



# Neighborhood Rules and Regulations

**Our Mission:** To protect property values, further and promote community welfare, protect and enhance the civic, social, and recreational interests of PLPOA owners.

**Our Vision:** To be the best POA in the nation by enriching the lives of our residents, protecting property values, providing sound financial management and creating a harmonious, well maintained, and beautiful community.

Adopted by the Board of Directors of the Pagosa Lakes Property Owner's Association

Updated August 8, 2024

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## **Introduction:**

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Pagosa Lakes Property Owners Association, (PLPOA), is a mixed-use land development. Although the PLPOA consists mainly of single-family residential lots, other uses include condominiums, townhouses, apartments and commercial properties. PLPOA is the second largest common ownership land development in the State of Colorado. Within PLPOA there are 14,500 acres, over six thousand (6,000) properties, twenty-seven (27) unique subdivisions, and numerous sub-associations. Each neighborhood has its own character, made distinctive by the type of use, construction and lifestyle of that particular neighborhood.

This community was developed from ranchland that was previously harvested by logging companies in the 1800's and has steadily grown for over 40 years, and continues to grow. Property owners want to protect their investment. They rightfully expect a pleasant and peaceful way of life.

The Declaration of Restrictions for PLPOA recorded with the plat that created this development provided authorization to enact rules, standards and methods of enforcement to ensure effective and efficient governance of this community. The State of Colorado later enacted the Colorado Common Interest Ownership Act (CCIOA) that codified many tools for homeowner and property owner associations to govern even better. The non-profit corporation that is PLPOA has sought to establish standards, controls and enforcement procedures to better enhance the quality of life and environment that attracted property owners to buy and live within PLPOA.

Neighborhood Rules and Regulations ("Rules") for the PLPOA provide consistent standards on which property owners can rely. Circumstances will continue to change, and these rules will change as well. The hierarchy of organizational documents and authority consist of the Declaration of Restrictions, Articles of Incorporation, Bylaws and the Rules. Rules are at the low end of the hierarchy, and as such, are the easiest to change and adapt to needs and desires of the community they are intended to serve. Within the rules you will find words or phrases that are typed in all capital letters within the body of a sentence. This indicates that the word or phrase in all capital letters is further defined in the Section L of the Rules.

The Rules reflect the demonstrated good will and dedication to the betterment of this community by many property owners, both appointed and elected PLPOA officials, and staff at all levels and departments. Special recognition for their work in making revisions to the Neighborhood Rules and Regulations possible is set forth below. This community expresses its appreciation for their work and perseverance.

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## **A. Enforcement Procedures:**

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One of the main objectives of the ASSOCIATION is to protect PROPERTY values by creating RULES and guidelines by which all PROPERTY OWNERS can live. These governing criteria are what keep communities like PLPOA aesthetically pleasing and contribute to the quality of life. The Enforcement Procedure by which the ASSOCIATION will operate to protect the values of this community in balance with the rights of PROPERTY OWNERS to utilize their PROPERTY is detailed in the Enforcement Policy and Fine Schedule. This policy has been updated to comply with HB-22-1137. Please remember, OWNERS are

responsible for the actions of their tenants, guests, family members or contractors who are alleged to violate the rules and regulations.

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## **B. Compliance Standards and Violation Criteria**

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The ASSOCIATION's goal is for a violation to be corrected and the PROPERTY brought into compliance. We strongly encourage OWNERS to educate themselves on the Rules and to communicate and work with PLPOA staff toward a resolution. The standards and criteria used to determine if a violation has occurred are based on a PLPOA rule, regulation, covenant, condition and/or restriction. Each rule, regulation, covenant, condition and/or restriction has been assigned a category used for determining fines. The schedule of fines can be found in this document and in the Enforcement Policy of the PLPOA.

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## **C. Restrictions and Clarifying Rules and Regulations:**

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The DECLARATION OF RESTRICTIONS –being the governing document to which all other Declarations within the ASSOCIATION shall be consistent, establishes the purpose of these RULES AND REGULATIONS to enhance and protect the value, DESIRABILITY AND ATTRACTIVENESS of all of the DEVELOPMENT as a whole. SUBDIVISION specific definitions may be somewhat different or more restrictive. Wherever a conflict arises between these Neighborhood RULES AND REGULATIONS and a specific SUBDIVISION's DECLARATION OF RESTRICTIONS, that SUBDIVISION's restrictions generally shall apply.

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## **D. Building/Improvement Restrictions – Environmental Control Committee**

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Pursuant to the DECLARATION OF RESTRICTIONS that apply, the Environmental Control Committee ("COMMITTEE") has been charged with the responsibility of reviewing plans and specifications for any building, structure or IMPROVEMENT within the DEVELOPMENT. The COMMITTEE has established a PROJECT PERMIT PROCESS approved by the BOARD to help define the standards of buildings, structures and IMPROVEMENTS throughout the DEVELOPMENT. SUBDIVISION specific restrictions will apply. The following building restrictions and all defined standards of the PROJECT PERMIT PROCESS will apply.

1. **Permit Required for Improvements** - All OWNERS must obtain a PLPOA project permit for any IMPROVEMENT, BUILDING OR STRUCTURE to be erected on, moved upon, or added to any LOT before commencing work or for any IMPROVEMENT before commencing work. *(Category 3 offense, See page 15)*
2. **Landscaping** - Landscaping IMPROVEMENTS to LOTs within the DEVELOPMENT are considered an asset to the community, and the ASSOCIATION supports their installation. PROPERTY OWNERS are permitted to make landscape IMPROVEMENTS within their building envelope without prior review and approval by the COMMITTEE, as long as the natural grade (the elevation of the ground surface in its natural state, before man-made alterations) are not changed by more than (1) one foot. Grade changes of more than (1) one foot require prior COMMITTEE review and approval. Gardening, tree/shrub, lawn planting would not need a permit). To prevent soil erosion and maintain the PROPERTY in an aesthetically pleasing condition, all altered/disturbed ground must be returned to a vegetated or landscaped state. *(Category 3 offense, See page 15)*

As part of the landscaping, OWNERS may install up to five pieces of "yard art" or "lawn ornaments" that do not exceed 3' in height and 3' in width without proceeding through PROJECT PERMIT PROCESS. Examples of yard art or lawn ornaments include bird baths, small statues or sculptures, sundials, garden sphere etc. Yard art or lawn ornaments larger than these dimensions is subject to the PROJECT PERMIT PROCESS and may be denied.

Landscaping in setbacks or easements may be restricted to ensure that no interference with any utility requirements or potential adverse effects on the neighboring properties potentially exist. Please check with the Department of Community

Standards before making any alterations or IMPROVEMENTs in easements and/or setbacks to determine if COMMITTEE review and approval is required.

