commercial Use.

BURNING - No outside burning of trash, garbage or household refuse shall be permitted. No outside burning of wood, leaves and pine needles shall be permitted without a burn permit issued by the Pagosa Fire Protection District. Absolutely no open burning is allowed in Pagosa Vista.

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.

THE PAGOSA LAKES PROPERTY OWNERS ASSOCIATION IS COMPOSED OF 26 SUBDIVISIONS EACH WITH ITS OWN DECLARATION OF RESTRICTIONS. WHILE MANY OF THE RESTRICTIONS STATED IN THE VARIOUS DECLARATIONS ARE IDENTICAL OR SIMILAR, THERE ARE SOME DIFFERENCES. PLEASE REVIEW YOUR INDIVIDUAL DECLARATION OF RESTRICTIONS FOR THE SUBDIVISION IN WHICH YOU LIVE OR OWN PROPERTY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR PARTICULAR SUBDIVISION, PLEASE CONTACT THE DEPARTMENT OF COVENANT COMPLIANCE FOR CLARIFICATION.

NOTE: Any outside burning should be reported to the Sheriff's Department immediately.

All questions regarding outside burning should be reported to the Sheriff's Department or to the Fire District at 264-2131.

ENVIRONMENTAL CONTROL COMMITTEE (ECC)

and

DEPARTMENT of COVENANT COMPLIANCE (DCC)

VIOLATIONS and FINES

**PAYMENT OF ANY NOTED FINE DOES NOT ALLEVIATE THE RESPONSIBILITY OF THE OWNER
TO CORRECT ANY NOTED VIOLATION.**

CONSTRUCTION

1. **Changing, adding to, or otherwise deviating from ECC approved plans and specifications** without additional ECC approval - \$100.00 for a first time offense or \$500.00 for each subsequent or multiple offense.
2. **Failure to obtain 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 - \$250.00 fine.
3. **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 - \$50.00 fine.
4. **Storing construction materials or equipment** of any kind on any lot other than your own, without written approval of that lot owner - \$100.00 for a first time offense or \$500.00 for each subsequent or multiple offense.
5. **Failure to comply with any provision** of any agreements which are part of the Building Permit Process and not specified herein - \$100.00 for a first time offense or \$500.00 for each subsequent or multiple offense.
6. **Violation of a “Stop Work Order”** from the Department of Covenant Compliance will result in a fine of \$500 for the first noted violation, \$1,000 for the second and each additional noted violation. The Association may obtain a “Court Order” for enforcement of the “Stop Work Order” provision.

NOTICE: *Under provisions contained in the Contractors Agreement PLPOA Building Permit Process, revised January 2, 2006, any Contractor working in their own behalf or on behalf of a property owner states, “I have agreed that I have received and will comply with the requirements set forth in this building package as well as the appropriate Declaration of Restrictions and the Rules and Regulations and to be subject to their accompanying fines and/or sanctions.”*

TREES - Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the Association to the contrary, the Association shall not prohibit the removal by a unit owner of trees, shrubs, or other vegetation to create defensible space around a dwelling for fire mitigation purposes, so long as such removal complies with a written defensible space plan created for the property by the Colorado State Forest Service, an individual or company certified by a local governmental entity to create such a plan, or the Fire Chief, Fire Marshal, or Fire Protection District within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan. The plan shall be registered with the association before the commencement of work. The Association may require changes to the plan if the association obtains the consent of the person, official, or agency that originally created the plan. The work shall comply with applicable association standards regarding slash removal, stump

height, revegetation, and contractor regulations.

The fire mitigation plan submitted must contain the name of the agency completing the plan, the date the plan was completed, the name of the individual drafting the plan, phone number or other contact information. The plan should be clear and specific as to which trees, shrubs or vegetation are recommended to be removed and verification that no more will be removed than is necessary to mitigate fire hazards on the property. The plan must state how the trees, shrubs and vegetation are marked for confirmation purposes.

The Association shall review the fire mitigation plan within five (5) business days from its presentation to the Department of Covenant Compliance. The Association will inform the submitting party if the plan is accepted as submitted or if further review with the plan's originating agency is deemed necessary. In the event further review is necessary, the Association will contact the originating plan agency to review the plan. Depending on the availability of the agency, their response time and allowing for a review of any revisions to the original plan, a final determination of the plan submission shall be made no longer than thirty (30) days from the original submission of the fire mitigation plan. In those instances where a fire emergency notice has been announced by Archuleta County officials, the Board of Directors of the Association will issue a waiver of the above stated fire mitigation procedures and permit the property owners within the Pagosa Lakes Property Owners Association to commence with fire mitigation on an immediate basis for their individual property during the duration of such an emergency period.

1. **Removal of any tree beyond the fire mitigation plan noted above**, as limited by the DECLARATIONS, without prior ECC approval - \$200.00 for the first tree, \$500 for the second, \$1,000 for each subsequent tree. It is also necessary to have approval for removal of trees which appear dead or injured. Only through the inspection of the tree can the cause of the injury be determined. It is through this method that the Association can determine if the injury is caused by insect, fungus or other infestation which could be injurious to surrounding trees or plantings.
 - **Tree Removal:** Trees (live or dead) beyond the fire mitigation plan noted above shall not be cut down without prior written approval of the Environmental Control Committee. However, trees may be trimmed or live branches removed not to exceed twenty percent (20%) of tree height from ground level without ECC approval. Thinning of excessive underbrush is recommended.
2. **Damaging tree trunk, cambium, or root system** - \$200.00 for the first tree, \$500 for the second, \$1,000 for each tree thereafter. Trees of 3 inches and over in diameter, injured on the cambium or root system during construction, remodeling or renovations are considered damaged. Restitution or replacement will be required.
 - **Protection During Construction:** In order to avoid root compaction, bark damage, and premature death of such trees, owners and contractors shall be required to temporarily protect all trees which could reasonably be damaged at their dripline until construction work has been completed. Tree protection will generally consist of fences that follow the dripline or mechanical protection at the truck such as 2 X 4 boards wired to the trunk. Contractors shall not be allowed to store or stockpile construction material under the dripline of any tree to be saved. Contractors shall not be allowed to drive or park any vehicle or heavy equipment within the dripline.

GENERAL PROPERTY

1. **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 - \$100.00 fine.
2. **Erecting any sign, poster, billboard, or advertising** structure of any kind, anywhere, without prior written

ECC approval - \$100.00. (See definitions of Signs below, quoted from the Association Building Permit Process.)

