

GOOD NEIGHBOR POLICY, RULES AND ENFORCEMENT
HIGHLANDS PARK/DISCOVERY HILL/
AND DISCOVERY RIDGE POA

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Highlands Park Property Owners Association

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GOOD NEIGHBOR POLICY, RULES AND ENFORCEMENT

HIGHLANDS PARK/DISCOVERY HILL/ AND DISCOVERY RIDGE POA

INTRODUCTION

1.0 INTRODUCTION – GOOD NEIGHBOR POLICY: The Highlands Park Subdivision is composed of iconic single-family mountain homes enjoyed by full-time residents and second home owners in a setting of natural beauty and a pleasant and desirable environment. It is the duty of the Association to preserve this community and to protect and enhance the value of the properties.

As more lots are developed within the subdivision and the number of residents, second home owners and guests increase, the necessity of being a good neighbor becomes increasingly important. The Association believes that establishing a strong “Good Neighbor Policy” with clear “Good Neighbor Rules” along with a means of enforcement will meet the goal of creating and maintaining a harmonious, attractive development while promoting and safeguarding the health, comfort, safety and value of our members’ homes and neighborhood.

GOOD NEIGHBOR RULES

2.0 GOOD NEIGHBOR RULES: With the exception of a few minor rules, these rules are already established in either the Town of Breckenridge Code (www.townofbreckenridge.com) or the Declaration of Land Use Restrictions (www.highlandsatbreck.com/highlands.php) put in place by the Developer in 2000. References are to the Town Code (TC), Declaration (DLR), and Design Guidelines (DG).

2.1 NOISE AND OFFENSIVE ACTIVITIES

1. It is the policy of the Town of Breckenridge to protect the health, safety, and welfare of its citizens and to promote an environment free from sound and noise which is disruptive of peace and good order, and which may jeopardize the health or welfare of its citizens or degrade the quality of life. (TC 5-8-1) **Noise of this type constitutes a violation of the Rules regardless of the time of day or night it occurs.**
2. A noise source which creates sound in excess of **50 dB** between **11:00 pm** and **7:00 am** is prohibited. (TC 5-8-5)
3. **No person who occupies a rental property, or their guest(s), shall make or cause unreasonable noise which is audible upon a neighboring private premises. (TC 4-1-8-1(A)(3))**
4. **While outdoor speakers are permitted, it is a violation of these Rules if the sound can be heard by neighboring residents, or anyone on the golf course, trails system, common areas, or rights-of-way. (Design Guidelines Section 3.27)**
5. Individuals are encouraged to use hot tubs between **7 am** and **10 pm**. It tubs are used between the recommended hours it should be done in a quiet manner.

6. No fireworks of any kind shall be carried, stored, displayed or exploded in the Development. (TC 5-7-3)
7. Any nuisance as defined by the Town Code, illegal (including trespassing), noxious, offensive activity and/or activity which causes embarrassment, disturbance or annoyance to others is prohibited. (DLR 10.10)
8. The Town of Breckenridge has determined that unmanned aircraft systems, sometimes referred to as “drones”, threatens the public health, safety and welfare of its residents and guests and has established regulations regarding their use. All owners, occupants and guests in the Highlands Park Subdivision must abide by these rules. (TC 5-14)

2.2 PARKING & SPEED

1. **Park only on hard surface.** Parking of vehicles on the Property or any portion thereof is permitted with respect to a Lot only within parking space constructed for that purpose. (DLR 10.20)
2. **No overnight parking on the street or rights-of-way.** Parking of vehicles on the roadway between the hours of 2 am and 6 am is prohibited.
3. All recreational vehicles must be parked in a garage. **Parking of** motorhomes, travel trailers, over-sized equipment is prohibited within the Development. (DLR 10.16)
4. **See also Section 4.4, Parking by occupants and guests of rental properties.**
5. The speed limit within the Highlands Park/Discovery Hill Development is **25 MPH**.

2.3 GARBAGE

1. Refuse, garbage and trash shall be kept in a covered container (receptacle) at all times and any such container shall be kept within an enclosed structure. (DLR 10.17(b))
2. Receptacles may be placed curbside only on the day of pick-up after 6:00 am and must be removed by 10:00 pm the same day. (TC 5-2-2(B))

2.4 PETS

1. Number of Pets: Household pets may not exceed three per home. All pets must be kept on a leash when outside of owner’s residence. (DLR 10.18)
2. Barking Dogs: It is unlawful for any owner to fail to prevent his or her animal from disturbing the peace of another person, whether the animal is on or off the owner’s property. (TC 6-2-7)
3. Leash Law: It is unlawful and considered a failure to control a pet animal when the pet animal is not under the control of the animal’s owner, or other competent person, by means of a leash not longer than six feet (6’) in length when off the premises of the animal’s owner. (TC 6-2-6(A)) (DLR 10.18)
4. Pick Up After Pet: Homeowners must clean up pet waste from their property. (TC 6-2-7). An owner or responsible person must remove an animal’s waste which is left on public or private property before leaving the immediate area where the waste was deposited. (TC 6-2-6(E))