3. **Use of New Material for Construction** - Unless otherwise specified in the governing documents of a specific SUBDIVISION, all BUILDINGS OR STRUCTURES constructed or placed on any LOT shall be constructed with a substantial quantity of new material and no used BUILDINGS OR STRUCTURES shall be relocated or placed on any such LOT to maintain a good community appearance. *(Category 3 offense, See page 15)*
4. **Permit Completion Time Frame** - In order not to impact the neighbor's quality of life, all IMPROVEMENTs must be completed within the time frame set forth in the PLPOA project permit. If the time frame is exceeded, the OWNER must apply for an extension of the permit. *(Category 3 offense, See page 15)*
5. **Permit Posting** - Pursuant to the PROJECT PERMIT PROCESS, the project permit(s) must be posted in a conspicuous location viewable from the road so staff and community members are aware that the IMPROVEMENTs are under a permit. The permit(s) may be posted on existing Structures on the LOT, or on a post placed near the road. The permit(s) must be posted before any IMPROVEMENT begins and shall remain in place until such IMPROVEMENTs are completed. *(Category 1 offense, See page 15)*
6. **Construction Material / Equipment Storage** - Protecting property values is important and the appearance of each LOT plays a role, so we require that storage of CONSTRUCTION MATERIALS or equipment be restricted to the approved dates of an active project permit. *(Category 3 offense, See page 15)*
7. **ECC Approval for Modifications** - In keeping with the governing documents, changing, adding to, or otherwise deviating from the COMMITTEE approved plans and specifications without first seeking and obtaining additional COMMITTEE approval is prohibited. In addition to any potential fine, the OWNER may be required to remove the unapproved modifications regardless of its level of completion. *(Category 3 offense, See page 15)*
8. **Stop Work Order** - The Department of Community Standards may issue a STOP WORK ORDER if any violation of the governing documents as they pertain to any IMPROVEMENT or project agreement takes place. At such time as a STOP WORK ORDER is issued, all work must cease. If work is not immediately ceased, the PLPOA may pursue immediate legal action without further notice to the OWNER. *(Category 3 offense, See page 15)*
9. **Dwelling Occupancy** - No DWELLING shall be occupied until the BUILDING has been SUBSTANTIALLY COMPLETED in accordance with its plans and specifications. *(Category 3 offense, See page 15)*
10. **Tree/Root Damage** - To protect the environmental appearance of the community, an OWNER shall not intentionally damage any tree, tree trunk, cambium or root system, including (a) damage caused by driving, parking, staking material, digging, and/or compacting any area within the drip-line of the tree or (b) trimming or removing live branches exceeding 20% of tree height. *(Category 4 offense, see page 15).*

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## **E. Land Use and Improvements**

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Pursuant to the DECLARATION OF RESTRICTIONS and the restrictions of each applicable SUBDIVISION, LOT's may only be used or improved upon according to the uses permitted. Generally, the following land use and IMPROVEMENT restrictions shall apply:

1. **Home Based Commercial / Business** - Colorado law allows the operation of a Home-Based Business, which is a business for which the main office is located at, or the business operations primarily occur at, a home, provided that the Association may adopt reasonable rules and regulations regarding the operation of Home-Based Businesses. To maintain a high quality of life and avoid an annoyance or nuisance to the neighborhood the following will apply:

- A. The Home-Based Business must be secondary to the property's residential use
- B. The Home -Based Business must be operated by the owner of the dwelling or a resident of the dwelling with the owner's permission
- C. Signs advertising the Home-Based Business are forbidden as they are considered to be commercial signs
- D. Commercial vehicles related to any Home-Based Business are restricted in accordance with F12
- E. The Home-Based Business must comply with all County and other local ordinances related to home-based businesses generally, noise and nuisance and other applicable provisions
- F. A Home-Based Business must be conducted entirely within the dwelling with no more than 1 on-premise employee or contracted person of the business who is not a resident of the dwelling
- G. The Home-Based Business shall not generate or increase traffic in the community in excess of what would normally be expected for dwellings in the community without business activity (other than by a reasonable number of deliveries by couriers, express mail carriers, parcel delivery services and other similar delivery services)
- H. Parking may not be expanded for the sole purpose of the Home-Based Business
- I. A Home-Based Business with an employee must register with the Association and provide proof of fire, health and code inspections, as well as all applicable business license(s) required by any state or local municipalities
- J. No odors, fumes, glare, vibration, noise or non-fully shielded lighting that may be detected from the exterior of the lot may be produced from the lot as a result of the Home-Based Business
- K. The Home-Based Business may not, incidentally or directly, result in a materially greater use of common area, the recreational facilities, or Association Services
- L. The Home-Based Business must not involve visitation of the lot by employees, clients, customers, suppliers, or other business invitees in greater volume that would normally be expected for a guest visitation to a residence without business activity

2. **GUEST HOUSE** - The OWNER of the LOT may rent or lease the DWELLING for residential occupancy. The OWNER shall remain directly liable for all obligations imposed by the Declaration. Under no circumstances shall the OWNER of a LOT with a GUEST HOUSE located thereon be permitted to install a KITCHEN and then rent or lease said GUEST HOUSE as a separate DWELLING.

3. **Trailers and RECREATIONAL VEHICLES** – As provided in the DECLARATION OF RESTRICTIONS, during construction, if the ECC grants written permission, a TRAILER be temporarily placed on a site for the sole purpose of storing construction materials. That TRAILER may not be used as living quarters for any period of time. CAMPING overnight, or any other overnight occupancy, on a property under construction is not permitted. *(Category 3 offense, See page 16)*

4. **Parking** - Lawn and landscaping are important to the community's appearance, thus parking of any MOTOR VEHICLE, TRAILER, or RECREATIONAL VEHICLE on a LOT shall only be permitted on DRIVEWAYS or PARKING PADS or wholly parked within a garage or similar BUILDING OR STRUCTURE. *(Category 2 offense, See page 16)*

SUBDIVISIONS with additional/different DECLARATION OF RESTRICTIONS include:

- Coyote Cove Section 15.2
- Eaton Pagosa Estates, 4<sup>th</sup> Amended, Article 7(6) (6a)
- North Village Lake Paragraph 1
- South Village Lake/Mallard Point Book 190, page 760, Paragraphs 3D (6) and 4, (H)
- Pagosa Vista and Pagosa Trails Book 126, Page 71, Paragraph 5(C)(3)
- Village Service Commercial, Book 166, page 435, Paragraph I
- Central Core, Book 190, pages 775, Paragraphs 3(A)(4), 3(B)(3), 3(C)(3),3(F)(7) and 4(M)

5. **Set-back / Easements** - Set-back or easement restrictions must be adhered to. No IMPROVEMENT shall be placed within any set-back without prior written consent of the COMMITTEE. *(Category 4 offense, See page 16)*

6. **Dwellings Permitted / Land Use Classification** – In order to maintain a LOT's land use classification as designated by the appropriate Declaration and/or plat, there will be no modifications to the LOT, DWELLING, BUILDING or STRUCTURE, or GUEST HOUSE that would result in more DWELLINGS than permitted by the land use classification. *(Category 5 offense, See page 16)*

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## F. General Prohibitions and Requirements

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The following general prohibitions and requirements shall prevail as to the IMPROVEMENTS and activities on any LOT, PARCEL or PROPERTY to protect PROPERTY values and keep the community aesthetically pleasing and enhance the quality of life. *The commercial LOTS in the Central Core, Ridgeview and Village Service Commercial SUBDIVISIONS have specific and different prohibitions and requirements, however, paragraphs 4, 9 and 10 below apply, subject to the specifics contained within their respective Declarations of Restrictions.*

