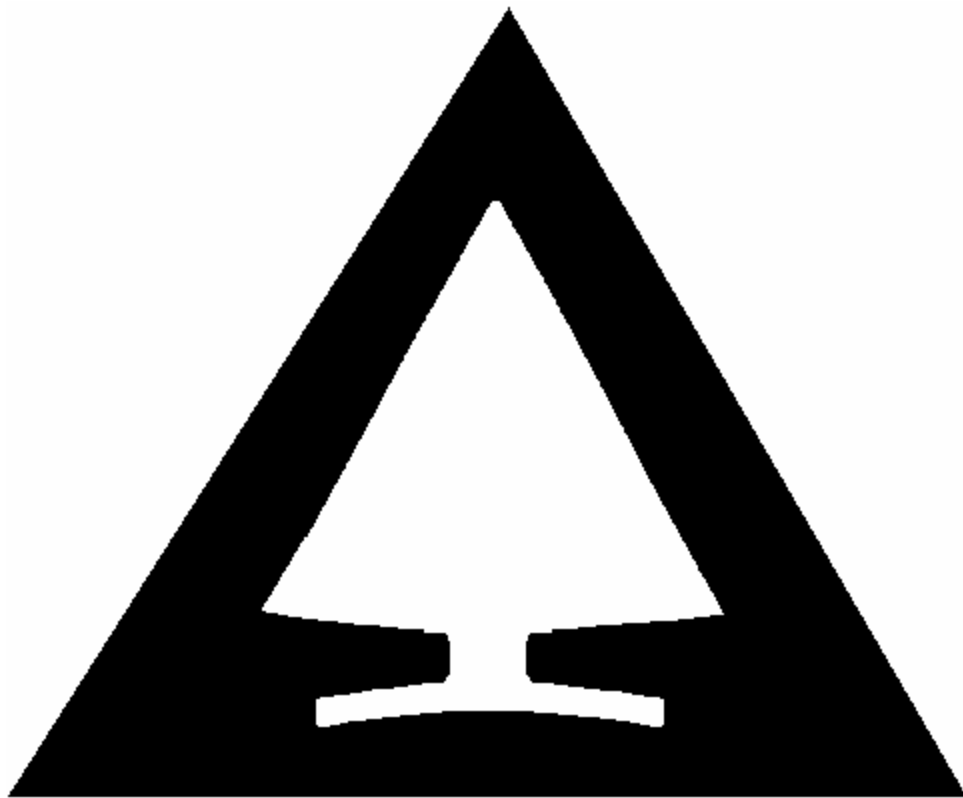


# Arrowhead in Gunnison Country Arrowhead Improvements Association



## **REGULATIONS**

ADOPTED AUGUST 16, 2003  
Last Amended September 15, 2007

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The Arrowhead Improvements Association (“ Association”), acting through its Board of Directors (“Board”), and subject to the provisions of the Declaration of Protective Covenants and Restrictions (“Covenants”), will adopt, maintain, and from time to time amend these Regulations consistent with the express or implied purposes of the Covenants and the Association.

## **SECTION I - ARROWHEAD IN GUNNISON COUNTRY - DESIGN REGULATIONS**

### **A. PURPOSE**

It is the intent of the Board, by their approval of this document, that the property known as Arrowhead in Gunnison Country (“Arrowhead”) be developed and maintained as a highly desirable, rural, residential, and recreational area. It is the purpose of these Design Regulations (1) to maintain the natural beauty, natural growth, and native settings and surroundings of Arrowhead, (2) to protect the property values and amenities in connection with the uses and structures permitted, and (3) to maintain high standards of architectural quality. The Design Regulations are more specific and detailed, and, in some cases, interpret and expand upon the language in the Covenants. In the event of any substantive conflict between the Covenants and these Design Regulations, the Covenants shall prevail.

### **B. SCOPE**

The Design Regulations cover, but are not necessarily limited to, the following areas:

- Construction of single-family residences
- Construction of detached garages and sheds
- Construction of fences
- Improvements to residences, detached garages, and sheds
- Clearing of trees and vegetation
- Placing of driveways

## **ARTICLE 1. - DESIGN REVIEW COMMITTEE**

The Board charges the Design Review Committee (“Committee”) with the responsibility of enforcing the Design Regulations.

### **a. PURPOSE**

The purpose of the Committee is to establish a harmonious design for the community, and to protect and promote the value of the properties in keeping with the Design Regulations.

### **b. COMMITTEE RESPONSIBILITIES**

The Committee will be appointed by the Board, which shall set the number of members. The members shall perform services pursuant to the Design Regulations as directed by the Board. The Committee may meet in person, by telephone, or by mail for the purpose of conducting its business and will keep the Board advised as to Committee actions regarding plans

submittal, approvals, and disapprovals. At least three (3) members of the Committee shall be sufficient for all decisions. A Committee representative will present a report of the Committee's action at each Board Meeting.

