

River West P.U.D. Community Association

Common Area Rules and Regulations

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Introduction

The social success of the River West community depends on the cooperation of all residents to follow common sense in the use of our commonly owned property. Such commonly owned property is defined in the Declaration of Covenants, Conditions and Restrictions for River West P.U.D. Community Association as the “Common Elements” and is referred to in this document as the “Common Area”. It is also necessary to document the rules and regulations that govern the use of our Common Area. The River West P.U.D. Community Association (herein referred to as the Association) through its Board of Directors (herein referred to as the Board) has adopted the following rules and regulations to assure the enjoyment, safety, and tranquility of everyone living in our community.

These rules and regulations only govern the use of the Common Area within the River West community. These rules do not govern improvements and landscaping performed on Homeowner lots.

These rules and regulations are enforceable under the law, based on the section below entitled “Enforcement of Rules”.

The use of the word “Homeowner” in this document will include owners of individual lots within River West, their tenants or occupants, and guests of Homeowners or occupants of River West. It is anticipated that a common use agreement between the River West Association and the Ridge West Association will provide for use of the River West Common Area by Ridge West residents and use of the Ridge West Common Area by River West residents. Through the use of such agreement Ridge West residents will be subject to these Rules and Regulations and River West residents will be subject to any rules and regulations adopted by the Ridge West Board of Directors in regard to the use of the Ridge West Common Area.

The Board may change these Rules and Regulations at any time. The Board may revoke any consent granted hereunder.

Receipt of this document shall constitute formal notice. No other communication of the Rules and Regulations is required.

Enforcement of Rules and Regulations

In order to enforce the Rules and Regulations, the Board may levy, assess and collect reasonable fines and costs as established by the Board in a special hearing on specific issues. The Board will establish procedures for notification of Homeowners regarding violations and processes for levying fines. The Board may assess fines against Homeowners for violations by the owner, members of his or her family, invitees, licensees, tenants or lessees of such Homeowner.

Definition of Common Area Components

The Common Area within River West falls within six categories defined and referred to herein as follows:

- 1) The “Jo Dee Reservoir”. The large lake located between River West Drive and Highway 392.
- 2) The “Entrance Ponds”. The two ponds located adjacent to River West Drive at the entrance to River West.
- 3) The “Common Area Access and Drainage Corridors”. The portions of the Common Area lying between the lot lines of adjacent lots, which provide Common Area access and drainage ways. In particular such areas are located between Lots 19 and 20, Lots 23 and 24, Lots 26 and 27,

Lots 30 and 31, Lots 64 and 65, Lots 74 and 75, Lots 81 and 82, Lots 107 and 108, Lots 144 and 145, Lots 165 and 166,

4) The “Landscaped Common Area”. The portions of the Common Area in the vicinity of the Entrance Ponds which has been established with turf grass and an irrigation system.

5) The “Wetland, River and Riparian Area”. The Common area consisting of the wetlands and the wildlife pond near Highway 392 just west of the river, the Cache La Poudre River, and the river’s adjacent riparian area.

6) The “Native Grass Common Area”. All Common Area not defined under Paragraphs 1 through 5 of this section. This area is the non-irrigated native grass area.

Improvements

All improvements owned by Homeowners shall remain on the Homeowner’s property, and will not be allowed in the Common Area except as otherwise provided for herein. Improvements, which are not permitted, include but are not limited to the following:

- Fencing
- Structures
- Dog fences (above ground or underground radio fences)
- Signs
- Landscape edging
- Paths and trails
- Play sets, sand boxes, and other play equipment.
- Satellite dishes
- Gardens

No storage of personal property or materials is permitted within the Common Area.

Landscaping

All grass, plants and trees in the Common Area belong to the community. Homeowners shall not mow, irrigate, plant trees, grass or shrubs, or otherwise modify the Common Area except as follows:

- During dry spells or after reseeding, “Common Area watering” is allowed when requested by the Common Area Committee. In such cases Homeowners are allowed to set hoses to water Common Areas adjacent to their lots. Any costs associated with such watering will be at the Homeowner’s expense. Homeowners are urged to exercise caution not to over-water.
- It is acceptable and Homeowners are encouraged to pull weeds and mow native grasses within 2 feet of Homeowner property lines as this will help avoid damage to improvements at the property line during mowing and weed control within the Common Area by the Association. General weed control within the Common Area is the responsibility of the Association, however Homeowners are not prohibited from pulling weeds in the Common Area. Homeowners shall not undertake any chemical weed control beyond 2 feet from the property line.
- Homeowners may plant wildflowers and native grasses in the Native Grass Common Areas at their own expense. However, these plantings may be cut down or eradicated in course of mowing and weed control by the Association. Any such planting is done at the Homeowners risk and the Association shall not be responsible for any damage to such plantings.
- Landscaping and installation of irrigation systems in the Common Area Access and Drainage Corridors if approved for a specific location by the Common Area Committee Chairman.