3. **Camping overnight, or using any temporary structure or vehicle**, of any kind, as a dwelling place on any lot is prohibited - \$100.00 fine.
4. **Prohibited use of any lots** - \$100.00 fine.
5. **Commercial Activity from a Residential Unit** – (See Definitions) - Any Commercial (business) activity, from a residential unit is not permitted, subject to the Declarations for each specific subdivision. Such commercial activity shall cease and desist immediately upon notification from the Association. Any continuance after notification to cease and desist will result in a fine of \$100.00, and will be prosecuted with all legal means available to the Association. Residential rentals are not construed as being a commercial use.
6. **Pet Pen or Enclosure** – Free standing kit/panel style animal enclosures, not permanently affixed, consisting of prefabricated chain-link panels covering an area of 100 square feet and less are acceptable without the need for review or a permit.

One, or more, detached animal enclosure(s) made from prefabricated chain-link panels enclosing an area greater than 100 square feet must be reviewed and be issued a permit by the Department of Covenant Compliance. Permits to construct enclosures of other materials or permanently affix it into the ground or other surface material, such as concrete or asphalt, must be applied for through the Department of Covenant Compliance and may be submitted to the Environmental Control Committee for review and approval. Failure to apply for and receive a permit for an enclosure other than as stated in the first paragraph of this section, is a violation and may result in a fine of \$100.00.

7. **Failure to maintain any property in a manner complimentary** to the surrounding neighborhood or creating a general appearance of visual disharmony with surrounding properties. Fine of \$100.00 and correction of the maintenance issue.

Note: The Declarations for the Association state: “In the event an owner of any lot in the Subdivision shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors of the Association, the Association shall have the right to enter upon said lot and repair and restore the lot and the exterior of any improvements erected thereon. Such right shall not be exercised unless two-thirds (2/3) of the Board of Directors shall have voted in favor of such action. The cost of such exterior restoration and maintenance shall be added to and become part of the annual charge to which each lot is subject. The Association shall not be liable for any damage which may result from any maintenance work performed hereunder.”

8. **Driving All Terrain Vehicles (ATV’S) or Snowmobiles** on other lots or greenbelts is **PROHIBITED**. Driving said vehicles, **or motorcycles, or any other vehicle**, on adjacent, or other lots, or greenbelts is trespassing and is subject to civil action. Any motorized vehicle, including ATV’s, must be licensed to drive on public roads in Archuleta County. **Pagosa Lakes** is located in an area of delicate soils and foliage. Driving off road on these private properties can permanently scar the land, lead to noxious weed problems and is detrimental to native plant life and wildlife. Additionally, many roads within Pagosa Lakes are “Not Maintained” by Archuleta County and tracks made by going “off road” worsen the conditions of the roadways, the embankments along the roadways and adjacent drainage areas.

VEHICLES

1. **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 approval - \$100.00

2. **Parking any stripped down, partially wrecked or inoperable vehicle**, or sizable part thereof, on any lot - \$50.00, as well as removing the vehicle or placing it in a garage or under a fitted manufactured cover. Fitted manufactured covers are permissible as long as they completely cover the vehicle and the vehicle is stored immediately adjacent to a completed residential structure or appurtenant garage or barn.
2. The Declarations for Trails and Vista subdivisions state: “the repairs or overhauling of automobiles shall not be permitted on any lot or street in the Subdivisions”. A violation of this prohibition will result in a \$100.00 fine.

SIGNS

Sign policies and Regulations referred to above and below are quoted from the Association Building Package, Section 4.7. Please refer to the Association Building Package for the sign code in its entirety.

7.4 Political Signs: Colorado Senate Bill 100 was signed into law by the Governor of the State of Colorado on June 6, 2005. The Board of Directors of the Pagosa Lakes Property Owners Association endorses the Archuleta County Political Sign Code as the controlling rule within the Pagosa Lakes Property Owners Association. Political signs complying with the following Archuleta County sign code do not need review or approval by the ECC/DCC.

- (a) *Agricultural and residential uses: A maximum area of six (6) square feet and a maximum height of five (5) feet.*
- (b) *Commercial, Industrial and Non-Residential uses: A maximum area of 32 square feet and a maximum height of eight (8) feet.*
- (c) *Political signs advocating a position for a specific candidate or measure shall not be displayed more than 60 days prior to an election and shall be removed within 10 days following the appropriate election.*

4.7.4 “Real Estates Signs” - Real Estate signs complying with the following items will be permitted without application and written approval:

1. Single or double faced.
2. Of six (6) square feet maximum size (including salesperson and telephone number tags).
3. Not more than six (6) feet in total height (including supporting mast and/or posts).
4. Only one sign per lot, tract, residence or business per street frontage.
5. “Talking Home” signs will be permitted if attached to or are directly adjacent to and if they are of the same size or smaller than the existing Real Estate sign.

4.7.5 “Construction Signs” - Temporary signs advertising the builder and/or sub-contractors of a structure will be permitted without application or written approval. Total signage shall not exceed twenty-four (24) square feet and must be removed upon occupancy of the home or 30 days after a DCC Inspector completes a final inspection of the home, which ever occurs first.

4.7.6 “Building Identification (Address) Number Signs” – will be permitted without application or written approval.

4.7.8 “Other Signs” – all other signs, billboards, or advertising structures of any kind are prohibited, except upon written application to and written permit from the ECC.

LAKEFRONT HOMEOWNERS RULES AND REGULATIONS

Wetland Protection and Lake Access for Lakefront Homeowners

Clearing a lake access through a wetland behind the owner's property (i.e. cattails, reeds, sedges and willows) will be allowed up to 15 feet wide between the lot and the lake after inspection and approval from the PLPOA. Must be cleared by hand or small hand equipment. No heavy equipment will be allowed in the wetland. No herbicides or weed killers are allowed near the lake. Any materials for the walkway or access such as lumber or gravel must be approved by PLPOA.

Wetlands are protected under section 404 of the Clean Water Act. Removal or destruction of wetlands beyond a small access-way is a violation of Federal Law and is enforced through the US Army Corps of Engineers field office in Durango.

No landscaping will be allowed off-site or on PLPOA lake property.

Boat Docks

Private boat docks are allowed only with a permit and boat dock license agreement from PLPOA and Pagosa Area Water and Sanitation District approval of materials.

The owner must maintain private boat docks in a safe and usable condition.

Floating boat docks must be removed from the water for any major maintenance to the dock including painting or staining.

Boat docks must be removed should any PLPOA shoreline or lake maintenance be necessary.

Walkways to and from the dock must be approved by the PLPOA.