(1.) **Written Records**

The Committee shall keep and safeguard for at least five (5) years complete permanent written records of all applications for approval submitted to it (including one set of all architectural plans) and all actions of approval or disapproval and all other actions taken under the provisions of this instrument.

(2.) **Committee Not Liable**

The Committee and the Board shall not be liable for any damages to any person or entity submitting plans for failure to act, failure to approve, or disapprove plans. Any person or entity acquiring the title to any property in Arrowhead, or any person or entity submitting plans to the Committee for approval, by so doing does agree that he or it will not bring any action or suit to recover damages against the Committee or Board, their members as individuals, their advisors, employees or agents.

(3.) **Committee Rules**

The Committee shall make such rules and regulations and adopt such procedures, subject to the approval by the Board, as are appropriate to govern its proceedings.

**c. PLANS** (Amended 7-21-07)

Owners who anticipate constructing new buildings, any structure, or making construction improvements including any changes which will alter the appearance or dimensions of an existing structure, must first submit one (1) complete set of plans for construction, alterations, and/or improvements to the Committee for approval prior to the time any construction, clearing of live trees, or excavation is commenced. The request for approval by the Committee shall have attached the following documents:

- (1.) A plot plan showing the location of any improvement, including but not limited to any building or structure or improvement. Said plot plan will identify the Lot, Block, and Filing of site where construction is anticipated.
- (2.) One complete set of architectural plans and specifications for such building, structure, or addition. Such plans shall be as complete as possible with all dimensions noted and shall include a sketch of the building on the lot and exterior presentations of the building.
- (3.) Descriptions of exterior materials for walls and roof and color schemes for building plans need to be presented. The exterior of buildings must be logs, natural wood siding, or a cement fireproof material that has all appearances of a natural wood product as approved by the Design Review Committee. Stone may be used around foundation and stem walls. Roof surfaces will be constructed of steel. Both roofs and exterior walls will be of a color that harmonizes with the local environment and receives approval by the Committee.
- (4.) Contractor's name, address, and telephone number must be submitted. Plans will not be accepted if the contractor is in violation of the Design Regulations.
- (5) A defensible space plan prepared or approved by the Arrowhead Forest Manager with actions necessary to remove flammable materials. The owner must complete the

action plan within one year.

#### **d. COMMITTEE CONSIDERATIONS**

The Committee shall consider the suitability of the proposed building or improvement, the harmony thereof with the environment, the effect of such building upon the utilization, and view of the lot upon which the same will be built and the obvious interferences, impairment and/or restriction of view, if any, of adjacent property and placement of the building with respect to topography, ground elevations, and existing natural and terrain features. In this regard, best efforts will be made to minimize the restriction, impairment and/or interference of view and solar access that any one building shall have upon that of all other existing buildings.

#### **e. REVIEW OF PLANS**

Within sixty (60) days after receipt of plans for a proposed building or improvement, and upon determination that all accompanying data is sufficient, the Committee shall in writing approve, disapprove, or approve with conditions, the construction of the proposed building or any additions or alterations to an existing structure. Failure by the Committee to act on plans submitted to it within sixty (60) days shall be deemed to be approval thereof, unless additional information was requested from the owner within sixty (60) days of the receipt of the plans.

(1.) The Committee shall review and act upon any plans before a building permit is sought from Gunnison County and two copies of the design review permit shall be provided by the Committee to the owner for use of the owner and Gunnison County.

The Committee shall retain one set of plans.

(2.) All applications for Committee action shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00) for a single-family home, one hundred dollars (\$100.00) for a detached garage, and fifty dollars (\$50.00) for a shed, deck, or other exterior modifications. If a house and garage/deck are built concurrently, only one fee of two hundred and fifty dollars (\$250) is required.

(3.) The Committee shall disapprove any architectural plans submitted, which are not sufficient for it to exercise the judgment required of it by these Design Regulations. The Committee will indicate what additional information is needed and a new time period will commence when the required data is received with no additional fee required.

(4.) The Committee may use the services of a Consultant, but any such Consultant used shall not have the power to vote upon any plan.

(5.) The members of the Committee shall be entitled to reimbursement for out-of-pocket expenses incurred in the performance of their duties as the budget dictates.

(6.) Changes in building plans, which would result in construction differing from original plans with regard to the specifications set forth in these Design Regulations shall be resubmitted to the Committee for re-approval.

(7.) The Committee will visit and inspect the building during construction until completion.

(8.) A building must be dried-in within three (3) years of approval. The term “dried-in” means that all exterior surfaces are completely finished. (i.e.: foundation, floor, framing, windows, doors, siding, roofing, decks, steps, etc.)

