

Resolution

Rules and Regulations

Governing

Battlement Mesa Service Association Area

WHEREAS THE SERVICE ASSOCIATION is given the duties and power to improve and enhance the attractiveness, desirability and safety of the Service Association Area in Battlement Mesa in Article IV, Section 1 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions; and in Article 9., Section 1., Paragraph (a) of the Amended and Restated Bylaws; and

WHEREAS THE BOARD OF DIRECTORS is empowered to adopt rules and regulations governing the use of the Service Association Area and the personal conduct of the Members of the Service Association and their guests thereon, and to establish penalties for the infraction thereon by Article IV, Section 3., Paragraph (b) of the Amended and Restated Declaration of Covenants, Conditions and Restrictions; and in Article 9., Section 1., Paragraph (b) of the Amended and Restated Bylaws; and

WHEREAS THE BOARD OF DIRECTORS has determined that it is in the best interest of the Members of the Service Association to establish certain rules and regulations for the use of the Service Association Area; and

NOW, THEREFORE, be it resolved that the following Rules and Regulations are hereby adopted and shall be published to the Members:

1. Residential use. (Reference: *Definitions-1.33, Residential Site, General Restrictions Applicable to Property-8.1*)

- a. Home occupations and home offices that have no external impact on the community are allowed. Examples of external impacts shall include outside storage of goods or equipment, additional parking requirements, frequent deliveries, increased traffic, noise, odors, commercial signs or other effects that are detrimental to the enjoyment of neighboring properties.
- b. Businesses that might have an external impact on the community may be granted an exception. Before the exception is granted the business is required to submit a request to the Service Association Board of Directors for permission to initiate their home business activity. A notification sign

must be posted on the property, clearly visible from the street, for 30 days prior to the Board of Directors hearing to determine if the business will be approved.

- c. All businesses must have licenses, permits, and registrations required by governmental regulations and authorities. Owners shall provide copies to the Association Manager.

2. Maintenance of Property. (Reference: *General Restrictions Applicable to Property-8.2*)

- a. The responsibility for maintaining individual lots belongs to the owner of the lot. The owner of the lot, even if leased, whether built upon or not, has the responsibility for seeing that it is maintained in a clean, safe, attractive and slightly condition and in good repair.
- b. Owners of undeveloped lots have the responsibility to see that these lots are mowed so the height of the vegetation does not exceed six (6) inches. Mowing may be required several times throughout the season.

3. Service Association Properties. (Reference: *Service Association Properties-5.1-5.4 and General Restrictions Applicable to Property-8.5*)

- a. General Use. The Community Open Space within the Service Association Area shall be available to the Members of the Service Association and their guests for their general use and benefit involving activities such as walking, hiking, jogging, bicycling, sight-seeing, nature watching, photography, etc. which do not adversely impact the Community Open Space environment. It is the intent of the Service Association that the Community Open Space be preserved in its natural, native condition absent of human disturbance, with the noted exceptions of the developed landscaped areas and utility system facilities.
- b. No Offensive or Hazardous Activities. No Member shall commit, or cause to be committed, any activity on the Community Open Space which is or may cause an embarrassment, or unreasonable disturbance or annoyance to others. No activity shall be conducted on the Community Open Space, which is or may cause there to be an unsafe or hazardous condition to any person or property, such as, but not limited to, hunting and the discharge of firearms, archery equipment and other weapons.
- c. Restriction on Occupancy. No Member shall occupy, nor cause to be occupied, any portion of the Community Open Space by construction of a fence, or other means, nor otherwise limit access to the Community Open Space by other Members, nor construct any improvements of facilities upon the Community Open Space.
- d. Restriction on Removal of Native Material. No Member shall remove, nor cause to be removed, any native material, such as, but not limited to, live trees, dead trees, cactus, wild flowers, other vegetative material, rock, soil or water from the Community Open Space.
- e. Restriction on Planting. No gardens, flower beds, trees, shrubs or other planting of any kind of vegetation shall be permitted in the Community Open Space, with the noted exception of developed landscape

- improvements initiated by or approved by the Service Association.
- f. **Restrictions on Dumping and Storage.** The Community Open Spaces shall not be used for the purpose of dumping or storing any material, such as, but not limited to, grass clippings, wood, rock, mulch, garbage, pet litter or other debris, nor shall the Community Open Space be used for the parking or storage of any vehicle, boat, trailer or other personal possessions.
- g. **Restriction on Motorized Vehicles.** No motorized vehicles, such as, but not limited to, cars, trucks, motorcycles, all-terrain vehicles and snowmobiles, are allowed on the Community Open Space at any time, with the noted exception of motorized wheelchairs and in the performance of their duties, authorized Service Association contractor and utility service vehicles and related equipment.
- h. **Restrictions on Mechanical Devices.** Personal mechanical devices, such as, but not limited to, bicycles, skateboards, scooters, and other similar non-motorized mechanical devices are permitted on the Community Open Space, provided, however, that their operation shall be confined to paved surfaces and operated in a safe manner yielding to pedestrian use.
- i. **Restriction on Fires.** No man-made open fires of any sort are permitted on the Community Open Space, including, but not limited to, barbecue grills, campfires, debris burning or fireworks.
- j. **Restriction on Camping.** No camping, nor the erection of any tent, camper or other portable structure, shall be permitted on the Community Open Space.

4. Restrictions on Garbage and Trash. (Reference: *General Restrictions Applicable to Property-8.7*)

- a. The proper time to place the container outside for pickup is no sooner than twelve (12) hours prior to trash pickup and;
- b. The proper time to return the container to its storage area is no later than twelve (12) hours after trash pickup.

