

**GOOD NEIGHBOR POLICY, RULES AND ENFORCEMENT
HIGHLANDS AT BRECKENRIDGE POA**

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GOOD NEIGHBOR POLICY, RULES AND ENFORCEMENT HIGHLANDS AT BRECKENRIDGE POA

INTRODUCTION

1.0 INTRODUCTION – GOOD NEIGHBOR POLICY: The Highlands at Breckenridge 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. The Board’s intent in administrating the Good Neighbor Policy is to take appropriate measures when necessary without being unnecessarily bureaucratic or burdensome. The Board may therefore deviate from any provisions of the Good Neighbor Rules if, in the Board’s independent discretion, a deviation is reasonable under the circumstances.

The Board expects that few issues will require Board engagement since Good Neighbors should be able to resolve nearly all issues amicably between themselves. Since the Board does not necessarily expect residents to be inclined or in a position to address issues concerning short-term renters, special provisions apply. While problems may be reported initially by email or phone, any issues which may lead to follow-up investigation by the POA Board must also be reported in writing (including email) with sufficient detail to enable investigation, per the POA’s Responsible Governance Policies and Procedures. These may be found at <https://highlandsbreck.wpengine.com/wp-content/uploads/2017/09/HIGHLANDS-RESPONSIBLE-GOVERNANCE-POLICIES-fin-20170123.pdf>

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 1994. References are to the Town Code (TC), Declaration (DLR), and Design Guidelines (DG).

1. The provisions of the POA's Good Neighbor Policy, Rules and Enforcement ("GNP") are consistent with the 1994 Declaration of Land Use Restrictions and the POA's Bylaws. The GNP take precedence over all previous POA documents in force. The GNP's provisions take precedence over all other POA documents in force. Specifically, the GNP's fine structure replaces the fine provisions of the POA's Responsible Governance Policies and Procedures (Article III.) The GNP is generally in line with Town Code. In the few cases in which the Town Code is less restrictive or provisions are not covered under the Town Code, the GNP applies. However, the Town may issue additional penalties.

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 residents 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 beyond the property line in excess of the volume of normal individual conversation (the Town Code legal standard is 50 dB) between 11:00 pm and 7:00 am is prohibited (TC 5-8-5).
3. No person who occupies a POA property, or their guest(s), shall make or cause unreasonable noise which is audible upon neighboring private premises (TC 4-1-8-1(A)(3)). The POA considers the property owner to be responsible for enforcement, and any remedies or fines
4. Any use of hot tubs must be sufficiently quiet so as not to disturb neighbors.
5. No fireworks of any kind shall be carried, stored, displayed or exploded within the POA boundaries (TC 5-7-3).
6. 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.
7. Any drone use must be consistent with FAA and town regulations (TC 5-14). Drones must not trespass above neighboring properties, or photograph or survey other properties without permission. They must not cause disturbances.

2.2 FIRE MANAGEMENT

Robust management of fire risk is one of the highest priorities of the POA, as well as Breckenridge and Summit County in general due to the vulnerabilities of the interface between populated areas and the forested alpine environment. The POA's fire hazard mitigation program falls under steps it has taken to become certified as "Firewise Community" and its commitment to remain so through continuing active engagement to reduce fire hazard risk. These include measures such as a) establishing responsible management procedures for permissible fires (described in 2.2.1 below), b) encouraging property owners to undertake fuel reduction as necessary (removal of dead trees, tree thinning, low branch removal, and ground debris removal), c) encouraging free, periodic fire hazard defensible space property surveys by Red, White

and Blue (the Breckenridge Fire Department), d) the installation of Knox Boxes on residences (lock boxes which allow the Fire Department only to enter a residence under emergency circumstances – these are ordered through Red, White and Blue), and e) the Town of Breckenridge’s building code in combination with the POA’s Design Guidelines (Section 3.8).

1. All unscreened or uncovered open flame wood-burning outdoor fires are prohibited in the POA. Non-wood fueled fire pits (for example, natural gas or propane) are allowed if the structures have been approved by the POA. Outdoor fireplaces approved by the POA (ie with chimneys spark arrestors and screen) may also be used. Except for approved outdoor fireplaces, wood may not be added to any permissible outdoor fires. Non-wood fueled barbecues are permitted, provided they are lidded cookers. Wet wood chips may be added for cooking purposes. Any outdoor fires must be constantly attended and actively managed by a responsibly capable person.

2. Anyone observing a non-critical but potentially dangerous fire situation within the POA is encouraged to promptly alert the POA’s management firm, Alpine Edge, 970 453-2334. Unaddressed urgent and critical fire issues should be reported immediately to 911.