## **f. DRIVEWAYS AND LOT EVALUATION (Amended 7-21-07)**

Driveway design and layout is subject to review by the Committee, to minimize costs for installation of driveways or connection to utilities located along them, to minimize the number of trees that need to be removed, to permit a width that will allow passage of emergency vehicles, to allow for shared driveways where feasible and appropriate, to assure that the driveway is in character with the area, and to assure that a culvert is installed by owner, if necessary, to prevent erosion of filing roads. A fee of seventy-five dollars (\$75.00) will be charged to the owner for this service. Under no conditions will live trees be removed or a driveway into a site commenced without prior approval of the Committee.

The following driveway standards are consistent with the driveway standards established by Gunnison County for Arrowhead. Therefore, variances from these standards must be approved by both the Board and Gunnison County.

1. All drive ways shall have a minimum surface width of fourteen (14) feet at the edge of filing road, and taper to a minimum surface width of twelve (12) feet at a distance of six (6) feet from the edge of the filing road, and maintain this surface width to the end of the driveway. Additionally, on any driveway curve over forty-five (45) degrees, bordering trees should be at least fourteen (14) feet apart. Additional clearing may be required by the Committee to facilitate emergency vehicle access.
2. Since most of the surface is rock and it is generally dry when the roads are open, driveway surfaces may be of native material as long as they are sufficiently smooth to accommodate a two (2) wheel drive car. If a driveway passes through a boggy area, gravel will be required.
3. The maximum grades for driveways shall be fifteen (15) percent.
4. The horizontal axis of an approach to a filing road shall be at a right angle (90 degrees) to the centerline of the roadway where possible. An angle between ninety (90) and forty-five (45) degrees shall be permitted if it can be shown that physical constraints exist that require an approach angle of less than ninety (90) degrees. Curved driveways will often be required to move from common land to private lots.
5. No more than one driveway approach from a filing road shall be allowed on any lot.
6. Driveways that end at a lot shall have a loop design or a "Y" or "T" turnaround adequate to accommodate emergency service vehicles. Turnarounds shall be a minimum of twenty (20) feet from any flammable structure.
7. No overhead entry structures are allowed.
8. Common driveways on common areas owned by AIA are encouraged. There is no limitation on the number of lots served by a common driveway.
9. A driveway is defined as a private vehicular access for the exclusive use of the owner-occupants and their guests, and is not considered a road or highway.
10. Once the Committee approves the driveway plan, the owner has two (2) years to complete construction of the driveway, or the approval is void and the owner must reapply.
11. Upon completion of driveway construction, the owner should contact the Committee, so that a final inspection can be completed. Upon final approval, the Committee will provide written documentation of approval for submission to the Gunnison County Building Inspector at the framing inspection.

Every road address should reflect the filing road used to access the property. Property address numbers should be in sequence with the surrounding address numbers on the same filing road. When necessary, existing addresses will be changed by the design review committee. As part of the evaluation, a defensible space plan will be prepared with actions necessary to remove flammable materials. The owner must complete the action plan within one year.

**g. VARIANCES**

The Board shall have the authority to grant a variance from the requirements of these Design Regulations as long as such variance is in compliance with the purpose of the Covenants. The Board may delegate this responsibility to the Committee. The Association must keep a record of all variances granted and the reasons therefore.

**ARTICLE 2. - USE OF SITES**

The following rules, regulations, and restrictions are hereby established for the purpose of governing site usage within Arrowhead.

**a. RESIDENTIAL USE ONLY**

All sites within Arrowhead shall be used exclusively for single-family residential purposes; provided, however, that home occupations as defined in the Covenants shall be permitted so long as they are in keeping with the requirements therein and that no commercial advertising is conducted upon the site. Only one single-family residence designed for the occupancy of one family and their guests shall be permitted on each site.

**b. TEMPORARY STRUCTURES**

**(Amended 10-21-06)**

No trailer, motor home, truck camper, tent, yurt, fabric structure or other such structure of a temporary nature may be placed on a site for use as a permanent building. Construction of permanent dwellings, sheds, and garages shall be in compliance with regulations set forth elsewhere in these Regulations. No pit toilets may be constructed on a site. If there is a pit toilet presently on a site it must be removed. Abandoned pit toilets must be removed by the lot owner or may be removed by the Association at the lot owner's expense. Temporary structures, which are used as a dwelling without adequate toilet facilities shall have private, portable, and self contained accommodation.

**c. USED STRUCTURES**

No existing structures may be moved onto a site from another location. All construction on a site must be new. This includes, but is not limited to homes, garages, sheds, or parts thereof that could be transported from another location for purposes of installation upon a site.

**d. PERMIT REQUIRED**

**(Amended 10-21-06)**

Prior to construction of any permanent structure, installation of any driveway or utility service, excavation for any building or septic system, or removal of any living trees, the site owner shall obtain a design review permit(s). There are three (3) types of permits that are required by the Association. They are: 1.) a driveway and lot survey permit before

commencing driveway construction with a fee of \$75, 2.) a utility permit before commencing any utility installation with a fee of \$250, and 3.) a building permit before construction or any major improvement for a home, detached garage, shed, recreational vehicle (RV) site pad or a deck with a fee of \$250 for homes, \$100 for detached garages and building additions, and \$50 for sheds, RV pads and decks. The owner applies for these permits through the Design Review Committee. These permits are required to obtain a Gunnison County building permit. An automatic fine of \$50 per month shall be assessed when work is done without the required permit.

