

RESOLUTION NO. 2021-10-06
OF
THE BOARD OF DIRECTORS OF THE STERLING RANCH COMMUNITY
AUTHORITY BOARD
AMENDING THE CODE OF RULES REGARDING COMMUNITY STANDARDS AND
DESIGN REVIEW RULES AND FEES

RECITALS

- A. WHEREAS, the Sterling Ranch Community Authority Board (the "**CAB**") is an authority and separate legal entity created pursuant to section 29-1-203, C.R.S., and in conformity with section 29-1-203.5, C.R.S., and that certain Sterling Ranch Community Authority Board Establishment Agreement, (the "**CABEA**"), by and between the Sterling Ranch Colorado Metropolitan District Nos. 1-7 (collectively, the "Sterling Ranch Districts"); and
- B. WHEREAS, pursuant to the CABEA, the CAB Board (the "**Board**") shall govern the business and affairs of the CAB and establish the policies, rules and regulations of the CAB; and
- C. WHEREAS, all capitalized terms used herein shall have the same meaning as used in the Master Declaration of Covenants Conditions and Restrictions for Sterling Ranch Planned Development recorded September 28, 2015 with the Douglas County Clerk and Recorder at Reception No. 2015069869 ("**Master Declaration**") unless otherwise defined herein; and
- D. WHEREAS, pursuant to Sections 2.1 and 2.2. of the Master Declaration CAB was delegated, and accepted on behalf of the District's, governance and enforcement powers of the Documents in the Sterling Ranch community; and
- E. WHEREAS, pursuant to Section 2.3 of the Master Declaration, the CAB has the authority to adopt rules and regulations implementing the Declaration and has adopted the Code of Rules of the Sterling Ranch Community Authority Board (the "**CAB Code**"); and
- F. WHEREAS, pursuant to Section 32-1-1001(m), C.R.S., CAB has the authority to adopt, amend and enforce rules and regulations for the carrying on of business and to meet the objectives of the CAB; and
- G. WHEREAS, pursuant to Section 32-1-1001(j), C.R.S., the CAB has the authority to adopt and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs or facilities
- H. WHEREAS, pursuant to Section 1-94 of the of the CAB Code, Owners shall have 30 days to correct or cure a violation of the Document, except that certain violations constituting a nuisance may require immediate correction or cure; and

I. WHEREAS, CAB, through the Community Standards Committee and the Resident Advisory Committee have been made aware of certain recurrent situations within the community that the CAB Code does not adequately address or provide timely remedy including certain violations that are easily remedied and which providing the standard notice period does not promote efficient and timely enforcement activities; and

J. WHEREAS, the CAB Resident Advisory Committee and Community Standards Committee have provided input and feedback on suggested changes to various provisions of the CAB Code as described in this Resolution to ensure the Documents are upheld and enforced as contemplated; and

K. WHEREAS, the Board has determined that certain changes to the CAB Code and to the fees, charges, tolls, rates, or penalties contained therein are necessary and desirable to enforce the Documents and are in the best interest of the CAB and its residents to do so

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STERLING RANCH COMMUNITY AUTHORITY BOARD OF THE COUNTY OF DOUGLAS, COLORADO:

1. The Board determines that, pursuant to Section 1-94 of the CAB Code, violations of the following provisions are deemed nuisances requiring immediate correction or cure:

- a. Vehicle parking pursuant to Section 1-37;
- b. Basketball hoops pursuant to Section 21-22(b)(11);
- c. Equipment storage pursuant to Section 21-22(b)(31);
- d. Holiday displays pursuant to Section 21-22(b)(46);
- e. Outdoor lighting left on after 10:00 p.m. pursuant to Section 21-22(b)(55);
- f. Play equipment pursuant to Section 21-22(b)(69); and
- g. Trash and recycling can storage pursuant to Section 21-22(b)(100) and 21-22(b)(101);

2. The Board has determined that, due the nature of the above nuisance violations, modifications to Sections 1-94 and 13-22 providing an expedited schedule of notification and request to remedy and the imposition of fines, including for habitual offenders should be adopted as provided in the attached **Exhibit A**.

3. The Board has determined that certain changes to Section 21-22(b)(46) concerning holiday displays and lighting should be made to better allow for seasonal decoration as provided in the attached Exhibit A.

4. The Board directs that these changes be incorporated into the published version of the Code of Rules and Regulations of the Sterling Ranch Community Authority Board (the "Code") when that document is next updated or supplemented. Any reference to a section of the Rules and Regulations herein shall be considered a reference to the corresponding section of the Code. The Board directs that these changes shall be effective immediately upon passage of this Resolution.

**SIGNATURE PAGE TO RESOLUTION AMENDING THE CODE OF RULES
REGARDING COMMUNITY STANDARDS AND DESIGN REVIEW RULES AND
FEES**

ADOPTED AND APPROVED this 20th day of October, 2021.