Buffer Strips

It is highly recommended that a buffer strip of native vegetation be left in place between the homeowner's property and the lake, especially when the homeowner keeps a turf lawn. The buffer zone protects the lake from fertilizers and other pesticides that could potentially enter the lake.

In some cases it may be acceptable to mow native grasses and upland vegetation down to a height of no less than 4 inches between your home and the lake. Such mowing will not encroach upon wetland vegetation (i.e. cattails, sedges, reeds and willows).

In some cases a homeowner may be allowed to seed the area between the home and the lake with a PLPOA approved seed mix in the interest of protecting the lake from erosion and sediments.

Fertilizers/Contaminants

It is highly recommended that lakefront homeowners use a slow-release, sulfur-capsulated urea formulation fertilizer on their lawn and landscape. Failure to do so will result in fertilizer contaminants entering the lake and exacerbating the aquatic weed and algae in the lake. The PLPOA is supplied with an appropriate fertilizer that the homeowner can purchase at PLPOA cost for a 50 lb. bag. One bag will cover approximately 5000 square feet.

No herbicides are allowed to be used within 50 feet of the lake. Should an herbicide be required for noxious weed control within the 50-foot barrier please contact the PLPOA for assistance.

Erosion Control

Under certain conditions erosion control measures such as shoreline rip rap and reinforcement is allowed but must be approved by the Department of Covenant Compliance and the Department of Property and Environment. In some cases a retaining wall may be approved. A drawing or plan and specifications must be submitted for approval.

The Construction Process

Prior to ground breaking on a new home, a silt fence must be erected and maintained along the entire rear of the property. The silt fence must remain erected and maintained until the home is complete and the lawn and/or vegetation are in place and established.

ANIMAL CONTROL INFORMATION

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 term of the most recent agreement is January 1, 2006 through and including December 31, 2006. The animal control officer operates under the supervision of the Archuleta County Sheriff's Department in accordance with appropriate County Resolutions and State Statutes.

To report issues or problems concerning dogs, call the Archuleta County Sheriff's Office at 264-2131.

The Association Rules and Regulations governing the keeping of household pets within the Pagosa Lakes community are as follows:

- A. Household pets shall mean dogs, cats, or other animals which would normally be considered domesticated and kept within a household.
- B. No livestock, poultry or animals other than household pets may be kept, unless allowed by the Declaration specific to the subdivision, or as modified by Resolution.
- C. Breeding or keeping of household pets, animals, livestock or poultry of any kind for commercial purposes is strictly prohibited (except in those areas specified in the various Declarations of Restrictions).
- D. Owners are responsible for cleaning up any soilage made by pets on the common area immediately.

The Fine Schedule for violations of the above stated Rules and Regulations shall be as follows:

- A. First Offense/Violation: Written Notice of Violation issued
- B. Second Offense/Violation: Written Notice of Violation issued; \$50.00 fine assessed against the Property Owner following an opportunity for a hearing.
- C. Third and Subsequent Offense/Violation: within one year: Written Notice of Violation issued; \$100.00 fine assessed against Lot Owner following an opportunity for a hearing.

Identification tag. As Archuleta County does not require licensing of animals, and 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 property address to the animal owner and record the ownership information into a data base for identification purposes.

THE FOLLOWING IS RESOLUTION 2002-31, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, FOR THE VACCINATION, CONTROL AND IMPOUNDMENT OF DOGS IN ARCHULETA COUNTY, COLORADO

RESOLUTION 2002-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, FOR THE VACCINATION, CONTROL AND IMPOUNDMENT OF DOGS IN ARCHULETA COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado (“Board”) is authorized, pursuant to C.R.S. 30-15-101, *et seq.* to adopt a resolution for the vaccination, control and licensing of dogs; and

WHEREAS, there currently exists Ordinance No. 2 regarding the control of dogs running at large, adopted by the Board of County Commissioners of Archuleta County, Colorado on May 15, 1980 and there currently exists Resolution 92-66 regarding nuisance dogs, adopted by the Board of County Commissioners of Archuleta County, Colorado on September 8, 1992 (collectively “Dog Ordinance”); and

WHEREAS, the population of Archuleta County has increased dramatically since the adoption of the Dog Ordinance; and

WHEREAS, the canine population of Archuleta County has increased substantially; and

WHEREAS, uncontrolled or unvaccinated dogs present a threat to the health, safety and welfare of the citizens of Archuleta County and their property; and

WHEREAS, the Board finds that the control and vaccination of dogs is necessary for the preservation of the health, safety and welfare of the citizens of Archuleta County; and

WHEREAS, the Board wishes to update and revise the Dog Ordinance to address in one resolution the vaccination, control and impoundment of dogs;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:

1. **Definitions.**

The following terms, when used herein, shall have the following meanings unless the context clearly requires otherwise:

- a. “Control” shall mean a dog that is:
 - i. On a leash of sufficient strength to restrain the dog; or
 - ii. Confined in a building, fence, enclosure, motor vehicle, or other structure in such a way that it does not escape; or
 - iii. Is on property possessed by its Owner and is confined thereon in such a way that it does not escape or is in the presence of its Owner, possessor, keeper, or a family member of the Owner, or any agent or employee of the Owner; or
 - iv. The dog is within sight and hearing distance of its Owner, possessor, keeper or a family member of the Owner, or any agent or employee thereof of the Owner, and, upon command, the dog returns to the immediate vicinity of such person, at least within four feet of such person; or
 - v. A dog shall be deemed not under control when the dog inflicts damage or injury by biting, jumping upon, or harasses, chases or attacks persons, vehicles, cyclists, pedestrians, equestrians, livestock other domestic animals or wildlife. This provision shall not be applicable if the dog is acting in defense of the Owner, the Owner’s family, or property of the Owner.
- b. “Dog” shall mean any animal of the canine species, regardless of sex.
- c. “Owner” means any person or entity owning, keeping, harboring, possessing or having custody or control of a dog. The parent or guardian of an Owner under eighteen (18) years of age shall be deemed the Owner for purposes of this Resolution.
- d. “Nuisance dog” shall mean loud, habitual and persistent barking, howling, yelping or whining by a dog, sufficient to interfere with any person in the reasonable and comfortable enjoyment of life or property. Nuisance dogs are deemed to be dogs that are not under control of their Owner.
- e. “Rabies Vaccination” means vaccination of a dog against rabies using a vaccine approved by the Colorado Department of Health and administered

according to the recommendations of a veterinarian licensed in the State of Colorado.