1. **Water & Sewer** - With available central water and sewer, no outside toilet, water well or individual septic system may be constructed without the prior written consent of the COMMITTEE. (Category 4 offense, See page 15)
2. **Temporary Recreational Structures/ TRAILER/Tents/RECREATIONAL VEHICLES/CAMPING –**
  - a. **Camping / Temporary Structure / Tent**
    - i. CAMPING of any type or any other type of overnight occupancy is forbidden on any common areas or greenbelts. (Category 3 offense, See page 18)
    - ii. CAMPING of any type is forbidden on residential lots. There is to be no overnight occupancy of any vacant residential lot, whether the occupancy occurs in a RECREATIONAL VEHICLE, a tent, a temporary structure, or in no structure at all. TEMPORARY USES of tents or similar temporary structures for RECREATIONAL USE on a residential lot with a completed residence are not considered CAMPING and are permitted. This includes an activity such as children’s “camp-outs” in tents in the backyard. No temporary structure or tent may be put up on any such residential lot for more than 4 days within any 30-day period. (Category 3 offense, See page 15)
  - b. **Recreational Vehicles** - In order to preserve the residential nature of residential areas, RECREATIONAL VEHICLES may not be parked on any residential lot, except as follows.
    - i. One RECREATIONAL VEHICLE may be stored, but not occupied, on an approved parking pad or driveway or inside an enclosed structure. (Category 3 offense, See page 15)
    - ii. An owner may occupy a RECREATIONAL VEHICLE, parked on an approved parking pad or driveway, for up to one week for the purpose of facilitating their move into a recently purchased or recently constructed residence. (Category 3 offense, See page 15)
    - iii. An owner may allow guests to take up temporary residence in a RECREATIONAL VEHICLE situated in a DRIVEWAY or PARKING PAD, for a period of time not to exceed fourteen (14) days in a calendar year for any one set of guests or any one RECREATIONAL VEHICLE. Within any 90-day period, the cumulative total of all guests in RECREATIONAL VEHICLES may not exceed fourteen (14) days. (Category 3 offense, See page 15)
    - iv. Renting out a RECREATIONAL VEHICLE on a residential property or renting a parking space for use by a RECREATIONAL VEHICLE is prohibited. (Category 3 offense, See page 15)
  - c. **Recreational Vehicles on Properties with Vacation Rental Permits** - While a property has a Vacation Rental in progress, no RECREATIONAL VEHICLE may be parked on the property, with the exception of an unoccupied RECREATIONAL VEHICLE, in storage, belonging to the property owner. (Category 5 offense, See page 15).
3. **Animals** - No animals or livestock of any description, except the usual household PETS, shall be kept on any LOT. PETS shall be confined to the occupant’s PROPERTY or at all times be under the direct control of occupant(s) when in other areas.

Pet OWNERS are responsible to clean-up after their pet on their own PROPERTY as well as any common areas, roads, greenbelts or neighbor's PROPERTY. (*Category 3 offense, See page 15*)

SUBDIVISIONs with additional/different DECLARATION OF RESTRICTIONS include:

- Coyote Cove Section 15.4
- Eaton Pagosa Estates Article 9
- Martinez Mountain Estates/Pagosa Meadows II, III, and IV Book 126, Page 95, Paragraph 4(B)
- Pagosa Highlands & Pagosa-in-the-Pines II - Book 127, Page 275, Paragraph 5, Page 281
- South Shore Estates – Article 8, Sections 1-5

**4. Signs / Advertising – Commercial SIGNs on commercial properties as designated on the plat are governed by the appropriate SUBDIVISION declaration.**

- a. Except as provided below, SIGNs bearing a commercial message on a residential property are prohibited. A banner is considered a sign and must comply with the same restrictions as a sign.
- b. All SIGNs must be placed within the boundaries of the LOT, or in the case of a condominium unit, within the boundaries of the condominium unit.
- c. All SIGNs must be professionally designed, lettered and mounted. All SIGNs must be maintained in good condition and must be replaced as necessary when damaged, worn, or faded. No electronic or light emitting SIGNs are permitted.
- d. No more than two non-commercial SIGNs are permitted to be displayed within the Owner's property at a time.
- e. A SIGN may be displayed within the window of the residence or in the front yard of the LOT.
- f. SIGNs may be no larger than 24" by 36" in size.
- g. The following SIGNS bearing a commercial message are permitted pursuant to the regulations below:
  - i. Professionally-lettered SIGNs advertising a LOT or condominium unit "For Sale" or "For Rent" SIGNs may be displayed while the LOT or condominium unit is actively being marketed. However, only one may be displayed per LOT or condominium unit. The SIGN may not exceed 8 square feet in size in residential districts and 32 square feet in commercial districts. Properties bordering a waterway or golf course may display a second "For Sale" or "For Rent" SIGN facing the waterway or golf course. SIGNs must be located behind the street right-of-way and easements.
  - ii. County building permit and ECC project permit SIGNs are permitted for such time as they are required to be displayed.
  - iii. Garage, yard or estate sale SIGNs may be displayed 48 hours prior to the events and must be removed within 24 hours after the event. These sale SIGNs must have a PROPERTY address.

Violations of this paragraph are a (*Category 2 offense, See page 15*)

**5. Junk Motor Vehicles - To maintain the attractiveness and desirability of our community and to protect PROPERTY values, no stripped down, partially wrecked, inoperable, junk MOTOR VEHICLES, or any part thereof, shall be permitted to be parked or stored on any LOT. (*Category 2 offense, See page 15*)**

SUBDIVISIONs with specific/different DECLARATION OF RESTRICTIONS include:

- Eaton Pagosa Estates Article 7, Section 10
- Coyote Cove – Section 15.5
- Lakeview Estates & Lakewood Village – Book 164, Page 574, Paragraph 7U
- South Shore Estates – Article 6, Section 10

- Pagosa Vista & Trails – Book 126, Page 71, Paragraph 7M

**6. Trash, Refuse Disposal** - Every outdoor receptacle of ashes, trash, RUBBISH or garbage, to prevent unsightliness and exposure to toppling by weather, wildlife, etc. shall be contained to prevent instances of any such refuse to be scattered, dumped or otherwise uncontained. Receptacles shall only be placed at roadway shoulder on the day of collection. The ASSOCIATION strongly recommends residents obtain wildlife-resistant receptacles to further prevent interaction with wildlife.

No trash, ashes, garbage or other refuse shall be dumped, stored or accumulated on any LOT or be thrown into or left on the shoreline of any waterway in the DEVELOPMENT. *(Category 1 offense, See page 15)*

**7. Clotheslines** - To maintain the community's state of DESIRABILITY AND ATTRACTIVENESS, all outdoor clothes poles, clotheslines and similar equipment shall be placed or screened by shrubbery or structures to minimize visibility from any street, waterway or golf course within or adjacent to the DEVELOPMENT. *(Category 1 offense, See page 15)*

**8. Model Houses** - No OWNER of any LOT shall build or permit the building thereon of any DWELLING that is to be used as a model house or exhibit unless prior written consent to do so shall have been obtained from the COMMITTEE. *(Category 2 Offense, See page 15)*

**9. Property Maintenance** - shall at all times be maintained in a state of DESIRABILITY AND ATTRACTIVENESS to protect community PROPERTY values. Every LOT shall be maintained to prevent it becoming unsightly by reason of vegetation growth or accumulation of RUBBISH or DEBRIS which may also create a fire hazard Individual LOT OWNERS shall be responsible to maintain their properties free of NOXIOUS WEEDS. Tarps covering firewood must be brown, dark green or black, blue tarps are prohibited. *(Category 2 offense, See page 15)*

**SUBDIVISIONs with specific/different DECLARATION OF RESTRICTIONS include:**

- Village Service Commercial & Ridgeview, Book 166, Page 435, Paragraphs F and G
- Central-Core, Book 190, Page 775, Paragraph 4(W)

**10. Obnoxious, Offensive, Illegal Activities** - Keeping our community as a peaceful, quiet, safe place to live is important. So, we require that no obnoxious, offensive or illegal activities shall be carried on within PLPOA, nor shall anything be done in PLPOA that shall be or become an unreasonable annoyance or NUISANCE to the neighborhood. No activity shall be conducted on any LOT which shall give off, discharge, or emit any obnoxious noises, fumes, odors, glare, or vibrations. No activities shall be allowed or conducted on any LOT which are or might be unsafe or hazardous to any person or PROPERTY. Such obnoxious activities that are prohibited, include but are not limited to use of fireworks, FIREARMS, bow and arrows, and explosives. *(Category 3 offense and Safety & Health Threat, See page 15)*

**SUBDIVISIONs with specific/different DECLARATION OF RESTRICTIONS include:**

- Village Service Commercial & Ridgeview Commercial, Book 166, Page 435, Paragraph L

**11. Mining, Drilling, Quarrying** - To protect PROPERTY values, the environment, and the residential character of the community, no oil or natural gas drilling, refining, quarrying, or mining operations of any kind shall be permitted upon or in any LOT and no derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on any LOT or greenspace. *(Category 4 offense, See page 15)*