2.3 PARKING & SPEED

1. Vehicle parking on a property or any portion thereof is permitted with respect to a lot only within paved areas designated for parking.

2. No parking is permitted on the POA’s streets or rights-of-way overnight or at any other time. There are exceptions for infrequent guests parking for relatively brief periods of time (six hours or less) and for temporary workers.

3. Open parking of motorhomes, travel trailers, over-sized equipment or similar types of equipment within the POA is limited to 72 hours. Any such vehicles are not permitted to be occupied for temporary lodging purposes. Open parking is not permitted for more than 72 hours for vehicles and equipment such as motorcycles, boats, snowmobiles, or trailers. However, any vehicles may be garaged on residential lots.

4. The speed limit within all parts of the Highlands is 25 MPH.

2.4 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.

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)).

2.5 PETS

1. Barking Dogs: It is unlawful for any owner to fail to prevent his or her pet from disturbing the peace of another person, whether the pet is on or off the owner’s property (TC 6-2-7).

2. Off Premises Pet Control: When off the premises of a domestic pet's owner or caretaker, the pet must be under leash control (TC 6-2-6(A)).
3. Pick Up After Pet: A pet's owner or responsible person must remove the pet'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)).

2.6 WILDLIFE

A key attribute of the Highlands and Breckenridge's suburban alpine environment is the presence of numerous forms of wildlife. The Association strongly supports the State of Colorado, Summit County and the Town in maintaining a healthy balance in the relationship between wildlife and our residents and visitors. While laws governing contact with wildlife exist at the state and federal levels, Association, generally through its management agency, Alpine Edge. The two purposes of wildlife-related legislation as it applies to the Association are a) maintain the safe co-existence of both the wildlife and human populations and b) to prevent residents (both visitors and owners) from attracting wildlife by deliberately or inadvertently providing food sources which the wildlife would not find under natural conditions. Regarding safety, large animals including moose and bears can be particularly dangerous to humans if approached too closely or separated from their young. Food, including salt licks, or the scent of food, is the primary generator of nuisance animals. It is the reason that the Town and the Association strictly regulate how garbage containers must be stored and limits the hours when they may be left out for collection.

1. Keep a safe distance from wildlife, particularly moose, which are common and the most dangerous and unpredictable wildlife likely to encountered in Summit County. Be particularly careful if dogs are present, which moose generally view as a threat.
2. Do not harass wildlife.
3. Do not feed wildlife or leave out any devices such as salt licks to attract wildlife. Do not leave out food or food residue, such as BBQ left overs or grease, which attracts wildlife. If hummingbird feeders are set out during the summer, they should be brought in nightly to avoid attracting bears. Failure to control food attractants could ultimately lead to bears or other scavenger/predators being tagged as nuisance animals and then being destroyed.

2.7 TRESPASSING

Trespassing on residential properties is a problem in certain areas of the Association in general because property boundaries are not obvious. There are trail rights-of-way through a number of properties, but it is unclear where trails cross private vs. public land. Residents and visitors should assume that all property within the Association, whether or not there is public trail access across the property, is privately owned. Residents and visitors should not leave the public trails or otherwise enter those properties without the owners' permission. For urgent, critical trespassing issues, call 911. Any significant but non-critical trespassing issues can be referred to Alpine Edge or

the Board if owners do not wish to resolve the issues directly or cannot resolve the issues themselves. Per 2.1.7 above, trespassing also applies to drone use. To clarify what constitutes trespassing, plat maps of Highlands POAs must be posted in all rental properties.

2.8 LIGHTING

To the greatest practical extent, homesites should be treated in a rural, unlit manner so as to prevent “light pollution” and “light trespassing”. 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, the POA’s policy is to maintain a nighttime landscape which is as dark as possible (TC 9-12-2 and -3).

1. Exterior lighting should only be used when necessary and should be extinguished as soon as possible, preferably before 10 pm. Exterior lighting should not be illuminated overnight unless necessary. Low wattage bulbs are strongly encouraged for exterior lighting. Timer based lighting for address numbers and for security is permitted.

2.9 MAINTENANCE

1. There are certain Good Neighbor requirements in the Association’s Forest Health Policy.

<https://highlandsbreck.wpengine.com/wp-content/uploads/2017/09/ForestHealthPol2013Feb4.pdf>

They concern lot maintenance, fire hazard reduction, control of invasive plants and non-disturbance of land outside the building envelope. These requirements are consistent with the Town Code.