- f. “Running at Large” shall mean a dog that is not under control.
- g. “Vicious Dog” shall mean a dog that bites or attacks a person or other animal without provocation or a dog that approaches any person or other animal in a vicious or terrorizing manner in an apparent attitude of attack, on any public or private property, except:
 - i. When the person is engaged in the unlawful entry into or upon the dog Owner’s property or vehicle where such dog is kept or confined; or
 - ii. When the person is engaged in attacking or molesting another person.

2. Application.

The terms of this Resolution shall apply throughout the unincorporated areas of Archuleta County until repealed or amended or until replaced or superseded by any competent governmental agreement

3. Rabies Vaccination Required.

- 3.1 The Owner of each dog in Archuleta County shall have such dog inoculated by a licensed veterinarian against rabies at three (3) months of age, one year later and a maximum of every three years thereafter. Upon vaccination, a licensed veterinarian shall issue to the Owner a certificate of rabies inoculation for each dog that has been vaccinated. The veterinarian shall also provide to the Owner of the dog a rabies tag that may be affixed to the collar or harness of the dog.
- 3.2 Any dog that is brought into Archuleta County from another jurisdiction must have been vaccinated against rabies at least thirty (30) days but not more than thirty-six (36) months prior to importation into Archuleta County. The Owner of such dog must present evidence of such inoculation from another jurisdiction, including a certificate issued by a veterinarian from another jurisdiction and a rabies tag and such certificate and tag shall be evidence of compliance with the provisions of this Section 3, however, such dog shall continue to be vaccinated as required herein.
- 3.3 Owning or possessing a dog that has not been vaccinated against rabies shall be prohibited.

4. **Prohibitions.**

4.1 Dogs shall be kept under control by their Owners at all times.

4.2 The running at large of any dog in Archuleta County is hereby prohibited.

4.3 No Owner shall willingly and knowingly permit a dog to be a nuisance dog as defined herein. Willingly and knowingly shall be defined as the Owner of the dog having received one prior warning, verbally or in writing, given by any Enforcement Personnel described in Section 6, notifying the Owner that the dog is considered a nuisance dog.

4.4 It shall be unlawful to own or possess a vicious dog as such term is defined herein.

5. **Impoundment of Dogs.**

5.1 Any dog found to be running at large or not under control may be impounded by any person authorized by subsection 6 to enforce the provisions of this Resolution.

5.2 The impoundment facility, or its designee, shall give notice of impoundment to the Owner of the dog in the following method:

5.2.1 If the dog is wearing a collar with an identification tag attached, the impoundment facility shall call the phone number appearing thereon, or shall make other reasonable efforts to identify and notify the Owner of the dog. If the impoundment facility or its designee is unsuccessful in notifying the Owner of the dog within twenty-four hours of the impoundment of the dog, then the impoundment facility shall promptly so notify the Archuleta County Animal Control Officer or other Archuleta County designee ("County Official"). The County Official shall then be required to attempt to notify the Owner, using the methods set forth in 5.2.2 through 5.2.4.

5.2.2 If an address appears on the tag, the County Official shall

address a letter, postage prepaid, to the address shown on the tag. Notification by letter shall be complete upon mailing.

5.2.3 If the dog has no identification or license tag, a notice of impoundment, giving the general description of the dog and the time and general location the dog was taken up, shall be posted at the impoundment facility. Notification by posting shall be complete upon posting.

5.2.4 Notification by the means described in subsections 5.2.1 through 5.2.3 shall be deemed compliance with the requirements of this section. Records of such notification shall be kept by the impoundment facility and the County Official.

5.2.4 If no Owner appears to claim the dog and pay the cost of the impoundment and any fines and penalties due within five days after notification is complete, the dog shall be deemed abandoned and be disposed of by placement for adoption or euthanasia, in accordance with the policies of the designated impoundment facility.

5.3 Owners claiming a dog that has been impounded shall be responsible for paying an impoundment fee and for the board and care of the Owner's dog. Impoundment fees shall be as follows:

\$35.00 per dog for impoundment.

\$15.00 per day per dog for boarding and care.

In addition to the impoundment fee and boarding and care, Owners must pay any actual and necessary veterinary costs incurred on behalf of the dog. Future changes to such fee schedule may be made by separate Resolution, adopted by the Board, at a regular meeting of the Board, which Resolution shall be published at least once after adoption in a newspaper of general circulation within Archuleta County.

5.4 In addition to the impoundment fees set forth above, any impounded dog shall not be released until such dog has been vaccinated for rabies or until proof that the dog has a current rabies inoculation has been received by the impoundment facility. If the dog has not been vaccinated, the impoundment facility shall receive from the Owner a vaccination deposit, in an amount based upon the actual and necessary costs of vaccination and which is set annually by the impoundment facility. Upon receipt of the deposit, the dog may be released to the Owner and upon proof that such dog has been vaccinated within ten (10) working days after such release, the vaccination deposit shall be refunded to the dog's Owner.

- 5.5. The impoundment facility shall be authorized to accept an impoundment fee of \$25.00 per dog if the Owner of such dog will permit the dog to have a microchip implanted in the dog prior to the dog's release. The impoundment facility shall notify the County Official each month of the number of dogs that have had microchips implanted and Archuleta County shall reimburse the impoundment facility for such service.

6. Authorized Enforcement Personnel.

- 6.1 Any peace officer is authorized to enforce the provisions of this Resolution.
- 6.2 Any person designated as a dog control officer by the Board of County Commissioners of Archuleta County is authorized to enforce the provisions of this Resolution.
- 6.3 The Board of County Commissioners of Archuleta County, their agents and employees, any impoundment facility, its agents and employees, any person authorized to enforce the provisions of this Resolution, shall not be held responsible for any accident or subsequent disease that may occur in connection with the administration or enforcement of this Resolution.

7. Designated Impoundment Facility.

The Humane Society of Pagosa Springs is hereby designated to operate impoundment facilities for the purposes of this Resolution and is authorized to impound dogs pursuant to the provisions of this Resolution.

8. Issuance of Summons and Complaint.

- 8.1 Whenever any person designated as authorized enforcement personnel in Section 6 of this Resolution, has probable cause to believe that any violation of Title 30, Article 15, C.R.S., as amended, has occurred, or whenever said person has probable cause to believe that any violation of any provision of this Resolution has occurred, said person may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- 8.2 A summons and complaint issued by a dog control officer shall contain the name of the defendant, shall identify the offense charged, including a citation of the Statute or Resolution section alleged to have been violated, shall contain a brief statement or description of the offense charged, including the date and approximate location thereof and shall direct the defendant to appear before the Archuleta County Court at a stated time, date and place. A summons and complaint containing the information specified in this subsection shall be deemed *prima facie* compliance with the particularity requirement of subsection 8.1.