2.5 LIGHTING

To the greatest practical extent, homesites should be treated in a rural, unlit manner so as to prevent “light pollution” and “light trespass.” Because of the importance of the view of the stars in the night sky to the Towns’ residents and visitors and the Town’s value and practice of energy conservation, we desire to maintain a nighttime landscape which is as dark as possible. (TC 9-12-2 and -3) and (DLR 3.20). Exterior lighting should be used only to provide adequate light for safety and security while providing an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky. (TC 9-12-3)

1. Exterior lighting should only be used when necessary and should be extinguished as soon as possible and before **10 pm**. Exterior lighting should not be illuminated overnight.
2. All exterior lighting is required to be “dark sky” compliant by **July 1, 2022**. (TC 9-12-6). Replacing existing non-compliant exterior lighting with energy efficient, “dark sky” compliant lighting as soon as possible is encouraged.

2.6 MAINTENANCE

1. Each lot shall be kept and maintained by the owner(s) thereof in a clean, safe, attractive and sightly condition and in good repair. (DLR 10.9) **This includes removing dead, diseased, and/or downed trees upon the lot, as well as fuels which may constitute a fire hazard.**
2. The owner or person in charge of any lot shall remove weeds growing upon the property. (TC 5-2-5(B))
3. Those portions of the lot which are outside the “disturbance envelope” must remain in their undisturbed natural condition. The removal of dead, diseased, and/or downed trees, fuels and weeds are allowed. (DLR10.5) (Design Guidelines 4.2)
4. **Manicured landscape areas may only occur within the Disturbance Envelope. (Design Guidelines, Section 4.3) Mitigation of “creeping” encroachment of manicured lawns outside the Disturbance Envelope may be required by the Design Review Board to return those areas to a Native Landscape Area. (Design Guidelines 4.2)**

ENFORCEMENT AND FINES

3.0 ENFORCEMENT AND FINES: The Association has become challenged in its duties by owners who do not respect the nature of our community by engaging in the short-term rental of their properties. These short-term rentals have resulted in violations of the Association’s Good Neighbor Policy and Rules to the disturbance of other owners and residents. It is the determination of the Board that the short-term rental of properties within Highlands Park is contrary to maintaining the pleasant and desirable environment of our community and is damaging to the value of properties within the community.

Accordingly, the Board finds that it is necessary to impose fines to enforce the Good Neighbor Policy and Rules in order to preserve the pleasant and desirable environment

of the community and to protect the general welfare of owners and residents of the subdivision with the goal of enhancing and protecting its value.

3.1 GOOD NEIGHBOR FINES: Pursuant to Section VII, paragraph 7.6(a) of the Declaration of Land Use Restrictions for Highlands Park, the Association is authorized to impose a fine, penalty, fee or other charge upon an owner for the violation of any covenant or condition by the owner or a guest.

The Board has determined that fines shall be assessed by the Review Board for violations of any provision of the Good Neighbor Policy and Rules. In the event of multiple violations occurring at the same time, each violation shall be treated as a first, second, or third violation as determined by the history of the property. For example, each vehicle parked in violation of the Policy and Rules at a given time shall be assessed a fine, and additional separate fines may be assessed for noise violations, conduct violations and parking violations occurring at the same times.

3.2 AMOUNT OF FINE:

1. **At the discretion of the Review Board**, the first violation **may** result in a written warning to the owner. Otherwise, a fine for a first violation will be assessed in the sum of **\$250**, and the fine for a second violation in one calendar year will be assessed in the sum of **\$500**.

2. Any property which incurs a third violation within a calendar year will be assessed a fine in the sum of **\$1,000**, and for subsequent violations **\$1,000** for each violation thereafter until the end of the calendar year, at which time the fine schedule will begin as a first violation. These fines are in addition to any fines or penalties for citations issued by the Town of Breckenridge for violations of the Town Code.

REGISTRATION AND OPERATION OF RENTAL HOMES

4.0 REGISTRATION AND OPERATION OF RENTAL HOMES: On March 23, 2016, the Highlands Park POA Board approved a resolution requesting that all owners renting their home on a short or long-term basis, register with the HP management company and complete a **Highlands Park/Discovery Hill/Discovery Ridge Rental Owner Information and Registration Form. (Attachment 1)**. The purpose of the Registration Form is to provide local contact numbers should an emergency, other problem, or violation arise which requires immediate attention.

4.1 REGISTRATION REQUIRED: **The filing of a Registration Form is now required by any owner renting their home for any period of time.** The Registration Form shall be filed each year, on or before the date of the Annual Meeting of the Association. Owners are encouraged to notify the Board or management company if they become aware that a property is being rented in order that it can be determined if a Registration Form is on file for that property.

