

# **Restated Rules and Regulations**

## **Brown Homestead Condominiums Homeowners Association, Inc.**

December 8, 2022

The Board of Directors has adopted the following Restated Rules and Regulations to promote a safe and pleasant environment at Brown Homestead Condominiums. These Rules and Regulations amend and restate and supersede all prior Rules and Regulations. These Rules and Regulations apply to all Unit owners and their respective occupants, tenants, guests, invitees, licensees, agents and contractors.

### **1. PARKING.**

- a. Vehicles may not be parked, even temporarily, in areas where NO PARKING signs are posted, including in front of the trash area.
- b. No trailers, recreational vehicles, motor homes, or campers may be parked in the parking lot overnight, unless approved in writing in advance by the Board of Directors based upon the need to park at BH lot, including circumstances such as moving, construction, or other hardship. The Board may only grant permission for overnight parking of these items for the most limited duration necessary under the circumstances.
- c. Parking in the community parking lot is undesignated. Each upper Unit may park up to three (3) Permitted Vehicles, and each lower Unit may park up to two (2) Permitted Vehicles in the parking lot, subject to the following:
  - i. A **“Permitted Vehicle”** means a motor vehicle or motorcycle licensed under applicable state laws as an automobile or motorcycle with current registration. The following are NOT Permitted Vehicles: vehicles with expired registration, unlicensed off-road vehicles, boats, and accessories thereto, plows, bobcats and any other oversized vehicle or equipment and any abandoned and/or inoperable vehicles of any kind.
  - ii. There shall be no storage of personal property in the parking lot other than a Permitted Vehicle.
  - iii. Notwithstanding anything to the contrary, any vehicle owned or used by the Association, its manager, or contractors may park in the parking lot.
  - iv. Vehicle or equipment that is in violation of these Rules and Regulations is subject to removal as set forth below.
  - v. No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicle, trailer or boat, may be performed or conducted within the parking lot or otherwise on the Common Elements. Further, sleeping in and camping in any vehicle in the parking lot is prohibited.

### **2. FIRE SAFETY**

- a. Only gas grills are permitted on Unit Decks and on the Common Elements
- b. For those Units that have wood stoves, all ashes must be stored in a sturdy metal fireproof container.

### **3. PERSONAL PROPERTY ON UNIT DECKS.**

- a. Only the following personal property is permitted on Unit decks:
  - i. Deck furniture, consisting of all-weather chairs and tables that are in good condition and repair
  - ii. Live plants
  - iii. Gas Grills
  - iv. One satellite dish may be attached to a Unit deck, and no other equipment or decorations are permitted on Unit decks. Owners are responsible for any damage to the Common Elements caused by the installation or removal of satellite dishes.
- b. No other personal property of any kind or nature is permitted on Unit decks, including but not limited to trash, bicycles, sports equipment, appliances, automobile parts and tires, cardboard boxes, newspapers or anything flammable.

### **4. STORAGE OF PERSONAL PROPERTY ON COMMON ELEMENTS.**

- a. Bicycles may be stored within individual Units or in the designated bike racks located on the Common Elements, if any.
- b. There are community storage sheds on the Common Elements that Owners (but not tenants) may use for storage of personal property. If the storage sheds become overcrowded, then the Association will notify Owners that they have up to fourteen (14) calendar days to identify their personal property with a tag, and after such fourteen (14) calendar days, the Association may remove and dispose of any untagged personal property without liability to any owner thereof, and at the cost of the owner of such personal property, if known. Then, if the storage sheds are still overcrowded, upon fourteen (14) calendar days written notice, the Association may equitably direct Owners to remove personal property to reduce such overcrowding.
- c. Other than as specifically provided above, no personal property may be kept or stored on the Common Elements. All such unpermitted personal property is subject to removal and/or disposal by the Association as set forth below.

### **5. TRASH.**

No trash may be stored, even temporarily, on the Common Elements. All trash must be immediately taken to the common trash containers. Large items or boxes must be disassembled. No construction trash is allowed in the common trash containers.