- 8.3 Any peace officer may issue a summons and complaint pursuant to Section 16-2-104, C.R.S., as amended, and Colorado Rules of Criminal Procedure 4.1(c)(3) for any violation of Title 30, Article 15, Part 1, C.R.S., as amended, or for any violation of this Resolution. Any summons and complaint issued pursuant to this subsection shall contain the information specified in subsection 82.
- 8.4 A summons and complaint issued for the first or second violation of the provision of this Resolution may also contain a penalty assessment notice pursuant to Section 16-2-201, C.R.S., as amended, as the same may from time to time be amended, requiring the defendant to appear at the place, time and date specified or in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgment of guilt of the offense charged.
- 8.5 If the summons and complaint charges a third violation of any provision of this Resolution, the defendant shall be required to appear before the Archuleta County Court at the place, time and date specified.

9. Violations and Penalties.

- 9.1 Violation of any provisions of this Resolution not involving bodily injury to any person shall be a Class 2 petty offense and shall be punishable as follows:
- 9.1.1 For the first violation, the owner shall be assessed a fine of not less than \$25.00 and not more than \$50.00, except that if a penalty assessment is issued as provided by 8.4 above, the fine shall be the minimum.
- 9.1.2 For the second offense, the owner shall be assessed a fine of not less than \$51.00 and not more than \$100.00, except that if a penalty assessment is issued as provided by 8.4 above, the fine shall be the minimum.
- 9.1.3 For the third or any subsequent offense thereafter, the owner shall be punished by a fine of not less than \$150.00, but not more than \$300, or imprisonment in the Archuleta County Jail for not more than ninety (90) days, or both such fine and imprisonment, for each separate offense.
- 9.2 Violation of any provisions of this Resolution resulting in bodily injury to any person shall be a class 2 misdemeanor and shall be punishable as provided in C.R.S. § 18-1-106. as the same may be amended from time to time, for each separate offense, with penalties ranging from a fine of \$250 to \$1,000 and imprisonment for three months up to twelve months, or both a fine and imprisonment.

10. Dogs Working Livestock. Retrieving Game and Assisting Law Enforcement Officers.

The provisions of this Resolution relating to the control of dogs and prohibiting

dogs from running at large shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits. The exception contained herein for dogs actually working livestock shall not apply to any dog located within any platted subdivision within Archuleta County.

11. Severability.

If any part of this Resolution shall be held void or unconstitutional by a Court of competent jurisdiction, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Resolution.

12. Disposition of Fines, Fees and Forfeitures.

All fines, fees and forfeitures for violations of the provisions of this Resolution shall be paid into the treasury of Archuleta County upon payment of said fines, fees and forfeitures.

13. Repeal of Former Ordinances and Resolutions.

All prior Ordinances and Resolutions on issues contained herein are repealed and no longer in force or effect.

14. State Statutes Control.

If any statute of the State of Colorado or the United States Government gives or confers upon any person power to deal with dogs running at large or dogs endangering persons or property, which powers are greater than those set forth in this Resolution, this Resolution shall not be construed to reduce or modify the powers granted by statute.

BOARD OF COUNTY
COMMISSIONERS FOR ARCHULETA

15. Effective Date.

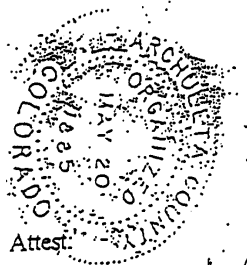
This Resolution shall be in full force and effect from and after the date of adoption by the Board of County Commissioners of Archuleta County, Colorado.

DONE AND ADOPTED IN PAGOSA SPRINGS, ARCHULETA COUNTY,

COLORADO THIS 30th DAY OF April, 2002.

APPROVED AS TO FORM:

Mary Deganhart-Weiss
Mary Deganhart-Weiss
Archuleta County Attorney



Attest:
Jane Madrid
Jane Madrid, Clerk

Wm M Downey

Wm. M. Downey, Chair

Alden Ecker
Alden Ecker, Vice Chair

Gene Crabtree
Gene Crabtree, Commissioner

LAKES and FISHING

Following are the Rules & Regulations adopted for recreational use of Lakes Hatcher, Pagosa, Village, Forest and Vista. Fishing is not allowed in Vista Lake at any time. Some provisions of the lake use rules and regulations contain specific penalties for their violations. 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)

Important: Private parties own most of the land around our lakes. 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. Fish only from posted areas.

I. GENERAL

- A. These regulations apply to Hatcher Lake, Pagosa Lake, Village Lake, and Lake Forest.
- B. All current Colorado state fishing regulations are made a part of the regulatory system on the lakes, unless otherwise noted herein.
- C. Only “Members in Good Standing” of the Pagosa Lakes Property Owners Association, their renters and guests are permitted to fish in the lakes.
- D. The unauthorized introduction of any fish into any lake at Pagosa Lakes is strictly prohibited.
- E. Cleaning fish at lake locations is strictly prohibited.
- F. Littering is strictly prohibited. All matter foreign to the lake or lakeshore brought by you, must be removed by you. (This includes monofilament line, other trash and cigarette butts.)
- G. Fishing from private property, without the owner's permission, is deemed trespass and is illegal. You may be liable for civil trespass.
- H. Parking or driving on private property, without the owner's permission, is deemed trespass and is illegal.
- I. Any person fishing is required to wear their permit badge on their outer clothing garment so as to be visible.
- J. If requested, any and all fish that have been taken must be shown to an inspecting PLPOA Conservation Officer, DPE staff or other authority.
- K. 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.
- L. Fishing in areas temporarily closed to fishing for lake and fishery management purposes is prohibited.

II. DEFINITIONS

Membership Classification

A. **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.

B. **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).

C. **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.

D. **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.

E. Time Share Owners: Time Share Owners must provide verification of unit use at the time of purchase of the Lake Use Permit.

III. LAKE USE (Fishing) PERMIT:

A. 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.

B. Permits are not transferable, and any permit alterations will invalidate that permit.

C. Permits shall be carried on the person while fishing, displayed on the outer clothing so as to be visible while fishing.

D. Lost or damaged permits will be reissued for a charge of \$3.00 each.

E. Persons making false statements to obtain a permit invalidate the permit and will lose fishing privileges for one year.

F. 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.

IV. REGULATORY

VIOLATION OF ANY REGULATION IS A FINEABLE OFFENSE

A. POSSESSION AND SIZE LIMITS:

1. No size limit on any species of fish.

2. All injured fish must be kept and not returned to water.

3. Trout that have been kept alive by stringer, container, or basket, shall not be returned to the lakes.

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.

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.

