

## Eagles Nest Property Homeowners Association

### **OVERVIEW OF ENPHA DECLARATIONS AND COVENANTS**

This is an Overview of the ENPHA Declarations and Covenants, or Rules. **It is not intended to be viewed as a replacement of those Rules.** Rather, it is meant to be a quick reference guide to the Rules and, in some cases, to offer examples and/or more details for the Rules that are most often of concern to property owners and the Association.

One of the most important functions of any homeowners' association is the establishment of Rules designed to maintain and improve the desirability and attractiveness of a residential area. It is an established fact that home values are improved in neighborhoods where there is an active homeowners' association. Ideally, all homeowners know and respect these Rules. When that happens it is best for all concerned. Neighbor is not pitted against neighbor and the Association is not forced to be a "Big Brother".

It is our belief and hope that all people will choose to follow the Rules once they understand them and know why they exist. To this end, we offer the following overview of Article II, Section 2.02 of the Decs and Covenants. In addition, this Overview includes policies adopted by the Board of Directors which are based upon the Decs and Covenants. Both involve limitations and restrictions on the use of property. References to the specific section of the Decs and Covenants and, where appropriate, references to Town of Silverthorne (TOS) ordinances ( HYPERLINK "<http://www.Silverthorne.org>" [www.Silverthorne.org](http://www.Silverthorne.org), "Community Development, Town Code") and Colorado State Law are included.

## **RULES AND POLICIES**

### **Association Rights (Section 2.02.1)**

Generally speaking, the Decs and Covenants give the Association the right to enforce its Rules. Rules of any kind would be of little value if there were no effective means for enforcement.

### **Alterations (Section 2.02.2)**

Changes in the outside appearance of property (e.g., excavation, construction, reconstruction, refinishing, alteration, etc.) must be approved by the Design Review Committee of the Association.

### **Use of Property (Section 2.02.3)**

Homes shall be used exclusively for residential purposes. Artists, artisans, professionals, and those engaged in a craft may use their homes for their “calling” under certain conditions (for example, if the homeowner is self-employed, with no employees in the home, and does not offer any product for sale to the public from the home).

### **Maintenance of Property (Section 2.02.4)**

We all live in or near heavily wooded areas where the threat of wildfire is a concern. Therefore, it is incumbent on all of us to make certain that our properties are clear of any combustible material (e.g., dead and/or fallen trees or “ladder” fuels) that could pose or contribute to a fire hazard. Also, note the ENPHA has an ongoing program of fire mitigation.

### **Nuisances (Section 2.02.5)**

This is one of the most often invoked Rules of the Association. The Nuisance Rule gives the Association broad powers to prevent “noxious and offensive activity”. What is noxious and offensive?: Any “disturbance or annoyance to other owners in the enjoyment of their private areas, or in their enjoyment of common areas.” This Rule is clearly designed to limit activities that are unsightly, loud, and/or a threat to the health and well being of the community.

### **Animals (Section 2.02.6)**

Homeowners can have dogs, cats, and other household pets, though no more than two of any type animal is allowed. The TOS has a strict leash law (Section 2-2-6). Also, the TOS

ordinance requires that dogs be under physical control at all times, except when the dog is on the pet owner's property. Even then, the dog must be restricted to the owner's property. The ordinance also requires pet owners to quickly pick up dog waste. Any problems should be referred to the County Animal Control office (970-668-3230).

**Indigenous Species (Section 2.02.7)**

Species of trees and shrubs should be indigenous to the area or otherwise approved by the Design Committee. Also, be aware the TOS has an ordinance prohibiting noxious weeds (TOS ordinance 4-8-64).

**Signs (Section 2.02.8)**

The following signs are permitted. Any sign not listed below or, if listed, determined to be in violation of these guidelines shall be removed by the ENPHA and disposed of without notice or compensation to the property owners. Further, signs shall not be affixed to trees (neither live nor dead).

Construction – During the time of construction any residence or other improvement, two signs are permitted on a jobsite as follows:

A standard “Builder’s Sign” displayed and maintained consistent with TOS ordinance 4-9-6; the sign may be a maximum of 4 square feet.

A sign from the TOS Police Department advising the construction site is under surveillance.

Garage Sales – Signs shall be placed no more than 2 days prior to the beginning of a sale and shall be removed at the end of the last day of the sale. When a sale is scheduled over more than one time period (e.g. a weekend), the signs must be removed after each time period and replaced 2 days prior to the beginning of the next time period.

Legal Proceedings – Such signs as may be required by the applicable governmental agency (ies) and the ENPHA.

