

**Ironbridge Property Owners Association
POLICY AND PROCEDURE
ENFORCEMENT OF COVENANTS AND RULES**

Adopted January 1, 2018

The following policy and procedure has been adopted by the Executive Board (“Board”) of Ironbridge Property Owners Association (“Association”) pursuant to Colorado statutes, for the enforcement of covenants and rules.

Enforcement of Covenants and Rules

A. *Notice of Alleged Violation.* Notice of Alleged Violation of any provision of the Governing Documents shall be provided to the applicable Owner as soon as is reasonably practicable after the Board’s receipt of such violation. The Board may also, at its option, provide a copy of such Notice to any non-owner violator (“Related User”). The Notice shall describe the nature of the violation and shall further state that the Board may seek to protect its rights as they are specified in the Governing Documents.

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

If to an Owner and/or Related User: By personal delivery to the Owner and/or Related User; or by Certified U.S. Mail with return signature receipt, addressed to the last registered address of the Owner and/or Related User as contained in the Association's records.

If to the Association: By personal delivery or U.S. Mail, postage prepaid, addressed to the Association in care of its registered agent and office, as maintained with the Colorado Secretary of State or such other address as the parties may be advised of in writing.

Any notice personally delivered shall be deemed received on the date of delivery, and any notice mailed shall be deemed received on the fifth day following the date of mailing.

C. *Request for Hearing.* If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, the Owner must request such hearing, in writing, within ten (10) days from receipt of the Notice of Alleged Violation. The request for hearing shall describe the grounds and basis for challenging the alleged violation. If hearing is not requested within the ten (10) day period, the Board shall determine if there was a violation, and if so, may assess the fines in accordance with this policy and procedure.

D. *Hearing.* The hearing will be conducted in accordance the Hearing Procedure located in Section 4.14 of the Bylaws.

E. *Conflicts.* Any Board member who is incapable of objective and disinterested consideration on any hearing before the Association shall disclose such to the President of the Board prior to hearing the case, if possible, or if advance notice is not possible, then such disclosure shall be made at the hearing, and the Board member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board member(s) results in an even number of remaining Board members eligible to hear a case, the Presiding Office may appoint an Association member, in good standing, to serve as a voting member of the hearing board.

F. *Fine Schedule.* Unless otherwise provided in the Rules and Regulations, any violation of the Governing Documents will subject the Owner to a reasonable fine assessment imposed by the Association as follows:

1. **Notice of Violation:** Written warning letter or posting of notice advising owner of said number of days prescribed in the warning letter or posting to correct the violation.

2. **Homeowner Fine Schedule**

- Late Fees on Delinquent Assessments
 - In accordance with the Association's Governing Documents and the Policy and Procedure related to the Collection Policy, late charges and interest will be charged.
- Improper Satellite Dish Installation
 - A written notice allowing for 30 days to cure the violation will be given. Future and/or continued violations will result in an immediate fine in the amount of \$50 every 7 days until the violation is cured.
- Speeding
 - A written notice will not be provided. The violation will result in an immediate fine of \$50 per occurrence.
- Unauthorized Signage
 - A written notice allowing for 3 days to cure the violation will be given. Future and/or continued violations will result in an immediate fine in the amount of \$50 per day/per occurrence until the violation is cured.
- Illegal or Disruptive Parking
 - A written notice allowing for 3 days to cure the violation will be given. Future and/or continued violations will result in an immediate fine in the amount of \$50 per day/per occurrence until the violation is cured.
- Loud Music/Noise
 - A written notice will not be given. The violation will result in an immediate fine of \$50 per occurrence.

- Unsightly Outdoor Signage
 - A written notice allowing for 7 days to cure the violation will be given. Future and/or continued violations will result in an immediate fine in the amount of \$50 every 7 days until the violation is cured.

- Unkept Landscape
 - A written notice allowing for 7 days to cure the violation will be given. Future and/or continued violations will result in an immediate fine in the amount of \$50 every 7 days until the violation is cured.