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.

7. Possession limit is twice the daily bag limit.

B. FISHING METHODS:

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.
2. No more than one hook shall be allowed for baitfishermen. 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.
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.
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.
5. No netting or snagging of fish is allowed. No fishing up the inlet channels during spring runoff.

C. BOATING

1. 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.

2. 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.

3. Each boat must have at least one usable oar or paddle.

4. All boats must be operated in a safe manner.

5. The use of homemade rafts or plain inner tubes is not permitted.

6. 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. Boats not chained and locked to posts will be impounded by the Association and a \$75.00 fine will be assessed. The boat will not be released until the fine has been paid in full.

D. SWIMMING: SWIMMING IS NOT ALLOWED IN ANY OF THE LAKES

E. SNOWMOBILING: For safety, noise nuisance and water quality reasons, snowmobiles may not be operated upon the frozen surfaces of the lakes.

F. PENALTY FOR VIOLATION: Violators of provisions of these regulations are subject to loss of lake use privileges and/or fine under the PLPOA Declarations, Bylaws, Rules and Regulations Code of Enforcement,

and/or criminal charges under one or more of the following statutes: Sec. 18-4-401 (Theft), 18-4-504 (Trespass), 18-4-511 (Littering), and 33-6-116 (Fishing Without Permission).

WARNING: Colorado game fish transported outside of Pagosa Lakes must be accompanied by PLPOA fishing permit.

VIOLATIONS and FINES

1. Unauthorized introduction of any fish into any lake - \$500.00.
2. Giving false information while applying for a fishing permit - \$50.00 fine, loss of fishing permit and loss of fishing privileges for one year.
3. Cleaning fish on lake or lake shoreline - \$100.00.
4. Fishing without a valid PLPOA permit - \$100.00 fine per violation.
5. Failure to have lake use (fishing) permit in possession while fishing - \$50.00 fine per incident.
6. Altering or transferring a permit - \$50.00 fine per incident.
7. Refusal to show any and all fish taken to an enforcement authority - \$50.00.
8. Returning to lake injured fish or fish kept alive by stringer, container or basket \$50.00 fine per fish. 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.
9. Filling out fish limits for other members of a fishing party -\$50.00 fine per incident.
10. Using more than one personally attended rod or line -\$50.00 per line.
11. Fishing after hours as set forth on license rules & regulations - \$100.00.
12. Chumming, using live minnows as bait, or using a light to attract fish - \$100.00.
13. Using any sort of net to take game fish - \$100.00.
14. Exceeding daily bag or possession limits - \$50.00 fine per fish.
15. Fishing in a "Closed to Fishing" posted area - \$50.00 fine per violation.
16. Violation of any boating rule or regulation - \$75.00.
17. Use of snowmobile on frozen lakes - \$100.00 fine per violation.
18. Swimming in lakes - \$50.00 fine per violation.
19. Littering on lakes property – Inclusive of cigarette butts, bait boxes, fishing line or other general litter - \$50.00 fine per violation.

RECREATION CENTER

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

The pool is closed to OPEN swimming from 4:00 - 5:30 p.m. Monday, through Thursday during the months of February through May.

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

Membership Classification

A. **OWNER:** The Pagosa Lakes property owner, their spouse, and **dependent children living in that household.** Visiting descendent children must purchase their own passes at the owner rate.

B. **RENTER:** A tenant living in a rented residence in Pagosa Lakes, including their spouse and dependent children living in that household, may purchase a Recreation Center membership 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 Recreation Center passes

C. **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 Recreation Center membership. Regardless of the number of properties owned, only two persons per ownership entity shall be designated for purchasing Recreation Center membership or Lake Use Permits.

D. **SPONSORED GUEST:** A person who is an Association member in good standing (owner) may sponsor guests who may use the Recreation Center upon payment of the appropriate 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 the guest is using the Recreation Center.

GENERAL

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

- Present membership cards and sign in at the front desk.
- Accompany and supervise all children under 12.
- Pay a \$5.00 charge for lost locker keys.
- Eat food only in the lobby.
- Leave muddy shoes in the entry foyer.
- Not smoke or drink alcoholic beverages in the Recreation Center.
- Help us keep the Recreation Center clean.
- Report any problems experienced with the equipment.
- Accompany guests or inform Recreation Center staff of all guests. We expect all guests to be familiar with and abide by the rules.

- **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.**

RACQUETBALL COURTS

- Make only one court reservation per day. (Please do not schedule two hours by having both players sign up.)
- You must wear clean and non-streaking court shoes. Shirts must be worn.
- Use eye protection (available at the front desk.)
- 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.
- 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.

POOL

- Be fully responsible for yourselves, your children and your guests. **THERE IS NO LIFEGUARD ON DUTY.**
- Ensure that an adult (16 years of age or older) accompanies and supervises children less than 12 years of age at all times.
- Read and observe all posted rules in the pool area.
- Use only beach balls or soft foam balls in the pool.
- Dry off before entering lobby.
- Take no food into the pool area.
- Children who are not toilet trained must wear pool diapers.
- Please help us by reminding your children to void before entering the pool and to leave the pool to void during the course of their usage.

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.******

WEIGHT ROOM

- Children under the age of 15 are not allowed in the weight room. See front desk for exceptions.
- Proper workout attire is required.

VIOLATION 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.

BURNING

No outside burning of trash, garbage or household refuse shall be permitted. No outside burning of wood, leaves and pine needles shall be permitted without a "BURN PERMIT" issued by the Pagosa Fire Protection District. Absolutely no open burning is allowed in Pagosa Vista.

NOTE: Any outside burning should be reported to the Sheriff's Department immediately.
All questions regarding outside burning should be reported to the Fire District or to the Sheriff's Department at 264-2131.