STERLING RANCH COMMUNITY
AUTHORITY BOARD

By: _____
President

Attest:

Secretary/Assistant Secretary

Exhibit A
Amendments to CAB Code

The following provisions of the Code of Rules of the Sterling Ranch Community Authority Board are hereby amended to read as follows:

Sec. 1-94. Notification of Alleged Violation:

- (1) If an investigation or inspection reveals that any part or portion of a Lot or Unit is not in compliance with the Documents, the DRC has submitted a Notice of Noncompliance with respect to a Lot or Unit, or another Owner has submitted a complaint in accordance with Section 1-93, the Owner shall be notified of the complaint and alleged violation by the Enforcement Committee or its duly authorized agent, and the Owner shall have 30 days to correct or cure the violation, except that certain violations constituting a nuisance or a threat to the health, safety or welfare of another resident may require immediate correction or cure. If the complaint is based on conduct of the Owner's Occupant, the Occupant shall also be notified of the alleged violation. In addition, if the alleged violation is due to an Owner complaint, the complaining Owner will also be copied. The notification shall be in a manner prescribed by the Enforcement Committee in a form on file in the CAB offices.

- (2) The following violation of the Documents and the Sterling Ranch CAB Code are deemed nuisances:
 - a. Vehicle parking pursuant to Section 1-37;
 - b. Basketball hoops pursuant to Section 21-22(b)(11);
 - c. Equipment storage pursuant to Section 21-22(b)(31);
 - d. Holiday displays pursuant to Section 21-22(b)(46);
 - e. Outdoor lighting left on after 10:00 p.m. pursuant to Section 21-22(b)(55);
 - f. Play equipment pursuant to Section 21-22(b)(69); and
 - g. Trash and recycling can storage pursuant to Section 21-22(b)(100) and 21-22(b)(101);

- (3) Notice and Cure Process for Nuisance Violations; Nuisance Violation Fees and Charges:
 - a. First time violations will be provided a written notice and given seven (7) days to cure or correct the violation.
 - b. Second violations of the same nature will receive a written notice and be given three (3) days to cure or correct the violation.
 - c. Third or additional violations will be deemed habitual offenders and will receive a written notice and be given twenty-four (24) hours to cure or correct the violation.
 - d. Fees and charges for violations as specified herein shall be as set out in Chapter 13, Article II, Section 13-22.

- (4) Manner of Giving Notice. Whenever a notice or written communication is sent to an Owner and/or Owner's Occupant, such notice shall be delivered as follows:

- a. United States Postal Service First Class Mail addressed to the Owner and/or Owner’s Occupant at the mailing address on file;
- b. Transmitted by electronic mail to an electronic mail address which has been provided to the CAB by the Owner or Owner’s Occupant which the CAB has used to communicate with the Owner or Owner’s Occupant previously;
- c. CAB may make attempts to contact and Owner and/or Owner’s Occupant by phone, however, such contact shall be a courtesy and shall not count as notice of a violation.

Notice shall be deemed delivered on the day following it being placed in the mail or delivered electronically has provided herein.

Chapter 13, Article II. Covenant Enforcement and Design Review Fees and Charges:

Section 13-22. Covenant Enforcement.

(a) Covenant Enforcement Fees are as follows:

Table 13.22. Covenant Enforcement Charges

<i>Standard Violations of the Documents</i>	<i>Amount</i>
First Notice of Violation	\$100.00
Second Notice of Violation	\$250.00
Third Notice of Violation	\$500.00
Continuing Violation	Daily fines in the minimum amount of \$10.00 per day
<i>Nuisance Violations of the Documents</i>	
First Notice of Nuisance Violation	\$25.00
Second Notice of Nuisance Violation	\$50.00
Third Notice of Nuisance Violation	\$100.00
Continuing Nuisance Violation	Daily fines in the minimum amount of \$10.00 per day retroactive to the date of last Notice of Violation

(b) An Owner who accumulates more than three violations within a 12-month period will be deemed to be a habitual offender. For habitual offenders, the Enforcement Committee may impose such additional fines as are deemed reasonable by the Enforcement Committee without regard to the fine schedule set forth above. In the event of a determination by the Enforcement Committee of a willful, wanton or flagrant disregard for the provisions of the Documents, or based on the severity of the violation, the Enforcement Committee may impose such additional fines as are deemed reasonable by the Enforcement Committee without regard to the fine schedule set forth in subsection (a) of this section.

Section 21-22(b)(46). Holiday Displays:

- (a) Holiday decorations, which includes without limitation, lighting, decorative displays, objects, and landscaping items, are permitted between June 1 through July 15 and October 1 through January 25 each year. Lighted decorations may only be illuminated during these dates. Holiday decorations should be tasteful in nature, with consideration for your neighbors. This includes limiting roof top displays, excessive lighting, excessive noise, and large inflatables. Holiday lighting should be installed in a manner that does not create any light trespass beyond the property boundaries. Any noise or sound effects related to holiday décor, such as music, generators, inflation systems, or similar items must be shut off between the hours of 10:00pm and 8:00am.

- (b) At the sole discretion of the CAB, removal dates of holiday decorations may be extended due to extreme weather conditions or other factors. During such extended periods, holiday lighting may not be illuminated.