

RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT

Establishing rules and regulations regarding the use of District-owned parks and open spaces and policies regarding the enforcement of such rules and regulations

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WHEREAS, Lupton Village Residential Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to §32-1-1004(8), C.R.S., the District is authorized to provide covenant enforcement services to properties within (each property individually referred to herein as the "Property") the District's boundaries; and

WHEREAS, the District owns 20 land tracts comprised of approximately 26 acres of open spaces, storm water detention ponds, alleyways and private streets;

WHEREAS, the District levies property taxes and fees to fund the maintenance and operation of the public parks and open spaces throughout the District;

WHEREAS, the District is responsible for ensuring the District's parks and open spaces are well maintained and can be enjoyed by all residents and guests of the District; and

WHEREAS, the Board desires to adopt this Resolution.

NOW, THEREFORE, the Board hereby RESOLVES:

1. **Rules regarding use of District parks and open spaces:**

- a) No motorized vehicles may be operated on District-owned land other than land used for private streets, alleyways and parking spaces. Off-highway vehicles (OHVs), as defined by Section 33-14.5-101 C.R.S., may not be operated on district owned land, including but not limited to trails, parking lots, and roadways. OHVs include dirt bikes, three-wheelers, four-wheelers, and dune buggies.
- b) Pets must be kept on leashes at all times.
- c) Pet waste must be immediately removed from District-owned land and deposited in trash cans at any one of several District-maintained pet stations throughout the community.
- d) Guests and residents shall not cross over or through planter beds or rockbeds.
- e) Guests shall not play unreasonably loud music or make loud noises that causes a disturbance to nearby residents.
- f) Littering on District land is prohibited.
- g) Vandalism of District property is prohibited.

2. **Resident-Reported Complaints:**

Resident-reported violations of this Resolution must include a time-stamped photo or video of the individual(s) (and pet, if applicable) who are allegedly violating section 1 of this Resolution. The District may dismiss any Resident-reported violations that are not documented with time-stamped photos or videos of the alleged incident that occurred in violation

of this Resolution. The District, in its sole discretion, shall decide whether Resident-reported violations of this Resolution are valid and enforceable.

**3. Notice and Fines:**

- a. Identification: The District shall issue violation notices and/or fines only when (1) the District concludes a violation of section 2 of this Resolution has occurred and (2) the resident address of the individual(s) committing the violation(s) can be determined.
- b. Fines: The District may issue a warning against each individual that has never previously committed a violation of Section 1 of this Resolution. Unless a warning notice is issued, the District shall levy a fine of \$50 against each individual that has committed a violation of Section 1 of this Resolution. Subsequent violations of this Resolution by an individual shall be fined at the rate of \$100 per incident per individual.
- c. Notice. The District shall send all violation notices to individuals who violated this Resolution via certified mail. If the District has an email address of such individual on file, violation notices may also be sent via email.
- d. Notice Language: The written notice shall be in English.
- e. Collection: For District residents, the District may collect fines in accordance with the Board's covenant enforcement and collection policies. For non-District residents, the District may turn over such individuals to a third-party collection agency.
- f. Penalties & Interest: The District shall not accrue penalties and interest on uncollected fines. However, the District shall recover all legal and collection costs incurred by the District related to enforcing this Resolution against an individual who has violated this Resolution.
- g. Appeal: Individuals who violate this Resolution and receive a violation notice from the District are entitled to a hearing on the merits of the District-alleged violation provided that such hearing is requested by the Individual in writing within 15 business days of the date of the violation notice. If a hearing is requested by such Individuals, the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, shall serve a written notice of the hearing to all parties involved at least 10 days prior to the hearing date.
- h. Impartial Decision Maker: Pursuant to Colorado Law, the owner of the alleged Property in Violation has the right to be heard before an "Impartial Decision Maker". An Impartial Decision Maker is defined under Colorado law as:

"...a person or group of persons who have the authority to make a decision regarding the enforcement of the covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the [Community] and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the [Community]."

Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, or any other individual or group of individuals.

- i. Hearing. At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Neither the District nor the noticed Individual committing the alleged violation are required to be in attendance at the hearing. Hearings will be held in executive session. The Impartial Decision Maker shall base its decision solely on the matters set forth in the District's Notice and Complaint, results of the investigation and such other credible evidence as may be presented at the hearing.

The Impartial Decision Maker shall, within a reasonable time, not to exceed 30 days, render its written findings and decision, and impose a fine, if applicable.

- j. Failure to Timely Request Hearing. If the noticed Individual fails to request a hearing within 15 business days of the date of a Violation Notice, or fails to appear at the hearing, the Impartial Decision Maker may make a decision with respect to the alleged violation based on the District's Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the District may (1) if the Individual is an Owner in the District, attach a fine to the Lot pursuant to these policies and procedures or (2) open an account on its ledgers and record a receivable due from the Individual.
- k. Notification of Decision. The decision of the Impartial Decision Maker shall be in writing and provided to the noticed Individual within 30 days of the hearing, or if no hearing is requested, within 30 days of the final decision.

4. **Notice Responsibilities Regarding this Policy:**

Unit Owners are responsible for informing their residents and guests regarding this District Policy. The District is responsible for informing Unit Owners regarding this Policy and any subsequent changes to this Policy. Posting this Policy (and all subsequent amendments thereto) on the District's website and emailing such Policy to all Owners that have provided the District with an email address is considered sufficient notice provided by the District to Unit Owners.

5. **Additional Actions:**

The Board directs its officers, staff and consultants to take such additional actions and execute such additional documents as are necessary to give full effect to the intention of this Resolution.

6. **Deviations:**

The District may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

7. **Supersedes Prior Resolutions:**

This Resolution shall supersede and replace in their entirety all prior resolutions establishing rules and regulations regarding the use of District-owned parks and open spaces and policies regarding the enforcement of such rules and regulations. To the extent that any term or provision in this Resolution conflicts with any term or provision in a previously enacted and valid resolution of the District, the terms or provisions in this Resolution shall prevail.

8. **Severability:**

If any term, condition or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such term, condition or provision shall not affect any other provision contained in this Resolution, the intention being that such provisions are severable. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

9. **Savings Provision:**

Failure by the Manager, General Counsel or other authorized representative to take any action in accordance with this Resolution shall not invalidate subsequent efforts by the District to enforce this Resolution.

ADOPTED this 13<sup>th</sup> day of June 2024.

LUPTON VILLAGE RESIDENTIAL METROPOLITAN  
DISTRICT

DocuSigned by:

*Jeana Hughes*

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Jeana Hughes, Board President

ATTEST:

DocuSigned by:

*Brad Kaatz*

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Bradly Kaatz, Secretary