### **6. PETS**

- a. Subject to these regulations, record Owners occupying their Units may have up to two (2) dogs and two (2) cats, and other normal domesticated household pets like small birds and fish. No other animals are permitted in a Unit or on the Common Elements.
- b. All dogs must wear tags with current registration information, the owner's name and the owner's telephone number.
- c. Please be courteous dog Owners. **NO OWNER MAY LEAVE ANY PET UNATTENDED ON THE COMMON ELEMENTS.** Dogs (and their Owners) are required to adhere to the "on a leash and/or under voice command" rule when the dog is in the Common Area. Owners whose dogs violate this rule or cause a nuisance are subject to fines and other Association enforcement action as noted in Section 14.

- d. Notwithstanding anything to the contrary, no animal may unreasonably disturb other occupants of the community or otherwise be a nuisance and no animal may be kept, bred or maintained for any commercial purposes.
- e. Owners must pick up their pet's waste immediately regardless of season, weather or time of calendar day. Waste is to be disposed of properly and not set by the buildings or doorways.
- f. And this is probably the most important dog rule to adhere to. Any issue of a fight involving dogs will be a matter that will be resolved by and between the Owners of the respective dogs. The Owners absolve the HOA and its Board and its management company of all liability for any actions involving fighting dogs.

**7. NOISE**

Owners are asked to respect their neighbor's need for peace and quiet. The community has less than ideal insulation and as a courtesy to your neighbors, please keep doors closed and try to limit excess noise from stereos and loud voices.

**8. SITUATIONS CAUSING DAMAGE TO UNITS.**

- a. If there is a problem causing damage to a Unit, and the cause is obviously another Unit, then that problem is not the responsibility or obligation of the Association and should be resolved between Unit Owners.
- b. If there is a problem causing damage to a Unit and the cause is unclear, then the Association will investigate the problem to determine the cause and the cost of the investigation will be a common expense. The Association will promptly notify all Owners of the Units involved of the problem and whether the Association has determined the cause involves a Common Element/Limited Common Element for which the Association is responsible or a Unit/Limited Common Element for which a Unit Owner is responsible.

**9. SITUATIONS CAUSING DAMAGE TO COMMON ELEMENTS**

- a. If there is a problem causing damage to the Common Elements, and the cause is obviously another Unit, then the Association will promptly notify the Owner of the Unit causing the damage.
- b. If there is a problem causing damage to the Common Elements and the cause is unclear, then the Association will investigate the problem to determine the cause and the cost of the investigation will be a common expense. If the problem is finally determined to be caused by a Unit, then the Association will promptly notify the Owner of the Unit found to be causing the damage and proceed with enforcement action as necessary.

**10. EMERGENCY SITUATIONS**

Notwithstanding anything to the contrary, in the event of an emergency, which means a situation in which an immediate or swift response will lessen damage to Common Elements, Limited Common Elements or a Unit or will make such damage less likely, the Association has the right, but not the obligation, to enter a Unit to take reasonable steps to address the immediate cause of the emergency. In this case, the Association will

as promptly as practicable notify the Owners of the Units involved, and, if the Association has taken steps to address the immediate cause of the emergency, then after following appropriate enforcement procedures, costs of responding to the emergency shall be assessed to the Unit(s) causing the damage.

## 11. CONSTRUCTION POLICIES

The following applies to all construction work in the community, including within Units. Owners are responsible for the activities of their contractors.