- Using Non-approved Access on Lot
 - A written notice will not be provided. The violation will result in an immediate fine of \$100 per occurrence.

- Unleashed Dog and Nuisance Dog Violations
 - A written notice will not be provided. The violation will result in an immediate fine in the amount as prescribed below:
 - \$100 for the 1st offense per dog.
 - \$200 for the 2nd offense per dog.
 - \$300 for the 3rd offense per dog.
 - For each subsequent offense, the fine will increase in \$100 increments per dog.

- Failure to complete landscape installation
 - A written notice allowing for TBD days to cure the violation will be given as determined by the Board. Future and/or continued violations will result in an immediate fine in the amount of \$10 per day until the violation is cured.

- Occupancy Covenant Violation
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine in the amount as prescribed below:
 - \$150 for the 1st offense per occupant.
 - \$300 for the 2nd offense per occupant.
 - \$1,000 for the 3rd offense per occupant.

- Failure to properly notify the DRB of construction, improvement, landscape, outside equipment installation, etc. work prior to the work being started
 - A written notice allowing for 7 days to cure the violation will be permitted. Future and/or continued violations will result in an immediate fine in the amount of \$25 per day until the violation is cured.

- Water sheet flowing from property
 - A written notice will not be provided. The violation will result in an immediate fine of \$100 per occurrence.

- Unauthorized removal or alteration of any tree or shrub
 - A written notice will not be provided. The violation will result in an immediate fine equivalent to the severity of the violation as determined by the Board.

*Violators will have a ten (10) day period from the date of notification of any violation to request a formal hearing with the Board to contest the violation.

*All fines may be increased at the discretion of the Board for repeat violations.

*If the violation is construction related, the Board may stop the construction until the violation is cured and the appropriate fine is paid.

*If there is a hearing and the Board finds at the hearing that the violation is valid, the applicable fine will be retroactive to the date the fine was issued and any daily, weekly or other applicable fines will be applied and will be due immediately.

3. Construction Fine Schedule


- Failure to contain debris in approved receptacle
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Inadequate construction fencing
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Inadequate silt fencing
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Construction debris off property
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Unauthorized signage
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Illegal or disruptive parking

- A written notice allowing for 3 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$50 per day/per occurrence until the violation is cured.
- Loud Music
 - A written notice will not be provided. The violation will result in an immediate fine of \$50 per occurrence.
- Speeding
 - A written notice will not be provided. The violation will result in an immediate fine of \$50 per occurrence.
- Construction activity after hours (normal hours are 7:00 am – 6:00 pm M-F and 8:00 am – 3 pm Saturday)
 - A written notice will not be provided. The violation will result in an immediate fine of \$50 per occurrence.
- Construction of a variance without approval
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$500 every 7 days until the violation is cured.
- Starting construction without approval
 - A written notice allowing for 7 days to cure the violation will be provided. Future and/or continued violations will result in an immediate fine of \$500 every 7 days until the violation is cured.
- Using non-approved access on lot
 - A written notice will not be provided. The violation will result in an immediate fine of \$500 per occurrence.
- Unauthorized removal or alteration of any tree or shrub
 - A written notice will not be provided. The violation will result in an immediate fine equivalent to the severity of the violation as determined by the Board.

G. *Repeat Violations.* Repeat violations occurring within the same calendar year of the original violation will be treated as such (without the Association giving another warning) and my subject to increased fine schedule. Repeat violations occurring after 12 months will be considered a first time offense.

H. *Enforcement and Attorney's Fees.* In accordance with the Declaration, Bylaws and Rules, it is hereby declared to be the intention of the Association to enforce the provisions by of the Documents by any and all means available to the Association at law or in equity, and to seek recovery and reimbursement of all attorney's fees, Association expenses and costs incurred by the Association in connection therewith.

SECRETARY'S CERTIFICATION: The undersigned, being the Secretary of the Ironbridge Property Owners Association, a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Executive Board of the Association on JANUARY 1, 2018, and in witness thereof, the undersigned has subscribed his/her name.

By: 
Print Name: Matt Verheul
Title: Secretary