**12. Commercial Trucks / Equipment & Construction Material** - To preserve the residential character of the DEVELOPMENT and to prevent unsightliness, no COMMERCIAL TYPE TRUCK or heavy equipment shall be parked overnight or longer and no CONSTRUCTION MATERIALS shall be stored on any LOT in such a manner as to be visible to the occupants of other LOTs or the users of any street, waterway, or golf course within or adjacent to the DEVELOPMENT, unless their presence is associated with an IMPROVEMENT project on that LOT and approved in writing by the COMMITTEE. Such trucks or equipment may be wholly parked within a garage so that it is not visible to others. *(Category 2 offense, See page 15)*

**13. Rebuild or Remove Damaged Buildings** - To be able to maintain the attractiveness and safety of our community, any DWELLING or outbuilding on any LOT which may be destroyed in whole or in part by fire, windstorm or for any other cause, or

act of God must be rebuilt or all DEBRIS removed and the LOT restored to a state of DESIRABILITY AND ATTRACTIVENESS with reasonable promptness, provided, however, that in no event shall such DEBRIS remain longer than sixty (60) days. *(Category 2 offense, See page 15)*

**14. Tree Removal** - To preserve our beautiful environment, no tree dead or alive over three (3) inches in diameter measured at a height of 4.5 ft. above the ground shall be removed from any LOT without the written consent of the COMMITTEE. Juniper trees and Gambel oak /scrub oak are exempt from the pre-approval requirement. *(Category 4 offense, See page 15)*

**15. Outside Burning / Recreational Fires** - No outside burning of wood, leaves, trash, garbage, or household refuse shall be permitted. RECREATIONAL FIRES using wood are prohibited. Only propane or natural gas may be used as acceptable fuel sources for recreational fires. Use of charcoal grills is permitted for cooking. *(Category 4 offense and Safety & Health Threat, See page 15)*

**16. Changing Grade of Ground Level** - See Section D-2

**17. Fully Shielded Exterior Lighting** - To curtail the degradation of the night time visual environment, minimize light pollution, glare and light trespass, while at the same time maintaining night-time pedestrian, vehicular and PROPERTY safety and security, the following RULES for exterior lighting are in affect. *(Category 2 offense, See page 15)*

- a. All new and/or replacement exterior light fixtures must be FULLY SHIELDED. Path marker and landscape lighting (including Solar) fixtures of 12 lumens or less each are exempt from the shielding requirement.
- b. Exterior lighting may not trespass beyond the PROPERTY line or infringe onto neighboring properties (traditional holiday lighting excluded).
- c. All new light fixtures attached to single-family home structures shall not exceed the height of the eave or 12 feet, whichever is less.
- d. New light fixtures on Residential Poles are restricted to a height of 12 feet maximum.

**18. Snow Removal Equipment** - Snow removal equipment may be stored on the LOT, from December 1<sup>st</sup> until April 1<sup>st</sup> of each year, or earlier and later than the aforementioned dates with ASSOCIATION approval. *(Category 2 offense, See page 15)*

**19. Rainwater Collection** - Colorado House Bill 16-1005 allows the collection of rainwater at a maximum amount of 110 gallons for outdoor purposes. To preserve the aesthetics and values of the community, water storage containers cannot exceed 55 gallons each if above ground. Containers must blend into the outdoor landscape. Unacceptable examples are garbage cans, blue water barrels, large agriculture tanks, or rusted, partially painted stained drums *(Category 1 Offense, See page 15).*

**20. ATV/UTV, Motorcycles & Snowmobiles** - Maintaining PROPERTY values and quality of life is of utmost importance. To maintain a peaceful, quiet community while protecting the environment, the use of ATV/UTV, motorcycles or snowmobiles on any LOT for recreational purposes is prohibited. Exceptions will be the use of these for snow removal or landscape MAINTENANCE. See #10 Obnoxious, Offensive, Illegal Activities *(Category 3 offense, See page 15)*

**21. Flags** - In order to keep neighborhoods aesthetically pleasing, flags larger than 3ft. X 5ft. are prohibited. No more than two (2) flags may be displayed on any property. Only one flag pole is permitted per PROPERTY. Flags bearing commercial messages are prohibited. *(Category 1 offense, See page 15)*

**22. Vacation Rental Registration** – To be able to maintain property values, quality of life and safety of our community, all owners who intend to rent their property are not only required by County Ordinance to register with the Community Association, but PLPOA also requires owners to register their vacation rental property within fifteen (15) days following the date of issuance of a Vacation Rental Permit from Archuleta County. Registration must be renewed each year. *(Category 5 offense, See page 15)*

**23. Abbreviated Rules & Regulations for Vacation Rentals** – In order to assist with maintaining neighborhood harmony, quality of life and safety, owners renting their property for vacation purposes, are required to provide their renters a copy of the Abbreviated Rules and Regulations and ensure that not only are the Abbreviated Rules & Regulations are followed but all rules contained in this document. *(Category 5 offense, See page 15)*

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## **G. Established Rules for Fishing, Boating and Lakes**

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PLPOA manages four lakes for recreational enjoyment of OWNERS and guests. The RULES below are set forth to assist in managing these delicate environments and maintain a healthy fish population and a safe area for all to enjoy. The alleged violation of any provisions of this Section G shall result in an immediate Notice of Violation (or notice of second or subsequent violation) and an opportunity for a hearing. The ASSOCIATION is not obligated to send a Letter of Non-Compliance or make an attempt at initial contact with the OWNER/ALLEGED VIOLATOR as set forth in Section A (2) for other alleged violations.

### **1. RECREATIONAL USE**

- 1.1 Vista Lake - Vista Lake is not a recreational fishery; it is too shallow to support a fish population. Therefore, fishing is not permitted in Vista Lake.
- 1.2 Colorado Statutes - In addition to the fines and penalties imposed by the PLPOA, civil charges may be filed under one or more Colorado statutes: CRS 18-4-401 (theft of PROPERTY); CRS 18-4-504 (trespass); CRS 18-4-511 (littering); CRS 33-6-116 (fishing without permission)

### **2. Lake and Fishing Access**

***Important: Private parties own most of the land around our lakes.***

- 2.1 Private Property - Anglers are not permitted to fish from, or cross, private PROPERTY without the express consent of the PROPERTY OWNER. Fishing from or crossing private PROPERTY without the express consent of the PROPERTY OWNER can result in a criminal charge of trespassing. Unless permission is obtained from a lakefront OWNER please fish only in dedicated common areas around each lake or from a boat. A map of those common areas is available at the Administration Office and at the Recreation Center. Fishing is not permitted on any private ponds/lake, specifically those adjacent or on the golf course. *(Category 3 Offense, See page 15)*.

### **3. General Rules**

- 3.1 These regulations apply to Hatcher Lake, Pagosa Lake, Village Lake, and Lake Forest. All current Colorado state fishing regulations are made a part of the regulatory system on the lakes, unless otherwise noted herein. Only “Members in Good Standing” of the PLPOA as defined in the Bylaws, their renters and guests are permitted to fish in the lakes. Any permit holder observing or learning of any violation of these regulations shall immediately report it to a PLPOA Conservation Officer or to the Administration office. **WARNING:** Colorado game fish transported outside of PLPOA must be accompanied by PLPOA fishing permit.
- 3.2 Aquatic Life Introduction - To protect the aquatic habitat, the unauthorized introduction of any aquatic life into any lake at PLPOA is strictly prohibited. *(Category 4 offense, See page 15)*
- 3.3 Fish Cleaning - Preventing unsightliness and bad odor as well as unwanted predators is important; thus, cleaning fish at lake locations is strictly prohibited. *(Category 2 offense, See page 15)*
- 3.4 Littering - Maintaining the beauty of our lakes and protecting our environment is a high priority. Littering is strictly prohibited. You must remove all matter foreign to the lake or lakeshore brought by you. (This includes, but is not

limited to fishing (monofilament) line, general litter and trash, bait boxes, cigarette butts and pet feces.) (*Category 4 offense, See page 15*)

3.5 Inspection of Fish - If requested, any and all fish that have been taken must be shown to an inspecting PLPOA Conservation Officer, Department of Property & Environment staff or other authority. (*Category 2 offense, See page 15*)

3.6 Closed Areas - Fishing in areas temporarily closed to fishing for lake and fishery management purposes is prohibited. (*Category 1 offense, See page 15*)

#### **4. Membership Classification**

4.1 *OWNER*: The PLPOA OWNER, and their family living in that household.

