



**NORTHMOOR ACRES HOME OWNERS ASSOCIATION  
COVENANT AND RULE ENFORCEMENT POLICY**

**SUBJECT:** Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

**PURPOSE:** To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

**AUTHORITY:** The Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation and Bylaws of the Association, and Colorado law.

**EFFECTIVE**

**DATE:** May 19, 2022

**RESOLUTION:** The Association hereby adopts the following Policy and Procedures to be followed when enforcing the covenants and rules of the Association:

1. **Reporting Violations.** Complaints regarding alleged violations may be reported by a Member or resident within the community, a group of Members or residents, the Association's management company, if any, Board member(s) or committee member(s) by submission of a written complaint.
2. **Complaints.** Complaints by Members, residents, a member of the Board of Directors, a committee member, or the manager, if any, shall be in writing and submitted to the Board of Directors. The complaining Member, resident, Board member, committee member, or the manager, if any, shall have observed the alleged violation and shall identify the complainant ("Complainant"), the alleged violator ("Violator"), if known, and set forth a statement describing the alleged violation, referencing the specific provisions which are alleged to have been violated, when the violation was observed and any other pertinent information.
3. **Investigation.** Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter. When a complaint is received and additional information is needed, the entire property may be investigated for non-related violations.
4. **Initial Warning Letter.** If a violation is found to exist, an initial warning letter shall be sent to the Member explaining the nature of the violation. The Member will have at least 21 days from the date of the letter to come into compliance with the specific timeframe to be stated in the letter. If the violation requires review and a recommendation by the Architectural Review Committee (ARC), the compliance date will be the next regularly scheduled ARC meeting date greater than 21 days from the violation notice mailing. The Board has the authority to adjust the timelines included in this Policy. The foregoing procedure will not be used, however, in the event the violation is determined by the Board to be a Repetitious



Violation as defined in paragraph 12 of this policy. In such an event, the procedure outlined in paragraph 12 shall be followed.

5. **Continued Violation After Initial Warning Letter.** If the alleged Violator does not come into compliance within the timeframe set forth in the initial warning letter, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second and subsequent letter(s) shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy.

The second letter(s) shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within 10 days of the date on the violation letter.

The above procedure will not be used, however, in the event the violation is determined by the Board to be a Repetitious Violation as defined in paragraph 12 of this policy. In such an event, the procedure outlined in paragraph 12 shall be followed.

6. **Notice of Hearing.** If a hearing is requested by the alleged Violator, the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, may serve a written notice of the hearing to all parties involved at least seven days prior to the hearing date.
7. **Impartial Decision Maker.** Pursuant to Colorado law, the alleged Violator 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 association's covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the association 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 association." 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, any other individual or group of individuals.
8. **Hearing.** At the beginning of each hearing, the presiding officer shall introduce the matter by describing the alleged violation and the procedure to be followed during the hearing. The Violator will be offered the opportunity to present information as to why they believe they did not violate the governing documents or do not deserve the fine or other penalty. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator are required to be in attendance at the hearing.

Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee's decision absent a showing of denial of due process.

9. **Failure to Timely Request Hearing.** If the alleged Violator fails to request a hearing within 10 days of any letter, or fails to appear at any hearing, the Impartial Decision Maker



may make a decision with respect to the alleged violation based on the 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 alleged Violator may be assessed a fine pursuant to these policies and procedures.

10. **Notification of Decision.** The decision of the Impartial Decision Maker shall be in writing and provided to the Violator within 14 days of the hearing or as soon thereafter as is reasonably practical, or if no hearing is requested, within 14 days of the final decision.

11. **Fine Schedule.** The following fine schedule has been adopted for all recurring covenant violations:

First violation	Warning letter
Second violation (of same covenant or rule)	\$ 50.00
Third violation (of same covenant or rule)	\$100.00
Fourth and subsequent violations (of same covenant or rule)	\$150.00

Third and subsequent covenant violations may be turned over to the Association’s attorney to take appropriate legal action. Any Member committing 6 or more violations in a 6 month period (whether such violations are of the same covenant or different covenants) may be immediately turned over to the Association’s attorney for appropriate legal action.

Notwithstanding the above, the Board reserves the right to levy different fine amounts depending on the nature and/or severity of the violation.

Additionally, the Board reserves the right to levy daily fines for continuing violations. Continuing violations are defined as long term violations that are continuing in nature with no change. *For example: If a Member installs an exterior improvement without approval, each day the improvement remains standing is a continuing violation of the original violation of installing an exterior improvement without approval.*

If a Member is determined to have committed a Continuing Violation, then the Board reserves the right to impose a daily fine of up to \$25.00 per day for each day that violation continues, following notice and an opportunity for a hearing. The Member is responsible for notifying the Association in writing if and when the violation is corrected.

12. **Repetitious Violations.** Repetitious Violations are defined as a series of identical or substantially similar individual violations that occur repeatedly or continuously within a period of time to be determined at the discretion of the Board, with each individual violation separated by a period of no less than 1 day, nor more than 90 days, the result of which is a pattern of violations of the same covenant restriction. In the event of such Repetitious Violation, at the discretion of the Board, each instance of noncompliance may constitute a separate violation, and the Board shall not be required to provide a period of 10 days from each violation for the alleged Violator to come into compliance. A warning letter shall be



sent for the first violation in the series. After the warning letter, the Board may cause violation notices to be sent for each violation in the series stating the amount of the fine to be imposed (pursuant to the Fine Schedule in paragraph 11), and giving notice and an opportunity for a hearing. The Board shall individually consider each violation for which a hearing is requested, but is permitted to combine any and all hearings requested for Repetitious Violations on one date.

Examples of Repetitious Violations include, but are not limited to repeated or continued deliveries from large commercial vehicles, or repeated instances of animals running at large, or repeat noise nuisances. In each one of these examples, the Member will receive a warning letter on the first instance of the violation. On the second instance of the violation, the Member will receive a \$50.00 fine letter, and notice and opportunity for a hearing. On the third instance of the violation, the Member will receive a \$100.00 fine letter and notice and opportunity for a hearing. On the fourth and additional instances of the violation, the Member will receive a \$150.00 fine letter and notice and opportunity for a hearing. If hearings are requested, the Board may set them all on the same date.

13. **Waiver of Fines.** The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Articles of Incorporation, Declaration, Bylaws or Rules.
14. **Notices.** All letters and notices set forth in this Policy from the Association to the Member shall be sent by U.S. mail to the Member's address as it appears in the records of the Association; provided, however, that the Board may deliver such communication by other methods as well, such as email or personal delivery, but such method would be in addition to, not in lieu of, U.S. mail.

Members may communicate with the Association via U.S. Mail or electronically (e.g., email); however, in communicating using any method other than U.S. Mail, the Member acknowledges that the Association and/or its agents may communicate via the same method unless otherwise advised.
15. **Other Enforcement Means.** This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Articles of Incorporation, Declaration, Bylaws, Rules and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.
16. **Definitions.** Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
17. **Supplement to Law.** The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the laws of the State of Colorado governing the community.
18. **Deviations.** The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.



19. **Amendment.** This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S  
CERTIFICATION:**

The undersigned, being the President of Northmoor Acres Home Owners Association, a Colorado nonprofit corporation, certifies that the foregoing Policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on May 19, 2022 and in witness thereof, the undersigned has subscribed his name.

**Northmoor Acres Home Owners Association,**  
a Colorado nonprofit corporation

By:  \_\_\_\_\_  
Jim Kienholz, President