#### **e. COMPLIANCE WITH CODES**

Any building or construction addition to be erected upon a site must conform to the Gunnison County building, plumbing and electrical codes in effect at the time such construction is commenced, and all other applicable Gunnison County regulations in effect at that time.

#### **f. SETBACK REQUIREMENTS**

No structure shall be placed within ten (10) feet of the property line of the site. Upon construction of a residence or other structure where the center survey stake of the site is removed or covered, the owner must place four survey stakes equal distance apart on the perimeter of the site. Center stakes must be clearly marked and may not be removed without approval of the Committee. All sites within Arrowhead are circular in shape and comprise an area of either .73 acre or 1.00 acre. Radius measurements from the center stake to the perimeter of a .73-acre site is 100 feet. Radius measurement from the center stake to the perimeter of a 1.00-acre site is 117.5 feet.

#### **g. ACCESSORY BUILDINGS**

**(Amended 9-17-05)**

Any permanent shed or detached garage must comply with the same Design Regulations, as does a single-family structure, except that no shed or detached garage may be occupied as a dwelling and no shed structure shall exceed two hundred (200) square feet or less than eighty (80) square feet. A county permit is required for any shed exceeding one hundred twenty (120) square feet in size. A garage shall not be larger than one thousand (1,000) square feet either attached to the house or detached. Detached garages shall not be constructed prior to the primary residence. Sheds and detached garages shall not have any utilities except electricity. An owner is limited to a maximum of one (1) house or RV, (as a residence), one (1) detached garage, and one (1) shed. One (1) additional unoccupied RV is allowed and if and when occupied a fourteen (14) day permit is required. Additional RV(s) may be allowed for a limited time with prior approval from Security.

#### **h. MINIMUM SIZE**

Each single family residence shall have a minimum fully enclosed ground floor area devoted to living purposes, exclusive of porches, decks and garages, of eight hundred (800) square feet, outside measurement. "Ground floor area" shall be interpreted as the main living story of a residence.

**i. MAXIMUM HEIGHT**

The maximum height of a building as measured vertically from the average finished grade line to the highest point of the roof of the structure shall not exceed thirty-two (32) feet.

**j. SCREENING**

Garbage cans, clotheslines, service yards, storage areas, equipment, etc., shall be adequately screened to conceal the same from view of neighboring sites and roads. Screening may be of structural material or vegetation with the approval of the Committee.

**k. ANTENNAS AND SATELLITE DISHES**

Radio, short wave, television, or communication antennae (including satellite dishes) may be erected of a height necessary to achieve communication reception and transmission. Appropriate FCC regulations, safety regulations, and manufacturers instructions shall be complied with regarding installation, grounding and reinforcing guy wiring of all antennas. However, the location of all satellite dishes and any communication installations that are attached to a structure or building and which exceeds twenty-five (25) feet above the highest point of the roof of such structure or building must have approval of the Committee prior to such installation.

**l. SIGNS**

**(Amended 8-19-06)**

Our Regulations allow an individual identification sign in character with the area to identify the site owner, road, and street number. One of the purposes of the Design Regulation is to maintain the natural beauty, natural growth, and native setting and surroundings of Arrowhead. The growth at Arrowhead has led to the erection of numerous new signs and the obvious need for additional guidelines on signs. Additionally, the fire department has recommended additional signage so that emergency responders can easily find sites.

**REQUIRED:**

1. A sign on common ground at the entrance to each driveway.
2. Be visible from the filing road.
3. Not to exceed two (2) square feet or nineteen (19) inches in diameter.
4. Contains the street number.
5. Be high enough to be seen over the snow.

**RECOMMENDED:**

1. Contain the owner’s name and street.
2. Be placed on a post and not a tree.
3. On common driveways, owners work together to coordinate signs.

Additionally, owners may place a sign on their lot as long as it is in character with the surrounding area and does not advertise a product or service.

The new Sign Regulation would be effective immediately, but not enforced until September 1, 2006.

No signs and advertising structures shall be erected, constructed, or maintained on any site, except for an individual identification sign in character with the area to identify the site

owner. Road and street numbers shall be a part of such individual signs. However, political signs no larger than two square feet may be placed on private property no more than four weeks before an election, to be removed within one week after the election.

**m. WATER WELLS**

No wells may be drilled on any site. Arrowhead is served by a central water system. Individual site owners are responsible for maintaining underground extension of water lines to their site or structure in compliance with the provider's requirements. It is recommended that outside frost-free, drain-back water valves be located close to the living structure and marked so as to be visible in deep snow and where they may be utilized for fire fighting purposes.