Political/Elections – As defined by the Colorado Senate Bill 06-89 (38-33.3-106.5) and TOS ordinance 4-9-4, political signs carry a message intended to influence the outcome of an election including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue. These following signs are permitted:

Signs shall not be displayed earlier than 45 days of the day of an election and shall be removed no later than seven days after an election day (TOS ordinance 4-9-6).

Maximum size is eight square feet or less (TOS ordinance 4-9-6).

One sign may be displayed for each political office or ballot issue that is contested in a pending election.

Signs are not allowed on TOS or ENPHA property (TOS ordinance 4-9-5).

Political/Personal Expression – Other forms of political expression shall be allowed in accordance with local ordinances, Federal and State constitution and laws, and appropriate court decisions.

Real Estate – Signs associated with the sale or rental of a property are permitted as follows, consistent with TOS ordinance 4-9-6, except where noted:

Signs (“For Sale” or “For Rent”) shall have a maximum face area of two square feet. (ENPHA Rule); only one sign is allowed for each property.

Open House signs may be displayed at the beginning of a day and shall be removed at the end of the same day. Multiple open house signs are permitted if needed to direct potential customers to the open house location, but not to exceed the number of turns needed to arrive at the open house location.

Real Estate Signs, continued

Signs shall be removed within seven days following the transfer of title or occupancy, whichever occurs first.

Signs are limited in color to dark green on a beige background.

Parade of Homes signs shall be allowed, but the number shall not exceed the number of turns necessary to arrive at the Parade of Homes house location. Signs may be displayed beginning on Saturday and shall be removed at the end of the next day, Sunday. After the Parade is completed, awards banners may not be displayed outside a home or building.

Residential Signs – Identification signs of a combined total face area of two square feet or less are permitted for each residence and/or driveway identification marker.

Security Company – Signs advertising that a security system is installed may be displayed. Signs shall be from the security company and attached to the building, placed free-standing immediately adjacent to the building, or attached to a driveway identification marker. Signs shall not exceed one square foot.

Other signs may be permitted with the written approval of the ENPHA Board of Directors, as limited by the Decs and Covenants.

**Temporary Structures (Section 2.02.9)**

Mobile homes, trailers, tents, or similar facilities or structures are not permitted at any time. The only exception to this Rule would be a temporary construction shelter (office) to be used exclusively in connection with construction.

**Outside Storage (Section 2.02.10)**

Generally speaking, the storing of items or material outside is not permitted. However, construction materials are allowed on a lot for a period not to exceed thirty days prior to construction.

### **Recreational Equipment (Section 2.02.11)**

The Rules state that “No swing set or other large-scale recreational equipment shall be maintained on any lot that is visible from the Golf Course Parcel.”

### **Maintenance of Building (Section 2.02.12)**

Each property owner shall maintain the building or buildings upon each lot owned, including walkways, paving, and fencing, in good condition.

### **Maintenance of Landscaping (Section 2.02.13)**

This is a key Rule, particularly in light of the clearance of dead and/or diseased trees. The Rule requires each property owner to maintain landscaping in good condition, including the removal of dead branches, brush, and performance of other tasks to remove or eliminate material that constitutes a fire hazard. The TOS has recently adopted an ordinance requiring the removal of “dead, diseased, and/or beetle-infested trees” (TOS ordinance 4-8-52).

### **Insurance (Section 2.02.14)**

Property owners are required to maintain insurance in amounts at least equal to the appraised value of their home.

### **Trash (Section 2.02.15)**

This is another key Rule, particularly in regard to ensuring bears and other wild animals are not attracted to garbage. Each property owner is required to keep trash in a covered container(s) that is/are not visible from neighboring property. Property owners should use local trash haulers for disposal of trash or take trash to the local landfill. Trash should not be placed at the curb until the day that trash pickup is scheduled; empty trash containers should not be left at the curb overnight.

### **Clotheslines (Section 2.02.16)**

Outside clotheslines or other clothes drying or airing devices are not permitted.

### **Waste (Section 2.02.17)**

Accumulating waste material is not permitted except as part of an established compost pile that is not visible from a neighboring property.

### **Burning (Section 2.02.18)**

This is a key Rule because it stipulates that no property owner(s) shall permit any condition on his/her property that will create a fire hazard (e.g. slash piles or dead/ downed trees). Using outdoors barbeque grills is OK, and exterior fires are OK in outside fireplaces and braziers contained within facilities or in improved areas designated for such purposes. However, burning of trash, garbage, or waste in outside incinerators or burn piles is not permitted.

### **Accessory Structures (Section 2.02.19)**

No accessory structure or storage building is permitted unless it is architecturally integrated into and is part of the main structure and is approved by the ENPHA Design Review Committee. During construction, temporary shelters or facilities used exclusively in connection with the construction of the main structure of a residence are permitted.