- a. **Notification of Manager; Insurance.** Prior to starting any construction that has the potential to create debris, to require cleaning of the Common Elements, and/or to damage the Common Elements, the Owner Must:
  - i. Notify the Association's Manager in writing when work is anticipated to start and end, the general scope of work and who will be doing the work.
  - ii. Obtain from the Owner's contractor proof of current liability insurance and worker's compensation coverage
  - iii. Obtain a San Miguel County building permit, if required.
- b. **Working Hours.** Construction hours are from 8:00 am to 5:00 pm, Monday thru Saturday, exclusive of federal holidays. No construction is permitted on federal holidays, Sundays or outside of construction hours.
- c. **Construction Material and Debris.** This section applies to construction materials, debris, trash, equipment and appliances (collectively, "Construction Materials").
  - i. No Construction Material may be stored outside of a Unit, in Common Elements or public areas adjacent to the building, unless approved in advance by the Board of Directors.
  - ii. All Construction Material intended for disposal must be promptly removed from the Common Elements. No Construction Material may be disposed of in the common trash containers. Construction Materials must either be hauled away or disposed of in an approved dumpster or hauled away by the Owner or contractor. No food may be put in construction dumpsters.
- d. **Dumpsters.** Dumpsters are subject to prior board approved as to location, size and duration.
- e. **Clean Up.** Owners and contractors are responsible for prompt and thorough construction clean up. Dirt, sawdust or other material traced or spilled on hallways and other Common Elements must be cleaned up immediately.
- f. **Damage.** Owners are responsible for all damage to the Common Elements caused by construction work in their Units.
- g. **Association Costs.** If the Owner or the Owner's contractor fails to comply with these construction policies, then the Association may perform clean-up, dumpster removal, and damage repair resulting from a Unit Owner's construction and charge the Unit Owner the Association's costs, including charges of the manager. All charges for the Association's Manager's time related to an Owner's construction and/or an Owner's compliance with these rules shall be invoiced to the Owner.

## 12. UNIT WORK AFFECTING COMMON ELEMENTS.

If any construction or repair work in a Unit affects the Common Elements, including a common utility (such as water) then the Owner or the Owner's Contractor must contact the Association's manager to coordinate that work. The Owner shall reimburse the Association for any costs incurred by the Association, such as, for example, costs related to

shutting off common water to allow for repair work in a Unit.

**13. MARIJUANA RULES**

The HOA recognizes there are Federal and State laws regulating marijuana use and production. And just as with our HOA rules on animal or noise or car parking etc. issues, the HOA has its own rules to further clarify the marijuana use.

- a. The HOA is restricting marijuana use in the same way as it is doing with animals on site ... i.e. only Owners may smoke, grow, cultivate, or use marijuana in a Brown Homestead Unit. Tenants are specifically not allowed to possess marijuana at all. While Owners may smoke or use marijuana in a Brown Homestead Unit, Owners may not smoke or use marijuana in a Brown Homestead Unit to the extent that such use causes an unreasonable nuisance to other Owners, whether by smell, smoke or other vapors caused by such use.
- b. Any Owner could support this Rule to a Tenant by invoking the Federal laws that supersede State of Colorado laws, and if an Owner has a loan on the Owner's property, there is a good chance that the lending institution is federally insured (and hence the applicability of the Federal law).
- c. Violations of this HOA rule are covered in Section 14.

**14. ENFORCEMENT AND FINES.**

- a. Owners are responsible for compliance with these Rules and Regulations by their Unit occupants, tenants, guests, invitees, licensees, agents and contractors.
- b. The Board shall follow the enforcement procedures as set forth in the Responsible Governance Policies for any violations.
- c. Vehicles in violation will be towed. After following enforcement procedures, the Association may charge the cost of such removal and disposal to the Owner.
- d. Any Owner who violates these Rules and Regulations, or any Owner whose tenant, or guest violates these Rules and Regulations, is subject to a fine by the Association of \$50 per incident for every other calendar day that the violation continues, plus attorneys fees, costs and other enforcement action as set forth in the Association enforcement policy.

**Certification:**

These Restated Rules and Regulations were duly adopted by the Association Board of Directors after affording the Owners notice and opportunity to comment.

Brown Homestead Condominiums Homeowners Association, Inc.

By: \_\_\_\_\_  
Louis Kissling, President

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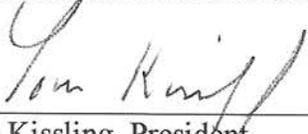
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