ENFORCEMENT AND FINES

3.0 ENFORCEMENT AND FINES:

The Board finds that it may be necessary in some circumstances 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. The purpose of the flexible fine structure is to enforce compliance when necessary. Fine administration will focus on resolving issues, not on raising revenue.

3.1 GOOD NEIGHBOR FINES: Pursuant to Section XVI of the Declaration of Land Use Restrictions for Highlands at Breckenridge, 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 may be assessed for violations of any provision of the Good Neighbor Policy and Rules. This includes but is not limited to loud noise disturbance, parking/recreational vehicle/motorhome violations, fire management

violations, failure to remove trash containers in a timely fashion or other significant failures to avoid creating a wildlife nuisance. In the event of multiple violations occurring at the same time, each violation at the discretion of the Board may 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 may 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 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 within a twelve (12) month period may be assessed in the sum of \$500.

2. Any property which incurs a third violation within a twelve (12) month period may be assessed a fine of up to of \$1,000 and for each subsequent violation, Such excessive violations may result in short term rental suspensions of up to one year. These penalties are in addition to 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: All owners renting their home or donating its use for charitable purposes to an unrelated third party must, register with Alpine Edge and complete a Highlands at Breckenridge Rental Owner Information and Registration Form. (Attachment 1). The sole purpose of the Registration Form is to provide local contact information should an emergency, other problem, or violation arise which requires immediate attention.

4.1 REGISTRATION REQUIRED: The filing of a Registration Form is required by any owner either a) renting or b) donating charitable use of their home by an unrelated third party for any period of time. The Registration Form shall be filed each year, on or before the date of the POA's Annual Meeting. In the case of commercial rentals, the Association also requires that the homeowner obtains a Short Term Rental permit from the Town of Breckenridge (Business and Occupational/Sales Tax License –“ BOLT”). BOLT licenses are public information and those registered within the POA may be obtained on request from the POA's property management agent, Alpine Edge. Owners are encouraged to notify the Alpine Edge if they become aware that a property is being rented. The intent is to verify that 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 up to \$1000 may be imposed. If the property is not rented but is donated for use to an unrelated third party, a registration form must be submitted to Alpine Edge at least two weeks in advance of the donation period. Failure to do so may result in a fine of up to \$100..

4.3 POSTING OF RULES AND REGISTRATION FORM: Each owner renting their property shall post a copy of the Registration Form and both the full and abbreviated versions of 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. To avoid trespassing issues, rental properties are also required to post copies of the plat map at large of Highlands at Breckenridge, with the individual property lot marked.

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)). Motorcycles, boats, campers and motor homes and similar equipment may not be parked in driveways for more than seventy-two (72) hours. They may be kept in garages.

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 (4) 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. Any rental advertising, including online, must state a maximum permissible occupancy, which may not exceed the formula stated above. Rental of a property to more than the permissible number of occupants may result in a fine of up to \$1000 for the first offense and beyond.

APPEALS, LIEN AND COLLECTION

5.0 APPEALS: Any owner may appeal the decision of the Board to impose a fine by filing a Notice of Appeal, in writing, with the Board by delivering the Notice to the Highlands at Breckenridge management company within ten (10) days of the date of mailing or receipt by email of the Notice of Fine Assessment to the owner by the

Association. Any fine imposed by the Board shall be final if no timely Notice of Appeal is given and shall be paid by the owner within thirty (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 at Breckenridge any fines which remain unpaid after thirty (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 at Breckenridge POA are consistent with and separate from the Design Guidelines and Declarations.

RENTAL OR CHARITABLE USE OWNER INFORMATION & REGISTRATION FORM

HIGHLANDS AT BRECKENRIDGE

Date Form Completed: _____

Property Owner Name(s): _____

Property Owner Mailing Address: _____

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

Business and Occupational License (BOLT) number _____

Property Owner Email(S): _____

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

This property is registered exclusively for charitable use _____

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

Long Term Rental Tenant Name: _____

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

Rental/Charitable use Management Agent: _____

Rental Management Company or Local Contact Telephone Number:

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

Garbage/Recycling Service Provider: _____

Maximum Occupancy Permitted: _____

I/we acknowledge receipt of the Highlands at Breckenridge Good Neighbor Policy, Rules and Enforcement provisions and understand that a summary copy must be prominently posted in the property, and the full version must be available in the 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 ("BOLT") if engaged in Short Term Rentals. This Form must be refiled annually, not later than the date of the Highlands at Breckenridge Board of Directors Annual Meeting, or within 30 days of the date the property commences to be rented for any term. If for charitable donation, this form must be filed two (2) weeks in advance of the rental period.**