PROHIBITING THE DISCHARGE OF FIREARMS AND HUNTING

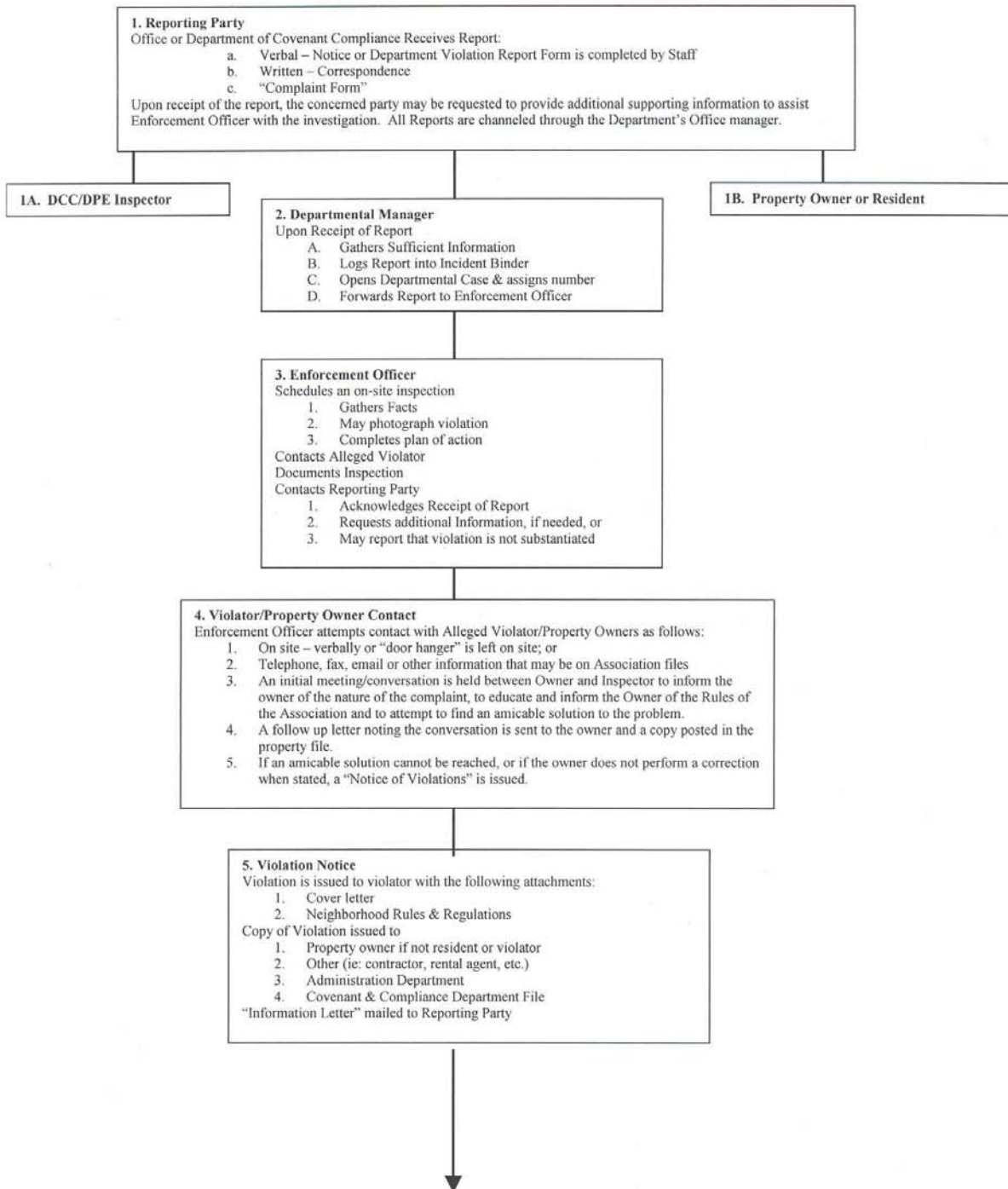
1. No person may hunt or take, by use of any means, wildlife within those Pagosa Lakes subdivisions that are under the jurisdiction of the Pagosa Lakes Property Owners Association.
2. No person may discharge a firearm, or any other implement capable of taking a human life, within those Pagosa Lakes subdivisions subject to restriction in their individual Declaration of Restrictions and to Archuleta County laws and regulations, except that this regulation shall not be construed in any fashion as restricting or otherwise affecting any person's constitutional right to bear arms or his right to the defense of his person, his family or his property.

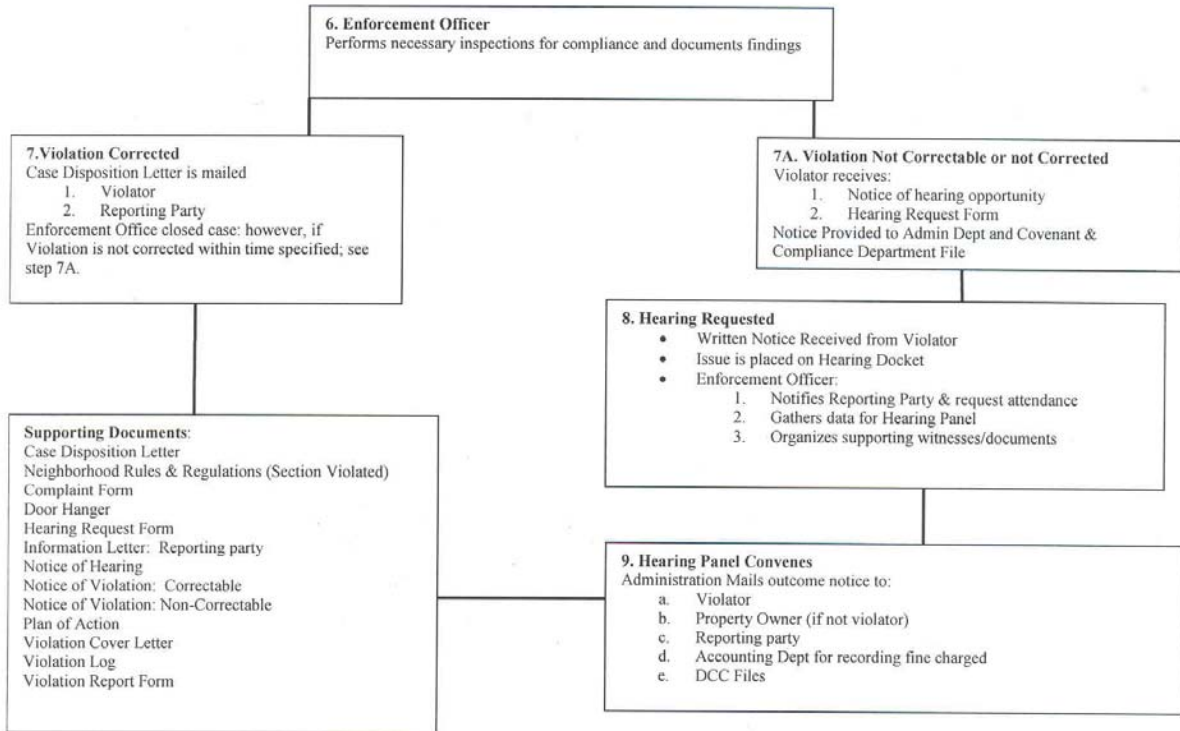
"Firearm" means any pistol, revolver, rifle or other weapon of any description from which any shot, projectile or bullet may be discharged, except air and gas operated weapons.

