

RESOLUTION OF CARRIAGE HILLS PROPERTY OWNERS ASSOCIATION, INC.
REGARDING CLARIFICATION OF the term NUISANCE and other COVENANTS AND SUPPLEMENTAL
RULES, REGULATIONS AND POLICIES

SUBJECT AND

PURPOSE:

The purposes of this Resolution include: to clarify the Protective Covenants for Carriage Hills Subdivision Filings 1-5 and 8, to promulgate supplemental rules and regulations to support uniform and consistent implementation, administration, and enforcement of the governing documents; and to encourage compliance in a manner designed to protect, preserve, and enhance the nature and character of the Carriage Hills community as a whole.

AUTHORITY:

The Protective Covenants, Articles and Bylaws of the Carriage Hills Property Owners Association (“CHPOA” or “Association”) and Colorado law.

EFFECTIVE DATE: APRIL 23, 2024

Introduction and Background:

RESOLUTION: This resolution is intended to further clarify and supplement the prior resolutions concerning nuisances and other regulations that are fundamental, and adhere to, the basic framework established by the Protective Covenants for Filings 1-5 and 8. The following policies and rules apply to all property (lots) located in Carriage Hills Subdivision Filings 1-5 and 8, unless otherwise provided. References to sections/paragraphs of the Protective Covenants are included for provisions that are specific, filings.

WHEREAS, the Third Article of the Articles of Incorporation provides that the purpose of the Association is to foster a better quality of life for the residents of the area.

WHEREAS, one means of fostering a better quality of life is the enforcement of the Covenants which, under Section 5, prohibit any form of “nuisance” or offensive activity, or anything that may become an annoyance or nuisance to the neighborhood, the Resolution of Carriage Hills Property Owners Association, Inc. Regarding Clarification of Covenants and Supplemental Rules, Regulations and Policies replaces the prior Nuisance Resolution dated December, 15, 2009. The new Resolution seeks to bring additional clarity and intent for enforcement along with timely relevance.

WHEREAS, the Covenants are silent with respect to the meaning of the term “nuisance” as used in Section 5 of the Covenants. The filings are 1,2,3,4,5, & 8.

WHEREAS the Board of Directors wishes to provide examples of what is considered a “nuisance,” so as to (1) ensure owners, residents and occupants have clear notice of what is prohibited under Section 5 of the Covenants, (2) assist in the enforcement of violations thereof, and (3) to further the purpose of the Association in fostering a better quality of life for the residents.

Now therefore, the following Resolution clarifying the term “nuisance” has been adopted:

EXTERIOR BUILDING/PROPERTY MAINTENANCE AND UPKEEP

The following requirements apply in addition to applicable Estes Park, Estes Valley and Larimer County Codes and Ordinances:

- 1) All property and improvements, including but not limited to accessory structures, detached garages, fences, and walls, shall be maintained in clean, and sanitary conditions, reasonably free of pests. To ensure the health, safety, and integrity of property and others in the community, each owner is responsible for maintaining all portions of the owner’s lot in a structurally sound condition and in a state of good repair. This maintenance responsibility includes, but is not limited to the following:

- a) Exterior walls shall be maintained plumb, free of holes, cracks, rotting material, and peeling paint, deteriorating surfaces, including but not limited to peeling, flaking, chipping.
- b) Walls shall be properly anchored to supports/supporting elements, foundation, or columns.
- c) Foundations shall be maintained in structurally sound, good repair, free of deterioration.
- d) Roofing and components shall be maintained in good working order, free of holes, peeling and structural fatigue.
- e) Weeds and Invasive species of weeds is covered under: WEEDS AND INVASIVE PLANTS

VEHICLES, PARKING, and STORAGE

The following requirements apply in addition the prevailing CHPOA Protective Covenants and Clarification of Terms, Estes Park, Estes Valley and Larimer County Codes and Ordinances:

- 1) Only vehicles, recreational equipment, recreational vehicles, RVs, and trailers belonging to occupants of a principal residence/residential building may be parked or stored on the lot. Visiting relatives and friends may, for the maximum period of 10 days, temporarily park at the owner's residence.
 - a) Passenger vehicles, Recreational vehicles, RVs, and Trailers
 - Not more than 4 vehicles (including recreational, RV and trailers) can be parked or stored on lots less than two acres in size.
 - Not more than 5 vehicles (including recreational, RV and trailers) can be parked or stored on lots larger than two but less than five acres in size.
 - Not more than 6 vehicles (including recreational, RV and trailers) can be parked or stored on lots larger than five, but less than ten acres in size.
 - Not more than 8 vehicles (including recreational, RV and trailers) can be parked or stored on lots larger than ten acres in size.
 - Parking is prohibited in required "setbacks." See Estes Park/Larimer County "Setbacks" Code, Ordinances.
 - b) Rental, Vacation Rentals and Short-Term Rental property owners may not park or store personal vehicles on the rental properties.
 - c) No vehicles, recreational equipment, recreational vehicles, RVs, or trailers shall be used as a residence, temporarily or permanently.
- 2) Parking is prohibited within applicable "setbacks." See Estes Park/Larimer County Code and Ordinances. (A link will take you to 675 pages of municipal code, so maybe we delete this highlighted copy.
- 3) Wherever possible, recreational vehicles, recreational equipment and trailers must be parked/stored as far from the road as the house, on any side.