4.2 *RENTER*: A tenant living in a rented residence in PLPOA, including the tenant's family living in that household, may purchase a lake use permit (s) providing they provide proof of a rental or lease agreement from a landlord who is an ASSOCIATION Member in Good Standing. Renters must provide proof of residency by showing either a letter from the OWNER, a copy of the lease, utility bills or other documentation.-Time-share renters must provide verification of unit use at the time of purchase of lake use permit(s).

4.3 *LIMITATION ON MEMBERSHIP*: In the event that a LOT is owned by a corporation, partnership, joint ownership, or similar arrangement, such entities shall advise the ASSOCIATION of the names of two persons who shall be designated as OWNERS for purposes of purchasing a lake use permit.

4.4 *SPONSORED GUEST*: A person who is an ASSOCIATION Member in Good Standing may sponsor guests who may fish or boat upon payment of the appropriate lake use permit fees. The PLPOA member sponsor must accompany a guest to acquire a guest permit and must sign a sponsor form. Further, the sponsor is liable for all actions of a guest(s) while using the lakes.

4.5 *TIME SHARE OWNER*: Must provide verification of unit use at the time of purchase of a lake use permit.

#### **5. Lake Use (Fishing) Permit**

5.1 Fishing Season - The fishing season will open on January 1, on Lake Pagosa, Village, Hatcher and Forest Lake, and close on December 31. There is no special ice fishing season.

5.2 Permit Required - Fishing without a valid PLPOA permit is a *Category 2 offense and Safety & Health threat (see page 15)*

5.3 Invalid Permit - Permits may not be transferred, and any permit alteration is an offense and will invalidate that permit. Persons making false statements to obtain a permit invalidate the permit, commit a *Category 4 offense and Safety & Health threat (see page 15) and lose fishing privileges for one year.*

5.4 Permits Displayed - Permits shall be carried on the person while fishing, displayed on the outer clothing so as to be visible while fishing. (*Category 1 offense, See page 15*)

5.5 Lost or Damaged Permits - Lost or damaged permits will be reissued for a charge of \$5.00 each.

#### **6. Possession and Size Limits**

6.1 Size Limit - No size limit on any species of fish.

- 6.2 Youth Fishing - All children 5 years and younger may fish without a permit if accompanied by an adult permit holder but are entitled to keep only one fish (*Category 1 offense, See page 15*).
- 6.3 Injured Fish & Species Limit - All injured fish must be kept and not returned to water. Trout that have been kept alive by stringer, container, or basket, shall not be returned to the lakes. Once a limit of a species has been caught, the person who has filled the limit must cease fishing for that species. That person may fish for other species of fish with non-bait flies or lures. No substitution of fish is allowed. (*Category 1 offense, See page 15*)
- 6.4 Bag Limits - Single angler bag limits and special species regulations are subject to change or modification. Please call the Department of Property and Environment or pick up a copy of the current fishing regulations at either the Recreation Center or the Administration office. Exceeding daily bag or possession limits is a (*Category 4 offense and Safety & Health threat see page 15*).
- 6.5 Grass Carp - White Amur (Grass Carp) cannot be kept and must immediately be released. They are an environmentally friendly species that keep down the weed levels in the lakes. (*Category 1 offense, See page 15*)
- 6.6 Fishing for Other Members - "Filling Out" the limit for other members of a fishing party by fisherpersons who have taken their limit is prohibited. You must catch your own fish. (*Category 4 offense and Safety & Health threat see page 15*).
- 6.7 Possession limit - Possession limit is twice the daily bag limit. (*Category 4 offense and Safety & Health threat see page 15*).

## 7. Fishing Methods

- 7.1 Rod & Hook Limit - Each person fishing shall use only one personally attended rod or line. One line is defined as a single line and single hook. No multiple, double or treble hooks will be permitted for baiting. Multiple flies tied to a single leader are permitted. Treble hooks on a non-baited spinner or lure will be allowed, but crimping or removing barbs is **highly** recommended. (*Category 1 offense, See page 15*)
- 7.2 Fishing Hours - To ensure our members safety, fishing hours shall be from one hour before sunrise to dark (daylight to dark). (*Category 2 offense, See page 25*)
- 7.3 Chumming & Amphibians - To protect our aquatic habitat, Chumming is not permitted. Live minnows & amphibians (water dogs, frogs, salamanders, etc.) are not allowed as bait. Lights may not be used to attract fish. (*Category 2 offense, See page 15*)
- 7.4 Netting & Snagging - No catch netting or snagging of fish is allowed. Fishing nets that are used to assist in landing a fish are acceptable. No fishing is allowed in the inlet channels or streams at any time. (*Category 2 offense, See page 15*)
- 7.5 Lake Hatcher Special Regulations - Lake Hatcher fishing methods for all anglers will be with artificial flies and lures only, no bait. Prohibited baits include power bait, worms, salmon eggs, marshmallows, etc. It is highly recommended that all hooks be barbless. The bait rule will be lifted during winter ice fishing for all anglers (encouraging the harvest of yellow perch). Using prohibited bait or baits on Hatcher Lake is a (*Category 1 offense, See page 15*).

## 8. Boating

- 8.1 Boat Registration - No boat shall be floated or used on any of the four ASSOCIATION owned lakes until registered annually (January 1 - December 31) with PLPOA. An issued decal shall be attached to the left outside rear panel of the boat. Inflatable boats shall be exempted from this regulation. Single person inflatable boats (such as float tubes) are exempted. Registration forms, fee schedule and decals are available at the ASSOCIATION office, 230 Port Avenue, Pagosa Springs, Colorado (*Category 4 offense and Safety & Health threat see page 15*).

8.2 High Risk Boats - Due to the threat of the introduction of Zebra and/or Quagga Mussels into the four PLPOA Reservoirs, no medium to high-risk boats shall be allowed or permitted on any of the four PLPOA Reservoirs and all trailered boats shall be inspected at the PLPOA Administration Office prior to boating permit purchase (*Category 4 offense and Safety & Health threat see page 15*). (\*see definition of medium to high-risk boats below\*)

8.3 Internal Combustion Engines - Due to safety and environmental concerns, no internal combustion engine-powered boats are allowed, except for PLPOA and Pagosa Area Water and Sanitation District employees, assigns or agents, while in the performance of their duties. If an outboard or inboard internal combustion engine is attached to a boat and cannot easily be removed, the fuel line must be disconnected from the engine for the boat to be permitted on a lake (*Category 4 offense and Safety & Health threat see page 15*).

8.4 Floatation Device - For the safety of each person, every boat must have at least one U.S. Coast Guard approved wearable Type I, II or III personal floatation device for each boat occupant. Each boat occupant under the age of 12 must wear a Type I, II or III personal flotation device while the boat is in use on any lake (*Category 4 offense and Safety & Health threat see page 15*).

8.5 Oars / Paddles - For the safety of each person, every boat must have at least one usable oar or paddle. (*Category 2 Offense, See page 15*)

8.6 Boat Safety - All boats must be operated in a safe manner (*Category 4 offense and Safety & Health threat see page 15*).