Grading

- All grading of land conducted by Homeowners must be restricted to the Homeowner's property.
- Homeowners should not cause any digging, grading or filling of the Common Area. In the event of drainage problems in the Common Area, homeowners should bring the issue to the attention of the Common Area Committee. It is the responsibility of the Common Area Committee to deal with Common Area drainage or grading issues including seeking professional help as necessary.
- The Architecture Control Committee must approve construction of retaining walls that border the Common Area. Location of such walls must be restricted to Homeowner property.

Use of Jo Dee Reservoir and the Entrance Ponds

- Storage of boats and other personal property on the shoreline of Jo Dee Reservoir, the Entrance Ponds or any other location within the Common Area is not permitted. Storage is restricted to Homeowner property.
- Use of motorized boats or jet skis is not permitted.
- Fishing in Jo Dee Reservoir and the Entrance Ponds is permitted. A catch and release policy is in effect to allow fish populations to develop, until such time as the Board changes the policy. Fishing in the Entrance Ponds and Jo Dee Reservoir is regulated by the State and a valid fishing license is required unless the individual is exempt.
- Swimming is not permitted in any of the lakes or ponds in the Common Area. The Board, based on recommendations from the Association's attorney and insurance carrier due to liability to the Association, has established this policy.
- Personal floatation devices are required for all boating activities.

Animals

- Dogs must be kept on a leash held by a person at all times when the dog is not within the owner's property. The person in control of the dog must pick up waste as soon as deposited. River West is located within the Town of Windsor and as such is subject to the Windsor Municipal Code and in particular Article VI with respect to dogs. Section 7-110 of the Code reads as follows:

(b) It shall be presumed to be a violation of this Section to be at large unless a dog found off the premises of its owner, keeper or supervisor is:

(1) On a leash held by a person; or

(2) Within a vehicle or similarly physically confined and without access to passersby.

Persons in control of dogs outside of the Homeowner's property shall attempt to restrict dogs from urinating in other Homeowners yards due to the damage, which can be caused to grass, and other plant material.

Even if a dog is in the owner's yard it does not mean that it will not leave the yard to "defend its territory" against people walking on the sidewalk or walking their dogs on the sidewalk. Please consider the safety of others in the freedoms you give to your dog. If there is any doubt, the dog should be in a fenced area. Please be courteous and considerate in the control of your dog.

- Horseback riding is not permitted in the subdivision including the Common Area.
- The Poudre Trail is subject to rules and allowable uses adopted by the Poudre Trail Board. As such the Poudre Trail uses may be different than the uses allowed for the Common Area

in general as established in these Rules and Regulations. Once the trail is constructed within River West the rules and allowable uses set by the Poudre Trail Board shall govern its use.

Vehicles

Use of motorized and non-motorized vehicles (including bicycles) is not permitted in the Common Area. This includes construction and landscaping equipment.

The following exceptions are permitted:

- Construction and landscaping equipment access may be permitted in hardship situations only if approved by the Common Area Committee Chairman or the Vice Chairman in the absence of the Chairman.
- Maintenance equipment used by contractors doing work for the Association, such as mowers, mosquito control equipment and reseeding equipment is permitted.

Trash

Trash removal from the Common Area will occur on occasion by property maintenance contractors. While construction is occurring in the neighborhood, it is expected that trash from construction sites will blow into the Common Area. Homeowners are encouraged to pick up trash in the Common Area on occasion. Since this trash originates from construction, disposal of this trash in construction trash bins is allowed.

Dumping of Homeowner trash in the Common Area is prohibited, including lawn clippings and other yard waste.

Gatherings and Events

Any private use of the Common Area for parties and social events is not allowed unless specifically authorized by the Board.

Wildlife

- One of the significant advantages of our neighborhood is the proximity and integration of natural areas. Wildlife in the area shall be treated with respect.
- Hunting in any form is not allowed in the Common Area.
- Residents and/or guests shall not be permitted to harm or harass wildlife, such as chasing or capturing wildlife throwing rocks at wildlife, etc.
- Wildlife enhancement projects and improvements may be undertaken within the Common Area only upon specific approval by the Common Area Committee Chairman.

Association Projects

The Association may undertake projects within the Common Area as determined necessary and/or desirable by the Common Area Committee and the Board including but not limited to grading, seeding, installation of irrigation systems, planting of trees and other plants, construction of trails and placement of signs.