COMMERCIAL USES HOME BUSINESSES:

(Clarifying Filings 1-5, Paragraphs 1, 10, Filing 8, Paragraphs 1 and 10)

- 1) The lots shall be for residential use only except that the owner of the Lot may conduct incidental(ancillary) business or professional activities so long as the business activity (a) conforms to all applicable zoning requirements, and (b) is consistent with the community's residential character, (e.g., it does not result in increased noise or similar noxious activity that unreasonably interferes with the quiet use and enjoyment of surrounding properties).
- 2) Ancillary businesses that involve the use of commercial vehicles traveling to and from the home are prohibited. A home business should not increase traffic or require on-street parking. Examples of permitted uses include accountant or consultant, where clients typically visit one-at-a-time. Signage shall be in accordance with existing CHPOA Covenants, Estes Park, Estes Valley and Larimer County Ordinances and Codes.
- 3) Vehicles seating more than 15 passengers, longer than 22 feet, or wider than 8 feet, and/or designed to haul trash or debris, are prohibited from regularly or permanently parking on any lot in the Carriage Hills subdivision.

PARKING and ACCOMPANYING VEHICLE TRAFFIC

- 1) A maximum of two commercial vehicles per lot are permitted in accordance with Larimer County Ordinances and Codes. Personal vehicles doubling as work vehicles are allowed. All commercial vehicles are included in and considered part of the total numbers of vehicles allowed in accordance with Larimer County Ordinances and Codes, not in addition to.
- 2) Employee and/or customer parking for commercial purposes, is prohibited
- 3) Personal businesses operated from any lot may not generate vehicle traffic beyond normal residential traffic.

INOPERABLE VEHICLES

- 1) Inoperable or abandoned vehicles may not be parked or stored outside.
- 2) Inoperable or abandoned vehicles mean any automobile, truck, RV, recreational vehicle, or self-propelled vehicle incapable of moving under its own power, or which lacks a required, valid state license plate or does not comply with the minimum safety requirements of state motor vehicle laws.
- 3) Garage and off-street parking areas shall serve only the residents of the property and shall not be used for commercial purposes.

STORAGE, STAGING, Other

- 1) Temporary staging of containers (including but not limited to shipping, dumpsters, roll-off dumpster, storage, PODS, commercial style trash containers), individually measuring up to 10' X 8.5' X 8', may be temporarily staged on a property (90 days or less), during move in, move-out, or for purposes of carrying out permitted (approved) construction or remodeling. A maximum of up to 2 individual containers, per Lot, are allowed during the 90-day period. Containers/dumpsters must be promptly removed upon moving and/or completion of any construction project.
- 2) Long-term storage of any containers (described above) shall be fully enclosed, screened and not visible to the street, or adjacent properties, and limited to not more than one. Hard side dumpsters must not be visible from streets or adjacent properties, and may not be placed or kept within designated setbacks.
- 3) Owners and residents must comply with all applicable code requirements.
- 4) No lot shall be used for the storage of personal property in the open (e.g. tools machinery equipment, construction materials), except during the construction period, not to exceed six months Except during construction, personal property and equipment must be stored in enclosed structures (e.g. a garage, storage shed, etc.) or otherwise reasonably screened from view.

GENERAL DISTURBANCES AND NUISANCES

(Clarifying Resolution of CHPOA, Inc. Clarification of the Term Nuisance for Filings 1-5 and 8.)