8.7 Homemade Rafts - For safety reasons, the use of homemade rafts or plain inner tubes is not permitted (*Category 4 offense and Safety & Health threat see page 15*).

8.8 Boat Launch & Storage - Except for lakeshore LOT OWNERS, boats must be launched from established boat ramps. If a boat is stored at a boat ramp or launch area, the boat must be chained and padlocked to the posts provided. The ASSOCIATION will impound boats not chained and locked to posts or not removed beyond the November 1 deadline. The boat will not be released until the fine has been paid in full. Boats may be returned to common storage areas beginning April 1. (*Category 2 Offense, See page 15*)

\* Note of Clarification and Definition: **Medium to high biological risk boats**, as described by the State of Colorado, are house boats, cabin cruisers, ski boats with ballast tanks, large open boats, sail boats and wake BOARD boats (typically complex boats with ballasts, bilge and live wells). Low risk design sailboats, small simple hulls and/or pontoon type, Hobie or catamaran type sailboats shall be allowed to continue using the lakes after passing inspection, but all complex sailboats, those medium to high-risk sailboats with bilges or ballasts will not be allowed to float on PLPOA Lakes and will be denied boat registrations at inspection time.

**Low and very low biological risk boats**, as described by the State of Colorado, are smaller open boats with outboard motors (no live wells, no bilge tanks) and personal watercraft such as jet skis, hand launched craft: canoes, kayaks, belly boats and inflatables.

Once an OWNER or guest boat or boats passes the initial inspection certifying a low-risk boat, inspections are not required in subsequent years as long as the OWNER continues to own the same low-risk boat. All boats should be clean and dry prior to launching in any lake or reservoir.

## 9. Swimming

9.1 SWIMMING IS NOT ALLOWED IN ANY OF THE LAKES (*Category 4 offense and Safety & Health threat see page 15*).

## 10. Snowmobile

10.1 For safety, noise and water quality reasons, snowmobiles may not be operated upon the frozen surfaces of the lakes (*Category 4 offense and Safety & Health threat see page 15*).

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## H. Established Rules for the Recreation Center

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Violations of these Recreation Center RULES or inconsiderate or disruptive behavior may result in suspension of membership and privileges. Recreation Center staff have full authority to take whatever disciplinary decisions and corrective actions they feel are necessary if they view behavior that may endanger the user or other users or the facility.

### 1. Hours of Operation

1.1 BUSINESS HOURS WHICH MAY VARY FOR DIFFERENT PORTIONS OF THE FACILITY ARE SUBJECT TO CHANGE. PLEASE PHONE THE RECREATION CENTER AT 970-731-2051 TO CONFIRM THE HOURS OF OPERATION.

### 1.2 Membership Classification

Refer to Fishing, Boating and Lakes Section 4

### 2. General Rules

To ensure safety and enjoyment for everyone, we ask all members to:

2.1 Swipe key fob cards at front desk.

2.2 Accompany and supervise all children under 12.

2.3 Pay a \$5.00 charge for lost locker keys or key fobs.

2.4 Eat food only in the lobby.

2.5 Leave muddy shoes in the entry foyer.

2.6 Do not smoke, chew tobacco or drink alcoholic beverages in the Recreation Center.

2.7 Help us keep the Recreation Center clean.

2.8 Report any problems experienced with the equipment.

2.9 Accompany guests or inform Recreation Center staff of all guests. There is a daily guest fee for each person.

2.10 LEAVE YOUR VALUABLES AT HOME. WE CANNOT ENSURE, AND ARE NOT RESPONSIBLE FOR, THE SAFETY OF YOUR VALUABLES LEFT IN THE LOCKER ROOM, OR ANY OTHER AREA OF THE CENTER.

### 3. Racquetball Courts

3.1 Make only one court reservation per day. (You may not schedule two hours by having both players sign up.)

3.2 You must wear clean and non-streaking court shoes.

- 3.3 Shirts must be worn.
- 3.4 Use eye protection (available at the front desk).
- 3.5 Call if you will be more than ten minutes late for court time. We reserve the right to give away your court time if you are late.
- 3.6 Call and cancel reservations if you can't make it so others can sign up. Anyone failing to show for two reservations will not be allowed to reserve a court for two weeks.

#### 4. Pool

- 4.1 Be fully responsible for yourselves, your children, and your guests.
- 4.2 **THERE IS NO LIFEGUARD ON DUTY.**
- 4.3 Ensure that an adult (16 years of age or older) accompanies and supervises children less than 12 years of age at all times.
- 4.4 Read and observe all posted RULES in the pool area.
- 4.5 Dry off before entering lobby.
- 4.6 Take no food or glass into the pool area.
- 4.7 Children who are not toilet trained must wear pool diapers.
- 4.8 Please help us by reminding your children to use the bathroom before entering the pool and to take regular bathroom breaks to avoid nasty "accidents".
- 4.10 Encourage your children to report "accidents" in the pool promptly so we may clear the pool and add additional sanitizer. \*\*Feces or vomit in the pool is a serious health hazard and may cause closure of the pool for prolonged periods.\*\*

#### 5. Weight Room

- 5.1 Children under the age of 14 are not allowed in the weight room. See front desk for exceptions.
- 5.2 Proper workout attire is required.
- 5.3 Equipment is to be used only for the purpose and in the manner intended by the manufacturer.

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### I. Civility Code

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All compliments, complaints, or suggestions of any kind relating to any of the operations of the PLPOA or its employees regarding courteous and prompt service are always welcomed, we ask that they be made in writing, signed and addressed to the General Manager, 230 Port Ave.

We encourage OWNER feedback and at the same time ask for self-restraint and respect for others. Thus, to protect the community, its reputation and ASSOCIATION representatives and OWNERS, we do not accept the following actions:

- a. Failure to treat ASSOCIATION representatives in a courteous and respectful manner
- b. The use of foul, profane or offensive language including harassment or threats
- c. Threat of physical well-being or behaviors that are unsafe to PLPOA personnel or other PLPOA members and guests
- d. Engage in or threaten the destruction of PLPOA PROPERTY
- e. Threat of loss of employment to a PLPOA Employee or engage in behavior that is disruptive for the employee to perform their duties
- f. Engaging in or threatening to violate policies set forth for the use of such facilities.

If unfortunate circumstances arise and someone engages in any of the behaviors above, management reserves the right to ask the individual to leave the facility.

Member or guests, who have engaged in any of the behaviors above, may have their privileges to use PLPOA amenities revoked or suspended for a period of time and/or a fine imposed by the Board of Directors. In such instances, the member shall be afforded the opportunity for a hearing prior to the imposition of a fine or permanent/suspended revocation of amenities usage. (*Category 4 offense, See page 15*).

## **J. Fine Schedule:**

**General Fine Schedule.** Please refer to the PLPOA Enforcement Policy for the complete process and information regarding violations. Unless otherwise specified in the governing documents, the following fines may be imposed for each violation of the governing documents occurring within a 24-month period (If three Notices of ANY Violation are issued to a property within a 12-month period, the property will be subject to a \$500 fine as a Repetitive Nuisance).

A Notice of Violation may be sent for any first violation. Additional or subsequent violations of the same provision occurring within 24 months from the date of the first Notice of Violation will be considered repeat or recurring violations, subject to additional fines as set forth above. After the 24-month period without any reoccurrence of the same violation, any subsequent occurrence of the same violation will be treated as a new first violation.

**Category 1 violation:** \$ 50

**Category 2 violation:** \$100

**Category 3 violation:** \$200

- (i) Unauthorized improvements/deviating from approved plans: Beginning an improvement without a permit or deviating from approved plans constitutes a single violation. The Notice of Violation will instruct the Owner to stop work immediately and to submit all required documentation for approval within 30 days of the Notice. There is a \$500 fine for each violation. In addition, the Owner may be required to remove any improvement constructed before or after the Notice of Violation if the plans are not approved.