**n. UTILITIES**

All utility lines must be placed underground. Individual site owners are responsible for connecting to such services in accordance with the provider's requirements. During construction, temporary electrical stanchions may be used, but upon completion of construction, electrical lines must be buried underground and said stanchions removed.

**o. SEPTIC SYSTEMS**

Septic systems serving each site shall be installed after owner has obtained a permit issued by Gunnison County. Such systems shall be maintained in good operating order by the owner and operated in accordance with all applicable rules and regulations of Gunnison County and the Colorado Department of Health. Each individual site must utilize its own septic system, which must be totally located within the property boundaries, solely for that site. It is not permissible to attach to a septic system installed on any other site. Septic system permits must be kept by each property owner as a permanent record.

**p. PERIMETER FENCES**

**(Amended 9-15-07)**

In order to preserve the natural, rural character of the area, no perimeter or boundary fences are permitted around the sites. Other types of interior fences are permissible such as decorative fences or railings, or fences used for dog runs or pens, upon approval by the Committee. Rock walls lining driveways are acceptable as long as they are on a private lot, not closer than ten feet from the edge of the filing road, and not more than one foot high.

**q. FUEL TANKS**

Any elevated fuel tank cannot exceed twelve (12) feet in height and must be located at least ten (10) feet from any road, ten (10) feet inside the site boundary, and five (5) feet from any building or shall comply with the fire code in effect in Gunnison County. Painting fuel tanks to harmonize with the environment is recommended. Propane tanks are permitted but must be installed by the provider in a safe and secure manner. It is recommended that propane and fuel tanks be screened from public view.

**r. TREES**

**(Amended 8-19-06)**

No living trees shall be cut down on any site without the prior approval of the Association,

which may grant such approval through the Committee. A living tree shall be defined as a tree in excess of two (2) inches in trunk diameter. A Defensible Space Survey by the Arrowhead Volunteer Fire Department for the purpose of fire mitigation may be required if so determined during a driveway walk in and lot evaluation by the Committee. Trees may be removed in compliance with a defensible space plan prepared or approved by the Arrowhead Volunteer Fire Department.

**s. CONTRACTOR’S RESPONSIBILITIES**

It shall be the responsibility of the building contractor to remove from the building site and take to an approved disposal site all construction waste and stumps, logs, trees, limbs, and associated debris that were moved to give access to the building site, driveway, and utility lines. The building contractor should complete this service at the time of clearing site or by November 1st of that year (whichever comes first).

**t. RV PADS AND DECKS (Adopted 8-20-05)**

The development of a site for use by RV’s must be approved by the Design Review Committee. Plans for a site pad and or a deck and their location must be submitted to the Committee. A fee of fifty (50) dollars will be required to obtain this permit.

**ARTICLE 3. – ADOPTION OF DESIGN REGULATIONS**

These Design Regulations were revised, reviewed, and adopted by the Board on August 16, 2003 to be effective January 1, 2004.

**SECTION II – ARROWHEAD IN GUNNISON COUNTRY – GENERAL REGULATIONS**

The General Regulations are one part of the Design Guidelines specified in the Covenants. These General Regulations govern the listed items. It is the intent of the Board, expressed by their execution of this instrument, that the property known as Arrowhead be maintained as a highly desirable, rural residential, and recreational area.

**ARTICLE 1. – SECURITY ENFORCEMENT**

The Association acting through its Board has delegated to Security Personnel the power to enforce the rules and regulations of Arrowhead as contained in the Covenants, Design Regulations, and these General Regulations. Security Personnel may issue verbal warnings and/or violation notification notices to violators as required. All such actions shall be reported to the Board. Security Personnel have the authority to request assistance from law enforcement authorities when issues warrant. Security Personnel shall have the right to go on any site, private property, or common areas for the purpose of checking buildings, property, or construction in progress for security purposes to assure the safety and well being thereof.

**a. CAMPING AND RECREATIONAL VEHICLE USE**

Camping in tents, camper trucks, recreational vehicles, or camping trailers by site owners and guests will be permitted. However, all camping equipment, including but not limited to, tents, motor homes, camp trailers, truck campers, self contained RV's, and related supporting equipment must be removed from the site and boundaries of Arrowhead prior to the date designated each year by the Board, notice of which shall be provided to all owners at least thirty (30) days prior to such effective date. Any vehicle or equipment left within Arrowhead after said date shall be considered abandoned. The reason for removal of such vehicle and equipment by the designated date is to prevent such vehicle and equipment from becoming entrapped by winter snowfall or road closure. Any such vehicle or equipment remaining within the boundaries of Arrowhead after the designated date may be towed away or removed and stored at the owner's expense. The Board will designate an appropriate towing and impound authority for this purpose. The Board, employees, or agents of the Association will not be held liable for any damages incurred in the removal or storage of such vehicle or equipment.