- 1) Waste Materials
 - a) Accumulation, storage, deposit, keeping of waste materials including but not limited to garbage, rubbish, litter, trash, waste metal, discarded machinery parts, waste paper products, waste lumber (unusable, rotted, broken), discarded building materials, pallets, discarded furniture, discarded furnishings, feces, debris on private or public property, is prohibited.
 - b) Household garbage, trash and refuse shall be kept in containers consistent with The Town of Estes Park Municipal Code, Chapter 7.20 Wildlife Protection and Larimer County Ordinance No: 062020170002 Ordinance for Wildlife Protection Through Refuse Disposal.
- 2) Unsanitary Conditions. In addition to Estes Park Municipal Code 7.12.110 - Animal waste removal:
 - a) Animals, and their living environments (e.g. yards, kennels pens, pastures) must be kept clean and free of manure. Manure must be kept in a box, vault, which is screened from neighboring properties. Manure storage shall not be placed or kept within designated property setbacks, nor in any street-facing sides of the premise.
 - b) Manure storage shall be emptied at least weekly for small animals and monthly for large animals.
- 3) Noise
 - a) Vehicle Noise and Emissions
 - i. Vehicles shall operate within Colorado and Larimer County law.
 - ii. Any excessive vehicle noise is considered a nuisance violation.
- 4) Noise Nuisances / Disturbing the Peace
 - a) "Nuisance" shall include but not be limited to loud, obnoxious, destructive, disruptive, offensive, prolonged, or annoying activity which is or may become a "nuisance" to others in the neighborhood or adjacent properties.
 - b) Examples of Nuisance include without limitation:
 - Loud activities at a volume which disturbs residents or adjacent properties.

- Activities which cause unreasonable increases in noise beyond what is reasonable and customary to a rural residential dwelling.
 - Conduct that creates any imminent danger or risk of injury to others or damage to property.
- c) Nothing will be done or kept on any lot that would be a violation of any statute, rule, ordinance, permit or other validly imposed requirements of any government body. Violation of the foregoing will be deemed to constitute a nuisance.

ANIMALS

Larimer County Municipal Code, Chapter 6 ANIMALS and Estes Park Municipal Code 7.12.120 - Disturbance of Neighborhood Prohibited, are in affect including, but not limited to:

- 1) Off leash and or loose domestic pets and animals.
- 2) Disturbance of the peace and quiet, are prohibited. Animals habitually barking, howling, crowing, etc. beyond 10 minutes in any 24-hour period; animals loose at large, unattended, off-leash, harassing or chasing wildlife; failing to clean up pet (or any kind) feces, are considered to be Disturbance of the peace and quiet.
- 3) No animals, livestock or poultry shall be kept on any lot, except dogs, cats, and other household pets if confined thereto by fence or other restraint, provided that they are not kept, bred, or maintained for commercial purposes.
- 4) The covenants for properties in filings 1, 2, 3, or 8 allow up to 2 horses provided the lot size is 1-acre or larger. Properties in these filings which are close to, but slightly under one acre, seeking to have horses, are subject to the approval of the CHPOA Board. The covenants for properties in the other filings (4, 5, 6, and 7) do not allow horses.

WEEDS AND INVASIVE PLANTS

Property owners shall comply with the following:

- 1) The Larimer County Noxious Weed Management Plan requiring eradication of all List A species and infestations of certain List B species, as well as eradication, containment, and suppression measures for List B: and
- 2) The Estes Valley Municipal Code, Section 8.04.030 & 8.04.040 which states in part: “Noxious weeds shall be defined as species listed in the Larimer County noxious weed list or the Colorado Department of Agriculture noxious weed list as a noxious weed. Failure to manage a noxious weed is failure to prevent the plant from establishing, growing, reproducing, or dispersing itself. Management methods include, but are not limited to, chemical treatment approved by the Colorado Department of Agriculture or mechanical cutting prior to seed maturity, including removal and proper disposal.”
- 3) This means the owners must comply with the requirements for eradication, suppression, and control of all List A Species, List B Species, List C Species and Watch List on private property in Carriage Hills, including road right of ways. More information can be found at: <https://www.larimer.gov/naturalresources/weeds>.
- 4) In addition to Listed and Watch-list weeds and invasives, Creeping Bellflower (*Campanula rapunculoides*), Hairy Willow-herb (*Epilobium hirsutum*) and Crested wheatgrass (*Agropyron cristatum*) shall be eradicated and suppression measures applied on an ongoing basis.

LIGHTS/LIGHTING

The intent of these requirements is to minimize the impacts of lighting on the night sky, surrounding neighborhood and minimize impact on wildlife habitat and migration.

- 1) New and replacement exterior lights shall be Dark Sky compliant in accordance with the International Dark Sky Association (IDA) standards.
- 2) Exterior lighting must be reasonably shielded to minimize potential light trespass on/into adjacent properties.
- 3) “Light trespass,” defined as the illumination of outdoor spaces which casts light through a window to interior spaces of dwellings or, beyond the property lines of the lot, is prohibited.
- 4) Pole lights, whether on poles or mounted on buildings shall be equipped with down facing shields.