**Category 4 violation:** \$500

- (i) Tree removal without approval: Each tree removed without approval constitutes a single violation. There is a \$500 fine for each violation/each tree. In addition, each tree must be replaced with a tree of substantially similar size.

**Category 5 violation:** \$500

- (i) Failure to register a Vacation Rental Property with PLPOA within 15 days following the date of issuance of a Vacation Rental Permit from Archuleta County: \$500

### **Violations That Threaten Public Safety or Health.**

A. If the Association reasonably determines that a violation threatens the public safety or health, the Association will send the Owner a written Notice of Violation informing the Owner that the Owner has 72 hours to cure the violation, or the Association may impose a fine.

The written notice may be sent by any of the following means: first-class mail; certified mail; email; text message to a cellular number that the Association has on file because the Owner has provided the number to the Association; or hand-delivery.

B. After 72 hours from receipt of notice, the Association will inspect the Property and determine whether the violation has been cured. If the Owner has not cured the violation, the Association may impose fines on the Property Owner every other day in accordance with the fine schedule below and/or commence legal action to enforce the governing documents and cure the violation.

C. Violations of rules related to the following may be considered to be violations that threaten public safety or health:

- i. Fishing, Boating, and Lakes
- ii. Recreational Fires
- iii. Discharge of Firearms or Projectiles (examples include, but are not limited to, arrows, darts, pellet/BB guns, etc.)
- iv. Use of Explosive or Aerial Fireworks

D. Many types of violations that threaten public safety or health, including, but not limited to, recreational fires, discharging firearms, and shooting a bow and arrow, are limited in duration rather than taking place over a continuous period of time up to 72 hours or more. If the Association determines that an Owner has committed such a violation again after the first Notice of Violation, then the violation has not been cured and the Association may impose a fine of at least \$500 per occurrence rather than treating it as a new violation. Similarly, if such a violation occurs on a property used as a Vacation Rental, and the initial violator is a tenant rather than the Owner, the Owner will be responsible for ensuring that the violation does not occur again with subsequent tenants. If it does, the Owner will not have cured the violation and the Association may impose a fine of at least \$500 per occurrence.

### **Continuing Violation Fine Schedule.**

In addition to the fines noted in Section D above, the Association may impose a fine every other day in the amount of \$100 for violations that threaten public safety or health until the violation is cured. The Association reserves the right to impose fines greater than \$500 for violations that threaten public safety or health.

### **Vacation Rental Fine Schedule for Vacation Rental Violations of the Abbreviated Rules.**

The Association has adopted the Abbreviated Neighborhood Rules and Regulations for Vacation Rentals in recognition that Properties used as short-term rentals have frequent turnover of occupants and that the violating occupant has often left the Property before notice can even be provided or any cure period has expired. Therefore, the Property Owner is responsible for ensuring that any and all occupants of the Property remain in compliance, and all violations are attributed to the Owner even if associated with or committed by multiple short-term tenants. The violation set forth in any Notice of Violation will not be deemed to be cured if another tenant violates any of the Abbreviated Rules and may be subject to a fine of \$500. If three Notices of Violation are issued to a property within a 12-month period, the Property will be subject to a \$500 fine as a Repetitive Nuisance.

### **Suspension of Fishing and/or Boat Use Permits.**

The Association will suspend any Owner's or Property's Fishing and/or Boat Use Permit(s), as appropriate for one year for any violation of the rules for Fishing, Boating and Lakes, regardless of whether the violation was a singular event or was an

ongoing event and cured within 30 days.

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## K. Association Forms / Attachments:

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K.1 Violation Complaint Form	p.23
K.2 Abbreviated Rules & Regulations for Vacation Rentals	p.24

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## L. Definitions

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**ALLEGED VIOLATOR** shall mean a PROPERTY OWNER who is alleged to be responsible for non-compliance of a rule or regulation.

**ASSOCIATION or PLPOA** shall mean the Pagosa Lakes Property Owners Association, a Colorado not-for-profit corporation.

**BOARD** shall mean seven (7) persons elected by the PLPOA membership to serve as the Board of Directors.

**BUILDING OR STRUCTURE** shall mean anything constructed, assembled, erected or built on any LOT which includes, but is not limited to, a residence, commercial building, garage, barn, stable, fence, swimming pool, cabana, GUEST HOUSE, storage building, greenhouse, boat dock, DRIVEWAY/PARKING PAD, retaining wall, growing dome, etc.

**CAMPING** shall mean the use of any outbuilding, temporary structure, tent, TRAILER or RECREATIONAL VEHICLE as a DWELLING. indicators of CAMPING include, but are not limited to, RECREATIONAL VEHICLES appearing to be level and blocked with jacks down, connected to utilities, with slide-outs or other sections extended, or generally any indication that the unit is not travel ready and could be used as a DWELLING.

**COMMERCIAL OR BUSINESS ACTIVITY** shall mean any activity in which the sole or chief emphasis is on salability, profit, or success which results in a negative impact on normal residential usage (examples of exceptions are working on-line from home, writing a book, preparing for work performance elsewhere etc.) including but not limited to issues of: trash, sound, odor, signage, traffic, MOTOR VEHICLES, parking, deliveries or exterior storage of heavy equipment or materials.

**COMMERCIAL TYPE TRUCK** means:

I. A truck, bus or van, larger than twenty-five (25) feet in length and or nine (9) feet in height, or equipped with, but not limited to:

- a. Panel delivery or freight box
- b. Garbage/trash compactor
- c. Cement mixer or pumper
- d. Lift crane or boom
- e. Oil field service equipment; or
- f. Liquid (except potable water), sewage, or gas storage tanks
- g. Food trucks including any vehicle that requires a food handler's license.

II. Any MOTOR VEHICLE designed or equipped to transport other MOTOR VEHICLES from place to place by means of winches, cables, pulleys, or other equipment for towing pulling, or lifting.

III. Exceptions:

- a. Emergency service vehicles as described in C.R.S. 38-33.3-106.5(d) are specifically excluded.
- b. Sport utility vehicles, vans, or pickups less than twenty-five (25) feet in length and or nine (9) feet in height.
- c. RVIA Certified recreational vehicles.

**COMMITTEE** shall mean the Environmental Control COMMITTEE (ECC), which is a body appointed by the Board of Directors for purposes of approving or disapproving all plans and specifications for any structure or IMPROVEMENT whatsoever to be erected on or moved upon or to any LOT, and including powers and duties assigned to it under the DECLARATION OF RESTRICTIONS.

**COMMUNITY LIAISON** shall mean an ASSOCIATION employee including, but not limited to, community standards manager and COMMUNITY LIAISONS, PROPERTY and environment manager, staff and conservation officers and recreation center manager and staff.

**CONSTRUCTION MATERIALS** are any materials which are used for construction purposes, including, but not limited to: foundation materials, exterior and framework materials, roofing, interior electrical or plumbing materials, metals, stone, wood, landscaping materials, piles of dirt and rocks, and other materials used in the construction of a home, installation of a structure and/or IMPROVEMENT on a property.

**DECLARATION OF RESTRICTIONS** shall mean the documents recorded, along with any subsequent amendments as recorded, along with each SUBDIVISION plat, setting forth the covenants, conditions and restrictions applying to the DEVELOPMENT and/or the SUBDIVISIONS.

**DESIRABILITY AND ATTRACTIVENESS** shall mean aesthetically pleasing, in good repair and condition, maintained so that it fulfills its general purpose, is neat and clean, and is otherwise in a condition which preserves and enhances the LOT's value. Conditions contrary to this definition include, but are not limited to, such things as faded, chipped and/or otherwise unsightly paint and/or finishes; damaged and/or loose siding, trim, fascia, sills and/or gutters; loose and/or missing shingles; excessively rusted roofing (other than accent roofing designed and approved by the COMMITTEE); broken and/or missing window panes and/or frames; broken and/or damaged fences; weathered tarps, blue tarps as car and yard covers, items improperly stored, scrap metals, other trash and/or RUBBISH piles and/or accumulations.