5. Satellite Dishes. (Reference: *General Restrictions Applicable to Property-8.9, Paragraph (b)*)

- a. The Service Association Board of Directors has adopted a Resolution addressing the installation and maintenance of exterior antennas in the community in compliance with FCC rules.
- b. The owner must complete a "Notification of Intent to Install Antenna" form and submit it to the Service Association Architectural Committee. The Architectural Committee will determine whether the planned installation complies with the resolution.

6. Restrictions on Signs and Advertising Devices. (Reference: *General Restrictions Applicable to Property-8.10*)

- a. Temporary signs used by Realtors to denote open houses and those used by private parties to give directions to activities such as weddings, birthday parties, anniversaries, garage, yard, estate sales or other celebrations are limited to four signs per event. They must be installed no more than twenty-four (24) hours before the event and removed within twenty-four

(24) hours after the event, or a maximum display total of forty-eight (48) hours. It is the responsibility of the sign installer to remove said signs. Signs must be limited to maximum information of name, address, date and time(s) and be neatly prepared and in at least bold, one (1) inch letters. Attention getting devices such as balloons and arrows that are installed with signs must be removed with said signs.

- b. Political Signs. A resident may display political signs on that resident's property or in a window of the resident's residence, subject to the following restrictions as required by Colorado Revised Statute title 38-33 3-106.5.
 - * The maximum size of the sign is thirty-six by forty-eight (36 x 48) inches.
 - * A resident may display one sign per political office, per ballot issue and per ballot recall issue.
 - * The sign(s) may be displayed inside a window of the resident's residence and/or may be displayed in a yard of the resident's residence.
 - * The sign(s) must be six feet from any curb or street and must not obstruct traffic view.
 - * The top edge of a yard sign may be no higher than four feet above the ground.
 - * The sign(s) may be posted no earlier than forty-five (45) days before the pertinent election and must be removed within seven (7) days after the election.

No political signs are allowed to be posted on Battlement Mesa Service Association property or property maintained by the Association.

- c. Legal Notice. Signs containing legal notices shall be posted on the lot requiring the notice. Examples would be the Architectural Committee Variance posting procedure and the home business activity exception.

7. Vehicular Parking. (Reference: *General Restrictions Applicable to Property-8.16*)

- a. An amendment to 8.16 (a) was approved November 7, 2001.
 - i. For clarification commercial vehicles are defined as vehicles designated for commercial use by identifying markings or by designation for commercial use by insurance coverage. These vehicles are operated and used primarily and customarily to transport goods and/or to provide services for profit. Commercial vehicles that are no larger than one (1) ton may be parked in driveways.
 - ii. Parking for temporary expediencies is allowed for seventy-two (72) hours.
 - 1. No temporary parking shall continue for more than seventy-two (72) hours. Seventy-two (72) hours is defined as:
 - A total of seventy-two (72) hours during any thirty-

day(30) period

- iii. Certain situations may arise requiring parking to involve temporary expediencies which are defined as follows:
 - 1. Loading or cleaning equipment for/from a trip; preparing a boat for the season or for storage, or allowing guest(s) to temporarily park while visiting. However, no temporary expedience shall continue for more than seventy-two (72) hours.
 - 2. The RV Park is available for those Members or guest(s) who reside in their recreational vehicles or trailers.
 - 3. Members or guests shall not reside in recreational vehicles or trailers in the Community with the exception of the RV Park.
- iv. Moving the vehicle, and then returning it to the proximity of its original position shall not circumvent the seventy-two (72) hour time limits specified above in paragraph 7.a.ii.
- v. The Service Association may issue special permits for parking, based on valid needs that are proven to exist by recommendations from the Service Association Covenant Protection Committee.

- b. Abandoned or inoperable vehicles may only be stored or parked within the Service Association area in garages, designated parking or storage areas or sites that have been exempted by the Service Association from this restriction. Storing or parking this type of vehicle behind a six-foot (6') is not allowed.

8. Vehicle Repair. (Reference: *General Restrictions Applicable to Property-8.16*)

- a. Except for emergency measures necessary to start a vehicle, maintenance and/or repair of any vehicles must be done within completely enclosed structures. If a residence does not have an enclosed structure, these activities are prohibited, and the maintenance and/or repair must be performed outside the Service Association Area.
- b. Washing and waxing of vehicles is permitted.

9. Plant Protection (Reference: *General Restrictions Applicable to Property-8.19*)

- a. Plant protection is defined as barriers used for the protection of plants, shrubs, and trees from deer, elk, and other animals that may cause damage to plants. The potential for damage to plants is greater during the colder months, but some plants may be damaged at other times during the year.
- b. Therefore there are two types of protection that are recommended for use to protect plants:
 - i. Temporary Plant Protection:
 - 1. Temporary plant protection may not be erected prior to October, 1 of each year.
 - 2. "Invisible" black plastic up to six feet high, supported with posts that are strong enough to keep the material from visible sagging may be used.

3. Welded wire up to six feet high, either supported with posts or secured at ground level, may be used.
 4. Monofilament line supported with posts up to six feet high may be used.
 5. Single plants or small groupings of plants may be surrounded. Entire yards are not to be enclosed with any of these materials.
 6. Temporary plant protection must be removed and stored by May, 1 of each year.
- ii. Extended Plant Protection: Some newly planted items and some specific plants may need more extended protection.
1. Using the material in 9. b. i. above, individual plants may be surrounded keeping posts at a minimum.
 2. This plant protection must be removed as the new plants mature.

10. Violation Procedures. In the event of a violation of these Rules and Regulations, the hearing and fine procedures established by the Association will be enforced.

Adopted on December 20, 2005 by the Board of Directors of the Battlement Mesa Service Association.

**BATLEMENT MESA SERVICE
ASSOCIATION**

By: 
Charles D. Hall, President