- 5) Exterior lights shall be turned off between the hours of 10 p.m. to 6 a.m.
- 6) Lighting, graphics, signs, and other decoration illuminating structures are prohibited. The exceptions are low watt decorative and seasonal holiday light displays. Decorative lights shall be turned off between the hours of 10 p.m. to 6 a.m. Seasonal holiday lights are permitted from November 15th through January 31st. Light trespass is still prohibited.

FIRE MITIGATION

Fire Mitigation resolutions are based on Federal, State and Local Firewise policies and best practices, to help owners and residents to protect homes, properties, and the Community as a whole.

- 1) Property owners are strongly encouraged to implement Federal and local FireWise principles contained in Colorado State Forest Service, Colorado State University Extension, publications including but not limited to The Home Ignition Zone, 6.302 Creating Wildfire-Defensible Zones, 6.303 Fire Resistant Landscaping, and 6.304 Forest Home Fire Safety. Additional information is available at www.estesvalleyfire.org under Wildfire and Prevention.
- 2) Trees infested, dead or dying from any of the following shall be promptly treated or removed: Douglas Fir beetle, (Dendroctonus pseudotsugae, Mountain Pine beetle (Dendroctonus ponderosae, Spruce IPS beetles (IPS hunter and IPS pilifrons)
Treatment and removal can include, but is not limited to: Complete removal of wood and debris, chemical treatment onsite, piling and burning with a Burn Permit from the appropriate agency (Estes Valley Fire Protection Department and/or Larimer County), and chipping. Infested trees/wood must be removed and disposed of in such a manner as to mitigate cross-contamination and/or spreading of disease to healthy trees.
- 3) Property owners shall keep ongoing slash, dead branches, excess brush, and deep pine needle accumulations removed in accordance with (b), above. Downed logs at a rate of 1-2 per acre, for wildlife, are permitted.
- 4) Select dead, non-beetle kill trees may be left standing at a rate of 1-2 trees per acre, for wildlife and wildlife habitat, providing they are at least 16 feet from structures, and do not endanger dwellings, access roads, driveways, adjacent property, or power lines.
- 5) Property owners are strongly encouraged to remove any and all Junipers (genus Juniperus of the cypress family Cupressaceae) that are within 30 feet of buildings built of flammable materials, or within 10 feet of fire-resistant materials.
- 6) Property owners are strongly encouraged to hardscape a 5-foot space immediately adjacent to homes and decks, including removal of any and all flammable vegetation, including but not limited to grass, shrubs, slash, mulch, and other woody debris.
- 7) Property owners are strongly encouraged to keep any firewood 30 feet away from structures, including decks. Storage of flammable materials under decks, such as firewood and or propane tanks, is prohibited.
- 8) Evergreen trees within 15 feet of wood, log or other flammable materials shall be pruned to a height of 6-10 feet from the ground or one third of the total height of the tree, whichever is less.
- 9) To ensure safe ingress and egress, property driveways and access lanes shall be maintained clear of obstacles (trees, rocks, etc.) for emergency vehicle access. Existing drive and lanes shall be kept clear 12 feet wide and 13.5 feet high; New lanes shall be kept clear 16 feet wide and 13.5 feet high. New locked gates, must include the required Knox Box and correct keys, labeled. This is to facilitate safe access by emergency and fire fighting vehicles.

PROPANE TANKS (40LB and larger)

- 1) Larimer County and Estes Park requirements for liquid propane tanks are contained within Building and Municipal Codes and Ordinances. In addition to those Codes and Ordinances, a 10-foot diameter area around tanks shall be kept free and clear of all flammable materials and vegetation; Tanks shall not be kept or stored under, adjacent to or surrounded by flammable materials or structures. The larger areas around the tanks shall be maintained in a manner to facilitate safe access in case of emergency.

- 2) 20 LB propane tanks typically used for gas grills, propane fire pits, and/or patio heaters are not included in this resolution.

OTHER:

PANHANDLING

- 1) Panhandling shall be defined as soliciting people in public for money, food, or other goods.
- 2) It shall be prohibited by covenants for any person to panhandle in Carriage Hills.

DRONES (<https://drone-laws.com/drone-laws-in-colorado/>)

- 1) n accordance with Colorado State Law, Drone operators must not fly over the town or privately-owned properties without prior approval.
- 2) Drone pilots must not fly their craft recklessly or in a way potentially harmful or dangerous to people and wildlife.

PRESIDENTS CERTIFICATION:

The undersigned, being the President of the Carriage Hills Property Owners Association, Inc. a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on APRIL 23, 2024, and in witness thereof the undersigned has subscribed his/her name.

CARRIAGE HILLS PROPERTY OWNERS ASSOCIATION, INC.,
A COLORADO nonprofit corporation

BY: 

Thomas Moretti, President

FILE: FINAL CHPOA RESOLUTIONS 2024 FINAL