**b. ANIMALS AND HOUSEHOLD PETS**

Dangerous or wild animals may not be captured, trapped, or maintained on any site except when necessary to control vermin. Livestock (including but not limited to cattle, sheep, horses, and pigs), riding horses, 4-H animals or poultry shall not be maintained on any site. Domesticated household pets in reasonable numbers such as dogs and cats shall be permitted; provided, that when off the owner's site, they must be restrained by a leash, appropriate tether, or accompanied by the owner and under control at all times. Under no conditions shall household pets be permitted to run at large off the owners site. It is not permissible to leave a household pet on any site when the site is unoccupied unless the animal is contained in an approved enclosure. Pets found running at large or pets subject to a complaint by other persons may be turned over to the Animal Control of Gunnison County and all associated costs incurred by this action including fines will be the responsibility of the pet's owner. Owner's will be responsible for the actions of their pets and must bear in mind that pets running at large constitute a danger to wildlife and other residents and guests.

**c. NUISANCES**

No obnoxious, offensive, or disruptive activity, which would constitute a public or private nuisance to other residents or guests, will be permitted.

**d. FIREARMS**

No firearms, fireworks, explosives, air rifles, BB guns, crossbows, or destructive devices shall be discharged within the boundaries of Arrowhead. Archery practice, using other than live targets and considering the safety of neighbors, may be permitted with prior approval of Security Personnel.

**e. USE OF CHEMICALS**

The use of poisons or pesticides outside of a residence to control pests or vermin is prohibited. This is not to be construed to prohibit the use of Association approved herbicides or insecticides outside a residence to control noxious weeds or insects.

**f. FIRES**

No fires are permitted outside a residence except for cooking or campfires, and then only if properly and safely contained in an appropriate fire pit or barbecue grill. Annual approval of fire pits must be obtained from Security Personnel or the Fire Chief. When weather conditions and fire danger dictate, the Board and the Fire Chief may impose fire bans, which shall be complied with by all owners and their guests. Site owners will abide by the requirements of fire bans issued for this area by governmental agencies.

**g. TRASH**

Household trash or garbage must be kept in properly covered containers with secure lids. No junk or trash shall be permitted to accumulate and must be regularly removed to a County-approved landfill or collection site. Trash or garbage may not be burned on any site or within the boundaries of Arrowhead.

**h. HUNTING**

No hunting or trapping will be permitted on the sites or within the boundaries of Arrowhead.

**i. LAWN WATERING**

No lawn watering is permitted as it may impede fire-fighting capabilities and alter the rural natural character of the area.

**j. CONSTRUCTION VEHICLES**

A site owner shall not permit any construction vehicle including but not limited to front end loaders, bulldozers, dump trucks, back-hoes, compressors, trailers, and related equipment to be parked on his/her site except during active on-site construction. Construction equipment are not permitted to be parked or stored on filing roads or in common areas except while work is in progress and only in a manner approved by Security Personnel. This shall not preclude parking of Association or utility company equipment in an area approved by the Association.

**k. FESTIVALS AND CORPORATE GATHERINGS**

Festivals, meetings, picnics, and campouts involving groups other than site owners and their guests; religious gatherings, corporate gatherings, and similar activities require the advance approval of the Board.

## **I. SITE MAINTENANCE**

The Association, upon the failure of the owner of any site to maintain the site and improvements, including the payment of any taxes assessed thereon, in a reasonably satisfactory manner as determined by the Association, or upon use by the owner in a manner inconsistent with the Covenants and these Regulations, after notice to the owner, may enter upon the site and repair, maintain, rehabilitate, and restore the premises and/or improvements or abate the improper use or pay the taxes thereon. Any costs including reasonable attorney fees shall be charged against the owner of said site and collected in accordance with normal Association collection procedures.

### **m. TREES – LOT CLEAN UP**

**(Amended 7-21-07)**

It is permissible for site owners to clean up dead and downed trees and timber on their sites for use as firewood or to remove the same to an Association approved collection point for such material or to an approved county landfill. Owners may likewise obtain dead and downed trees and timber from the common areas, but shall not encroach upon other sites to gain access to such common areas. Live trees may be removed for defensible space purpose if authorized by a designated member of the fire department.

A purchaser of a lot with a structure (house, shed, or RV pad) is required to have a defensible space plan prepared or approved by the Arrowhead Forest Manager. The defensible space plan will include actions necessary to remove flammable materials. The action plan must be completed within one year of purchase. A purchaser of a lot without a structure must remove conifer undergrowth, low conifer limbs, standing dead trees, and down dead trees within two years of purchase. (effective May 1, 2008)

### **n. ABANDONED VEHICLES**

No abandoned vehicle shall be permitted on any site or the common areas.

## **ARTICLE 2. - COMMON AREAS**

The following rules, regulations, and restrictions are hereby established for the purpose of governing the usage of the common areas within the boundaries of Arrowhead.

### **a. RESTRICTIONS ON USE**

The use of the common areas will be determined and regulated by the Association according to these Regulations. Use may be limited to such recreational and other activities as will preserve the character of the land within Arrowhead. The common areas shall remain open and accessible to all site owners and their guests wherever and whenever reasonable.