**Vehicles (Section 2.02.20)**

This is a key rule and is included in its entirety. “No trucks, trail bikes, recreational vehicles (including ATV’s), snowmobiles, campers, trailers, boats or boat trailers or vehicles other than passenger vehicles or pickup or utility trucks with a capacity of one ton or less shall be parked, stored, constructed, or in any manner kept or placed on any lot, or street within the property except in a closed garage or screened parking area. No vehicles shall be stored on blocks or kept inoperable.”

Parking of all personal vehicles of property owners or guest(s) of the property owners shall be restricted to the garage or the plat/design approved (by the ENPHA Design Review Committee) driveway of the property owner and only on a paved area. Parking on the street is not permitted; the streets are TOS property and parked cars may be ticketed.

However, in special circumstances, a parking permit may be obtained from the TOS Police Department. Also, Colorado SB 05-100 (38-33.3-106.5) makes special

**Vehicles, continued**

provisions for a vehicle(s) used by a property-owner who is employed by an emergency services provider.

**Combustive Vehicles (Section 2.02.21)**

The Rule covers use of vehicles off-road in the ENPHA boundaries and states that no snowmobile, motorcycle, or recreational vehicle powered by an internal combustion engine may be operated off the roads within the property. Golf carts and snow mobiles owned by the Raven Golf Course obviously are used on the golf course property and on roads and streets; however, no privately-owned golf cart or snowmobile shall be used on any property within the ENPHA boundaries.

**Enforcement of Provisions (Section 2.02.22)**

The provisions in the Decs and Covenants are intended to maintain and enhance the attractiveness and desirability of the Eagles Nest community. To that end, the Decs and Covenants give the Association, the Design Review Committee, and any homeowner the right to “bring legal action for the enforcement...against any person violating the provisions of the Section.” (i.e., Article II). Most of us would agree that “legal action” should be avoided. In fact, there are relatively few violations of the Decs and Covenants, and almost all of them are handled expeditiously and without conflict.

However, should the Association or the Design Committee note a violation of the Decs and Covenants, the following process will be initiated:

The Compliance Office will contact the property owner(s) and attempt to resolve the

violation.

If resolution is unsuccessful, a letter will be sent to the property owner who is in violation. The letter will inform the property owner of the nature of the violation and what needs to be done to correct the violation.

The property owner will be given seven days to correct the matter and come into compliance with the Decs and Covenants. If, after seven days the violation has not been corrected, a fine of \$100 will be levied against the property owner. For every day after the seventh day, an additional fine of \$50 will be levied until the violation is corrected.

In addition to these levies, the Association may choose to impose an administrative fee not to exceed \$500. Lawyer's fees and all other association costs are usually charged on an hourly basis and are borne by the offender.

#### Mediation (New ENPHA Policy)

At any time during this process a homeowner who is in violation of the Decs and Covenants may initiate a mediation process to resolve this matter. That process, which is outlined on the Association's website, would begin by contacting the president of the Association in writing.

### **RULES AND POLICIES – OTHER ITEMS**

The ENPHA Decs and Covenants do not specifically address the following items. These are listed here because of existing State law or TOS ordinances which require the compliance of ENPHA property owner or to establish basic guidelines for good practices.

#### **Flags**

The display of flags is permitted on an owner's property consistent with State Law (SB 06-89, 38-33.3-106.5) and TOS ordinance 4-9-6. Stand-alone flag poles shall be approved the Design Review Committee and generally will be held to a standard of not more than 25' high and placed within the building envelope.

#### **Holiday Decorations**

It is the intent of the ENPHA to allow all reasonable holiday displays with the following guidelines:

Lighting included in displays should not blink, flash, or rotate and should generally be unobtrusive (i.e. should not shine on a neighbor's home). (TOS ordinance 4-9-5).

Holiday decorations (for example, sleighs, reindeer, Easter bunnies, etc.), with the exception of unobtrusive lighting mentioned below, shall be removed and stored within two weeks after the date of the holiday.

Lighting placed on homes (e.g. “icicle” type lighting) should be removed and stored two weeks after the date of the holiday or, as applicable, after the snow has melted – usually by April 30.

Lighting with small bulbs on green wire that is placed on trees does not have to be removed.

**Town of Silverthorne New Lighting Requirements**

The Town of Silverthorne as of September 15, 2010, will require all residential outdoor lighting be such that the source of the light cannot be seen. If the bulb can be seen from the outside it is not in compliance. Solution is to retrofit clear glass with a frosted, opaque glass, or shield the lamp. Only a 60 watt bulb or less may be used. Design requirements for Eagles Nest since 2001 have required down cast lighting. Please note there is also a commercial component that will be implemented.