

Guidelines for enforcement of the Aspen Mountain View Master Declaration of Protective Covenants

(effective 11/15/2019)

Clarification for Specific Enforcements:

- **Garbage Cans:** Recycle & trash containers shall be put out for collection on collection days and shall be returned inside by the end of the collection day. No overnight outside garbage storage is permitted, if through extraordinary and valid circumstances the container needs to be left overnight then it has to be unless contained within individual bear-proof containers which meet North American Bear Society or U.S National Park Service specifications. (sect 6.8 (c))
- **Play Structures:** Owners with outdoor play structures (trampolines, swing sets, etc.) must maintain outdoor play structures in a good, operational condition. Remove any play structures that are no longer in use. (6.5 maintenance of property)
- **Building Materials:** Any building materials refuse etc. from new builds or repairs/upgrades must be removed immediately at completion of project.
- **Mailboxes:** Damage done to mailboxes/posts should be repaired/replaced within 2 weeks of occurrence.
- **No Noxious or Offensive activity:** This shall include but not be limited to sound, smell, sightlines or anything that causes offense to other residents.
- **Restrictions on signs (sect 6.14):** Signs are permitted with DRB approval if identifying property owners/address, for sale/rent or various cautions. Also, CCIOA (Colorado Common Interest Ownership Act) allows for displaying political sign on your property no earlier than 45 days before the Election Day and must be taken down 7 days after the election.
- **Noxious Weeds:** The AMV HOA BOD gives permission to the management company to issue a letter of warning to a homeowner to take action on noxious weeds on their property should their property become infested. Furthermore, the management company shall have the right to report any over infested property to Eagle County (Per Title 35 Agriculture Article 5.5-Colorado Noxious Weed Act sect. 109-Private lands-management of Noxious Weeds). If no action is taken by the property owner to cure the infestation, then the HOA shall have the right through its management company to enforce non-compliance fines as per the Associations fining structure.
- **No unsightliness (see sect. 6.8):**
 - The interpretation of 6.8b “except for when in actual use” enforcement has historically been to allow items if they are used at least every 2 weeks, for example snowmobiles in the winter, garden equipment in the summer. For enforcement purposes, interpretation shall be enforced according to the seasonal

calendar, more particular the summer and winter months. During the summer months (May 1st through to October 31st) only equipment associated with the summer season shall be classified as equipment “in actual use”. All winter equipment shall be in an enclosed structure or screened from view. Likewise, during the winter months (November 1st through to April 30th) only equipment associated with the winter season shall be classified as equipment “in actual use”.

- *Screened from view*-means not visible from the street. Some lots have the advantage of lot contour, others do not. Historically some owners have built simple structures of fencing, others have built nice additions. Any proposed structure or screening to be installed requires approval from the Design Review Board prior to commencement of any such installation.
- **Campers / RV’s:** No persons shall be allowed to use any campers or recreation vehicles as living or overnight quarters on any private or common property.
- **Enforcement of Covenants and Rules:** The appointed management will regularly inspect the development for covenant violations. Based on this inspection, they will issue warning/violation notifications delivered by email and mail. Any owner may also issue a complaint of alleged violation in writing by completing and submitting a complaint form on the management company’s website by following the following link:
<https://www.smprop.com/Maintenance-Requests-Comments-Complaints>
- **What to do if you receive a violation letter:** If you receive a violation notice, you have the right to request a hearing with the Board of Directors, the request must be in writing and within 15 days of the date of this notice of violation. Owners can email or mail their request for a hearing to the management company at admin@smprop.com or mail to 326 Highway 133, Suite 120, Carbondale, CO, 81623. The request shall describe the grounds and basis for challenging the alleged violation or any mitigating circumstances. If a hearing is not requested within the 15 day period, the Board will assess fines according to the Master Declaration of Protective Covenants.
- **Fine Structure:** Fines will be issued for non-compliance matters and as per the Aspen Mountain View Governance Policies:
 - First notification: Warning letter
 - Second notification: \$100.00
 - Third notification: \$200.00
 - Fourth and subsequent notifications: \$400.00
 - Continuous violations \$25 per day the violation continues
- Owners are encouraged and expected to read and familiarize themselves with all the Associations governing documents and policies available on the website at:
<https://www.smprop.com/Aspen-Mtn-View-Public-Documents>
 1. Aspen Mountain View Declarations and Protective Covenants.
 2. Aspen Mountain View By-laws
 3. Aspen, Mountain View Governance Policies
 4. Oakridge I Supplemental Declarations

5. Oakridge II Supplemental Declarations
6. The Summit and Oakridge III Supplemental Declarations
7. Aspen Mountain View Design Guidelines and Design Review Criteria Fees.
8. Aspen Mountain View Pool Guidelines, Water Billing Guidelines, Dog Policy and Water system information.

A large majority of all violations are due to the “Unsightliness” clause, please read the below as extracted from the Master Declaration of Protective Covenants.

6.8 No Unsightliness

No unsightliness shall be permitted on any portion of the Property. Without limiting the generality of the foregoing

- (a) All unsightly structures, facilities, equipment, objects and conditions shall be enclosed within an *approval structure or appropriately screened from view*,
- (b) unlicensed cars or trucks, licensed or unlicensed trailers, mobile homes, motor homes or campers (recreational vehicles) trucks other than pickups, heavy equipment, boats, tractors, campers not on a truck, snowcats, ski—doos, snow removal equipment and garden or maintenance equipment shall be kept at all times, except when in actual use, *in an enclosed structure or screened from view*,
- (c) refuse, garbage and trash shall at kept at all times in a covered, noiseless container and any such container shall be kept *within an enclosed structure or appropriately screened from view*,
- (d) service areas, storage piles, compost piles and facilities for hanging, drying or airing clothing or household fabrics shall be *appropriately screened from view*,
- (e) pipes for water, gas, sewer, drainage or other purposes and wires, poles, antenna and other facilities for the transmission or reception of or visual signals or electricity, and utility meters or other utility facilities and gas, oil, water or other tanks, and individual sewage disposal systems or devices shall be kept *and maintained within an enclosed structure below the surface of the ground or screened from view*,
- (f) no grass, shrub or tree clippings or plant waste, or refuse or trash shall be kept, stored or allowed to accumulate on any portion of the Property, and
- (g) lumber, metals, materials or scrap may be stored in small quantities provided the same *shall be appropriately screened from view*.