### **b. TRAFFIC CONTROL**

**(Amended 1-15-05)**

The Board has established a speed limit for the roads in Arrowhead of twenty (20) miles per hour. All motorized vehicles shall be operated in a manner deemed reasonable and prudent for existing road conditions and pedestrian traffic. Snowmobiles shall be utilized in a safe manner at speeds reasonable and prudent for trail, visibility, and weather conditions and in conformance with the applicable laws and regulations in effect for the State of Colorado.

Vehicle parking on Arrowhead filing roads is prohibited except with permission of Security Personnel. The Board will annually establish a date to close Arrowhead roads to all motorized vehicle traffic except snowmobiles and all terrain vehicles (ATVs) with full nonmetal snow tracks at least thirteen (13) inches wide that leaves a light footprint. The maximum weight of the tracked vehicle and load capacity will not be more than 2500 pounds. The maximum width will not be more than seventy-two (72) inches. Prior to utilizing the above snow tracked vehicle at Arrowhead, you must have approval from security. After such date, it will not be permissible to operate cars, trucks, or any other motorized vehicles, except snowmobiles and the approved tracked ATVs, on the roads. Snowmobiles and tracked ATVs must stay on marked trails within the filings. This does not preclude Association vehicles or utility maintenance vehicles from entering on the roads to make emergency repairs of water or utility systems. Pedestrian traffic has the right of way over vehicular traffic at all times. Operators of ATV's are subject to the same traffic regulations and rules for safe operation as those required for larger vehicles. All motorized vehicles such as cars, trucks, vans, ATV's, motorcycles, dirt bikes, and like type vehicles shall not be operated off the filing roads or approved parking areas. Appropriate traffic control signs will be posted at the direction of the Board for the safety of all site owners and their guests. Snowmobiles and tracked ATVs are not permitted on the Alpine Road from the Association's winter parking area north to Highway 50.

#### **c. CAMPER DUMP STATION**

Discharge of sewage from RV's, motorhomes, tents, trailers, or camping vehicles onto sites, common areas, into lakes or streams, onto roads, or anywhere within the boundaries of Arrowhead is prohibited. A Camper Dump Station located adjacent to the Upper Pump House on Spruce Road is provided and maintained by the Association for the use of site owners and shall be used to dispose of sewage.

#### **d. LAKES AND FISHING**

The Association shall maintain the lakes and regulate the stocking, fishing limits, improvements, posting, and access of the lakes made available for the use of site owners and their guests. Parking of vehicles at the lakes shall be in conformance with posted signs and Security Personnel direction. Fishing limits for the Flint Lakes, Hazel Lake, and Evergreen Lake are three (3) fish per day, per person. Only electric trolling motors may be used on Flint Lakes, Hazel Lake, and Evergreen Lake. Guests of site owners must be accompanied by site owner or member of owners' family or must have a Guest Fishing Permit while fishing on any of the lakes. Daily Fishing Permits shall be required for guests at the Inn at Arrowhead. Disposing of any litter, trash, etc. in or around the fishing lakes is prohibited. Cleaning of fish is not permitted at the lake sites. It is prohibited for any vehicle to drive, park, or operate on the dams at any of the lakes. Swimming in any of the lakes is prohibited. Fish feeders or aerators located at the lakes must not be tampered with. Site owners shall be responsible for assuring the safe activities of their children and guests while at the lakes.

#### **e. HORSEBACK RIDING**

The Association shall provide facilities for boarding riding horses owned by site owners and their guests as long as adequate demand can be demonstrated. Horseback riding along Arrowhead roads and in common areas is permitted. Riding of horses across privately

owned sites to gain access to common areas is not permitted. Maintaining any riding animals on sites is not permitted. The posted rules and regulations at the horse corral site must be adhered to.

#### **f. WINTER PARKING LOT**

The winter parking lot is located south of the Inn at Arrowhead on the west side of Alpine Road. It is for the use of owners and their guests only. Every parked vehicle and snowmobile should have either an Arrowhead parking permit or a guest pass. Both are available from Security Personnel. There is a telephone located in the parking lot building, which can only be used for outgoing calls. A master timer controls the lights. The electrical outlets at the base of each light may be used for emergencies only. The lot is closed during the summer. All private vehicles, trailers, and snowmobiles must be removed by a date specified by the Board each year.

### **ARTICLE 3. – ADOPTION OF GENERAL REGULATIONS**

These General Regulations were revised, reviewed, and adopted by the Board on August 16, 2003 to be effective September 1, 2003.

## **SECTION III – ARROWHEAD IN GUNNISON COUNTRY- COMPLIANCE ASSESSMENTS REGULATIONS**

### **A. PURPOSE**

These non-compliance assessments are established to ensure compliance with the Covenants, Design Regulations, and General Regulations as provided in Article VI, Section 1.b of the Covenants.