3. Each Offense – Notice of Violation issued - \$250 fine.

For your information, following are the flow chart of the Complaint and Violation Process, Notice of Violation, Notice of Violation and Hearing and the Hearing Panel Request forms. If you have any questions regarding the Process or Notices, please contact the Department of Covenant Compliance at (970) 731-5635.

Complaint & Violation Process





DEPARTMENT OF COVENANT COMPLIANCE

NOTICE OF VIOLATION
COMPLAINT FORM

Complainant's Name: _____

Address: _____

Phone #: _____

Name & Address of Potential Violator:

Location of Incident: _____

Date & Time of Incident: _____

Nature of Complaint: _____

I hereby attest that I am the witness and complaining party to the above incident. Additionally, I hereby state that, if requested, I will appear at the Pagosa Lakes Property Owners Association Hearing Panel meeting which will take place at 7:00 P.M. on Wednesday the _____ day of _____, _____, where I will present my complaint before the Hearing Panel and the property owner.

Signature

Date:

Received by DCC / Title

Date:

Case # _____

NOTICE OF VIOLATION and HEARING

VIOLATION: _____

LOCATION OF VIOLATION: _____

ALLEGED VIOLATOR: _____ **PHONE #** _____

CURRENT ADDRESS: _____

PROPERTY OWNER: _____ **PHONE #** _____

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

As of _____, the Association has the right to impose a fine of \$ _____ against you which will continue to accrue until the violation is corrected, as noted in the Notice of Violation.

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 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. Notice 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 right to a hearing or to address any fines and/or sanctions or cost which may be imposed by the **HEARING PANEL**.

Method of service:

Personally delivered to _____

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

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

+ Yellow – Administration Copy + Gold – Department Copy + Pink - Owner/Renter Copy

HEARING PANEL REQUEST

A hearing at which I may present any statements, evidence or witnesses in defense of this assertion is set for _____
_____AM/PM
On (date) _____ at the Pagosa Lakes Club House, 230A Port Ave.

The Hearing Panel Request must be received by the Association no later than (day & date) _____
_____. Failure to give any notice is a waiver of my right to a hearing.

I _____, do request a hearing before the HEARING PANEL
(Print Name)

Signature _____

Date _____

Received by _____

Date _____

RESOLUTION 2006-18
OF THE BOARD OF DIRECTORS

OF

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
**Pertaining to Definition and Implementation of rules for parking of commercial
type trucks**

Whereas Resolution 2005-10 of The Board Of Directors of the Pagosa Lakes Property Owners Association, Inc., entitled “Adoption of policy regarding adoption and amendment of policies, procedures, and rules” was adopted the 8th day of December 2005 by the PLPOA Board of Directors, states the following:

Whereas, the Declarations of Restrictions for Pagosa Lakes subdivisions recorded with the Clerk and Recorder of Archuleta County, Colorado, and which are subject to certain provisions as contained in the Colorado Common Interest Ownership Act of 1991 have granted the Association the right to create Rules and Regulations for owners within the Association, and;

Whereas, Colorado Senate Bill 05-100 was signed into law by the Governor of the State of Colorado on June 6, 2005 and;

Whereas, Colorado Senate Bill 05-100, Section 38-33.3-209.5, Responsible governance policies, states:

To promote responsible governance, associations shall: adopt policies, procedures, and rules and regulations concerning procedures for the adoption and amendment of policies, procedures, and rules, and;

Whereas, Master Declaration of the Pagosa Lakes Property Owners Association was filed for record with the Archuleta County Clerk and Recorder’s office on June 24, 1970 at Book 122, Page 224, Reception No. 73297 and any supplements of amendments thereto, and;

Whereas, the Master Declarations, Article 7, General Prohibitions and Requirements, Section O states: “No commercial type truck shall be parked for storage overnight or longer, on any lot in the Subdivision in such a manner as to be visible to the occupants of other lots in the Subdivision or the users of any street, waterway, or golf course within the Subdivision, unless the written approval of the Committee (Environmental Control Committee) has been obtained.”, and;

Whereas, similar restrictions for the overnight parking of commercial type trucks are noted in Declarations for other subdivisions within the Pagosa Lakes Property Owners Association;

Whereas, the Association has not previously published a definition for commercial type truck

Now therefore, The Pagosa Lakes Property Owners Association (PLPOA) herein defines a commercial type truck for the purpose of Rules and Regulations enforcement of the language contained in Declaration as noted above and adopts the following procedures for notice and implementation of such Rule and Regulation.

1. Definition

“A Commercial Type Truck is a truck, one-ton in size or larger, 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; or 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.”

2. Exceptions

A. Emergency Service Vehicles as described in C.R.S. 38-33.3-106.5(d) are specifically excluded from the provisions of this Resolution.

B. Service vehicles, with a maximum gross weight of 10,000 pounds, for utility companies including Kinder Morgan (natural gas); La Plata Electric Association (LPEA - electricity); Pagosa Area Water and Sanitation District (PAWSD - water and sewer) and Centurytel (telephone) are specifically excluded from the provisions of this Resolution.

3. Notice Provision

A. Notice of this definition and process for its implementation and inclusion within the Rules and Regulations for the Association shall be published in the Fall 2006 and Winter 2006 editions of the Newsletter for the Pagosa Lakes Property Owners Association, which shall be mailed to each property owner within the Association.

B. A reminder of the implementation of this policy and procedure will be included in the mailing of the Annual Assessment Notice, to be mailed in the first week of January 2007.

C. Upon adoption of this Resolution, notice of this policy will be conspicuously posted at the Association administrative offices and at the Recreation Center and on the Association web site.

D. Notice of this policy shall be published in the Pagosa Springs Sun, in a block ad format, on four occasions. Once in November 2006, twice in December 2006 and once in January 2007.

E. Starting forty five days prior to implementation, and continuing up to the implementation date, letters will be sent to the unit occupant where a commercial type truck is noticed reminding them of the policy and its implementation date.

4. Implementation Date

The implementation date for this policy will be February 1, 2007. The policy will be added to the Association Rules and Regulations as of the implementation date.

THEREFORE; BE IT RESOLVED Resolution 2006-18 was ADOPTED this 13th day of July 2006 by the Pagosa Lakes Property Owners Association Board of Directors.

President's And

Secretary's Certification: The undersigned, respectively being the President and Secretary of Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution 2006-18 was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 13 July 2006, and in witness thereof, the undersigned have subscribed their names.

Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation,

By: _____
David E. Bohl President

Attest:
By: _____
Leona F. Payne, Secretary