4.2 FAILURE TO REGISTER:

1. If it becomes known to the Board or the management company that a property is being rented and there is no Registration Form on file for the property, the owner shall be given notice that a Registration Form is required and the owner shall file such form **within 30 days** or a fine in the sum of **\$100 \$250** shall be imposed.
2. If a complaint about a property is received by the POA Board or management company regarding a rental and there is no Registration Form for the property concerned on file with the management company, an additional **\$500** fine shall be assessed.

4.3 POSTING OF RULES AND REGISTRATION FORM: Each owner renting their property shall post a copy of the Registration Form and the Good Neighbor Policy, Rules and Enforcement in a prominent location in the home in order that occupants and their guests are aware of the Good Neighbor Policy and Rules and their responsibilities.

4.4 PARKING: The motor vehicles of all occupants and their guests of a property being rented shall be parked only on the site of the property within the space constructed for that purpose. No motor vehicles may be parked on the lawn, landscaped areas, or off the hard surface constructed for the purpose of parking. No motor vehicles of the occupants and their guests shall be parked on the public street or right-of-way at any time. No person shall be permitted to stay overnight in any motor vehicle which is parked at a rental property. (TC 4-1-8-1(A)(1))

4.5 OCCUPANCY LIMITS: In order to protect the character of our neighborhood of single-family homes, to reduce traffic and parking issues, and to assure a reasonable density of occupants, the number of occupants that may reside in a residence being rented shall not exceed two (2) persons per bedroom, plus four additional persons. The number of bedrooms shall be determined by the Town of Breckenridge in its licensing process and/or by the records of the Summit County Assessor, and each bedroom shall be legally conforming according to the Town Code including all Building Code requirements.

APPEALS, LIEN AND COLLECTION

5.0 APPEALS: Any owner may appeal the decision of the Review Board to impose a fine by filing a Notice of Appeal, in writing, with the Board by delivering the Notice to the Highlands Park management company **within 15 days** of the date of mailing of the Notice of Fine Assessment to the owner by the Association. Any fine imposed by the Review Board shall be final if no timely Notice of Appeal is given and shall be paid by the owner **within 30 days** after the owner receives written notice thereof.

5.1 HEARING ON APPEAL: Upon receipt of a Notice of Appeal, the Board shall schedule a hearing before the Board on the Appeal. The owner shall appear before the Board, in person, at the time of hearing. The Board shall sustain the imposition of the

fine if in the determination of a majority of the Board members a preponderance of the evidence shows that a violation of the Good Neighbor Policy and Rules occurred.

5.2 LIEN AND COLLECTION: Pursuant to the provisions of Section VII, paragraph 7.7 of the Declaration of Land Use Restrictions for Highlands Park any fines which remain **unpaid after 30 days** shall become a lien against the property as well as a personal obligation of the owner(s) recoverable by a suit for money judgment.

SEPARATION FROM DESIGN GUIDELINES

6.0 SEPARATION FROM DESIGN GUIDELINES: These Good Neighbor Policy, Rules and Enforcement of the Highlands Park, Discover Hill and Discovery Ridge POA are separate from the Design Guidelines.

6.1 DESIGN GUIDELINES AND CONSTRUCTION FINES: The enforcement of Design Guidelines and fines imposed for violations of Design Guidelines, Rules and construction violations shall continue to be administered under the Highlands Park and Discovery Hill Design Guidelines.

RENTAL OWNER INFORMATION & REGISTRATION FORM

HIGHLANDS PARK/DISCOVERY HILL/DISCOVERY RIDGE

Date Form Completed: _____

Property Owner Name(s): _____

Property Owner Mailing Address: _____

Rental Property Physical Address: (House # and Street) _____

Property Owner Email(S): _____

Property Owner Telephone Number: HOME (____) ____-____ CELL (____) ____-____

Rental Type: Short Term (under 30 days)*** Long Term (Complete additional information below)

Long Term Rental Tenant Name: _____

Tenant Telephone Number: HOME (____) ____-____ CELL (____) ____-____

Rental Management Company Name: _____

Rental Management Company or Local Contact Telephone Number:

BUSINESS (____) ____-____ 24 HOUR CELL (____) ____-____

Garbage/Recycling Service Provider: _____

I/we acknowledge receipt of the Highlands Park/Discovery Hill/Discovery Ridge **Good Neighbor Policy, Rules and Enforcement** provisions and understand that a copy must be prominently posted in the rental property so that tenants may be informed of the Good Neighbor Policy and Rules. I further acknowledge that as the property owner(s) I/we are responsible for the conduct of the occupants and their guests of the rental property.

Owner Date

Owner Date

*****Attach a copy of your Town of Breckenridge Rental Permit if engaged in Short Term Rentals**

This Form must be refilled annually, not later than the date of the Highlands Park Board of Directors Annual Meeting, or within 30 days of the date the property commences to be rented for any term.

Note: This information will only be shared with the Highlands Park Board of Directors and its Property Management Employees. Owners and/or occupants (when possible) will be contacted in the event of a Good Neighbor Policy or Rules Violation, or an Emergency.