## **B. PROCEDURES**

**(Amended 8-19-06)**

Any owner found in violation shall be notified with a written warning. The written warning will state the violation and the timetable for correcting or appealing the violation. If the owner fails to comply or respond within thirty (30) days, a second notice will be mailed. If the owner fails to respond within thirty (30) days, the Board may levy a non-compliance assessment and may use legal methods to bring the violation into compliance and collect the non-compliance assessment. The Association shall offer to resolve disputes with owners by alternative dispute resolution procedures prior to instituting legal action through the court system. The Association shall charge the owner legal fees and other associated costs.

Non-compliance procedures for Design Review violations are as follows:

- Security Personnel observe a violation or an owner provides a written complaint.
- Security Personnel investigate the complaint and complete a non-compliance form if warranted. A copy is provided to the owner. If the owner is not present, the form is mailed.
- The owner has thirty (30) days to comply or appeal.
- If the owner does not respond, a second notification is sent by registered mail.
- The owner has thirty (30) days to respond.
- Board is informed of non-compliance and shall assess.
- Notice of assessment and the need to come into compliance is sent to owner.
- The accounting office is notified of assessment.
- Standard collection procedures are followed.
- If violation is unresolved, after initial assessment is levied, then further assessment action shall result on a monthly basis until the matter is resolved and in compliance or a lien is filed against the property.

Non-compliance procedures for General Regulation violations are as follows:

- Violators of General Regulations related to safety issues will be issued a verbal or written warning. A second (2<sup>nd</sup>.) violation will be referred to the Board for further action.

## **ARTICLE 1. - VIOLATIONS AND NON-COMPLIANCE ASSESSMENTS**

### **Category 1. \$1000**

- a. Shed or detached garage used as dwelling or with utilities other than electricity. (Section I: Article 2.g.)
- b. Failure to obtain approval of plan changes or failure to follow approved plan. (Section I: Article 1.e.)
- c. Removing a living tree over 2 inches in diameter without approval. (Section I: Article 2.r.)

### **Category 2. \$500**

- a. Moving an existing structure onto a site. (Section I: Article 2.c.)
- b. Use of a site for other than a single-family residence or campsite. (Section I: Article 2.a.)
- c. Failure of an owner to maintain his/her site. (Section II: Article 1.1.)
- d. Use of unapproved materials in building. (Section I: Article 1.c.)

- e. Existence of a pit toilet. (Section I: Article 2.b.)
- f. Building a fence without approval. (Section I: Article 2.p.)
- g. Failure to comply with ten-foot setbacks. (Section I: Article 2.f.)
- h. Hunting or trapping on private lots or common area. (Section II: Article 1.h.)
- i. Violating a fire ban or starting a fire outside an approved fire pit. (Section II: Article 1.f.)
- j. All motorized vehicles being operated off the filing roads or approved parking areas. The assessment will range from \$100 to \$500 according to the amount of damaged incurred. (Section II: Article 2. b.)

**Category 3. \$200**

- a. Lawn watering. (Section II: Article 1.i.)
- b. Elevated fuel tanks that violate size and placement requirements. (Section I: Article 2.q.)
- c. Advertising signs installed on a site. (Section I: Article 2.l.)
- d. Construction vehicles parked on a site without active construction. (Section II: Article 1.j.)
- e. Discharging firearms or setting off fireworks. (Section II: Article 1.d.)

**Category 4. \$100**

- a. Animals off site not under control. (Section II: Article 1.b.)
- b. Vehicle abandoned on common areas, roads, or parking lot. (Section II: Article 1.n.)
- c. Inadequate screening of garbage cans or storage areas. (Section I: Article 2.j.)
- d. Installing satellite dishes or antennas which extend beyond 25 feet, without approval. (Section I: Article 2.k.)
- e. Not removing camping equipment including RV's by designated date (Section II: Article 1.a.)
- f. Failure to remove vehicles, trailers, snowmobiles, and sleds from the winter parking lot by designated date. (Section II: Article 2.f.)
- g. Discharging sewage within Arrowhead. (Section I: Article 2.b. & Section II: Article 2.c.)
- h. Not completing defensible space action steps or not cleaning lot. (Section I Article 1 c (5) and Article 1 f and Section II Article 1 m)

**Category 5. \$50**

- a. Trash or garbage not properly stored or removed. (Section II: Article 1.g.)
- b. Horseback riding in prohibited areas or maintaining a horse on a site. (Section II: Article 2.e.)
- c. Creating a public nuisance. (Section II: Article 1.c.)
- d. Using poisons or pesticides outside of buildings. (Section II: Article 1.e.)
- e. Fishing violations. (Section II: Article 2.d.)
- f. Failure to comply with the horse corral posted rules and regulations. (Section II: Article 2.e.)

**ARTICLE 2. - ADOPTION OF NON-COMPLIANCE  
ASSESSMENTS REGULATIONS**

These procedures and the list of violations and related non-compliance assessments were approved on August 16, 2003 to be effective September 1, 2003.