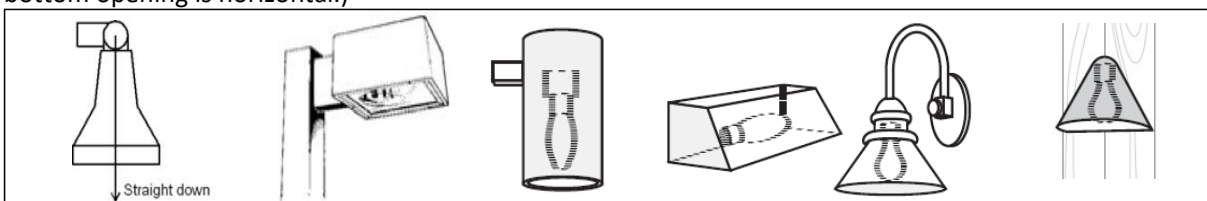
**DEVELOPMENT** shall mean all of the SUBDIVISIONS within the ASSOCIATION, collectively.

**DRIVEWAY** shall mean a constructed vehicular access serving one (1) or more LOTs, and shall be of all-weather construction using concrete, asphalt, gravel, pavers and/or stone.

**DWELLING** One or more rooms and a single KITCHEN and at least one bathroom, designed, occupied or intended for occupancy as separate living quarters for the exclusive use by an individual, family, or group of persons sharing living arrangements, located in a single-family, two-family or multi-family residential district as applicable according to the LOT's land use classification.

**FIREARM** shall mean any handgun, rifle, shotgun or other instrument or device capable or intended to be capable of discharging projectiles, bullets, cartridges, or other explosive charges.

**FULLY SHIELDED LIGHT FIXTURE** is constructed and mounted such that all light emitted by the fixture aims downward. The lamp or bulb, is not protruding above or below the fixture, must not be visible when viewed from above or directly from the side or from any angle around the fixture. No clear, translucent or opaque-covers. Examples of FULLY SHIELDED LIGHT FIXTURES are illustrated below. (Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal.)



**HEARING PANEL** shall mean an impartial panel established to provide OWNERS, pursuant to the Colorado Common Interest Ownership Act, an opportunity to be heard before a fine or other penalty can be imposed on OWNERS regarding violations to the covenants, controls, restrictions and RULES of the ASSOCIATION.

**GUEST HOUSE** shall mean an accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main DWELLING, and containing NO KITCHEN facilities.

**IMPROVEMENT** shall mean all buildings or structures, parking areas, loading areas, fences, walls, poles, DRIVEWAYS/PARKING PADs, docks, walkways, recreational facilities, SIGNS, decks and enclosures. Change in exterior color or shape, excavation, and all other site work including without limitation grading, road construction, utility IMPROVEMENTs, removal of trees, and any new exterior construction or exterior IMPROVEMENT constructed or completed on a LOT.

**KITCHEN** Any room in a DWELLING, BUILDING or STRUCTURE, designed for the preparation and cooking of food that contains any of the following facilities: stove, refrigerator (except those not larger than 6 cubic feet), sink (excluding wet bar sinks not larger than 12"x12"), oven, range, and cooktop.

**LOT/PARCEL/PROPERTY** shall mean real PROPERTY described in any SUBDIVISION plat which has been designated for separate ownership, but shall not include any tracts which are designated as open space, common area, greenbelt, or other similar designations (except to the extent such areas are common elements or common area within a condominium or townhome ASSOCIATION which has been developed on an originally platted LOT). For purposes of these rules, individual townhomes and condominium units may be considered a LOT.

**MAINTENANCE** shall mean the measures taken to preserve the DESIRABILITY AND ATTRACTIVENESS of a LOT, BUILDING OR STRUCTURE, and IMPROVEMENT, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

**MOTOR VEHICLE** means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power.

**NOXIOUS WEED** shall mean an invasive species of a plant that has been designated by the State of Colorado Department of Agriculture of the as one that is injurious to agricultural and/or horticultural crops, natural habitats and/or ecosystems, and/or humans or livestock. This list of such species is subject to change and is available on the Colorado Department of Agriculture website: <http://www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1174084048733>.

**NUISANCE** shall mean any activity which arises from unreasonable, unwarranted or unlawful use by a person of his own PROPERTY and which creates an obstruction or hindrance to the right of another PROPERTY OWNER or the public. These include:

- i. Any fighting, screaming, shouting, excessively loud talking or use of foul language, noise or playing of music or electronics, raucous behavior or insobriety either outside of a BUILDING OR STRUCTURE at any time or within a BUILDING OR STRUCTURE if such conduct can be heard in the normal course of activities in any other BUILDING OR STRUCTURE;
- ii. The use of any alarm, equipment, or device, mechanical or otherwise, which creates or produces excessively loud sounds or vibrations either outside of a BUILDING OR STRUCTURE at any time or within a BUILDING OR STRUCTURE if such sounds can be heard or vibrations felt in the normal course of activities in any other BUILDING OR STRUCTURE;
- iii. Any threatening or intimidating conduct towards any resident, guest or pet in the DEVELOPMENT;

- iv. Any conduct which, in the BOARD's discretion, creates any danger or risk of injury to others or damage to PROPERTY in the DEVELOPMENT or which creates any threat to health or safety of any other resident or pet;
- v. Any incessant or excessive pet noises, including dog barking, if such conduct can be heard in the normal course of activities in any other BUILDING OR STRUCTURE;
- vi. Any construction activities on any LOT that can be heard on any other LOT between 7:00am and 7:00pm, Monday through Saturday; and 9:00am and 7:00am Sunday; except in the Central Core or Village Service Commercial SUBDIVISIONs.
- vii. Any similar action or activity outside of a BUILDING OR STRUCTURE, or which occurs inside a BUILDING OR STRUCTURE but which interferes with the peaceful use and enjoyment of other LOTs by any other OWNER, members of his or her family, guests, invitees, or any other occupants of a LOT.

**PARKING PAD** shall mean a permitted off-street area for parking within the building set-backs, with spaces designed, used, required or intended to be used for parking and storage, and may include DRIVEWAYS or access ways in and to such areas.

**PETS** shall mean those animals which are normally and reasonably kept as household pets, not including any animals that are considered wild or vicious, or other creatures which if not contained, would be considered dangerous to the public health or safety. Household pets include dogs, cats, birds, gerbils, hamsters, guinea pigs, etc. Pot-bellied pigs, chickens, ducks or other water fowl, goats, llamas, alpacas, horses (unless allowed in a particular SUBDIVISION) are not.

**PORTABLE OUTDOOR FIREPLACE** shall mean a portable, outdoor, gas or solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A PORTABLE OUTDOOR FIREPLACE may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**PROJECT PERMIT PROCESS** shall mean the process, standards, specifications, RULES and procedures for the consideration and approval of any proposed IMPROVEMENT or modification whatsoever by the COMMITTEE. The PROJECT PERMIT PROCESS is adopted and amended from time to time by the COMMITTEE and ratified by the BOARD.

**PROPERTY OWNER** or **OWNER** shall mean the person who holds title to a LOT within the DEVELOPMENT. OWNERS are responsible for the actions of tenants, guests or invitees as well as their own actions relative to a PROPERTY.

**RECREATIONAL FIRE** is an outdoor fire for burning wood or materials for pleasure, religious, ceremonial, cooking, warmth or similar purposes, however; the only acceptable fuel source is propane or natural gas. Wood is not an acceptable fuel source for a recreational fire. Charcoal, barbeque grills are acceptable for cooking.

**RECREATIONAL USE** shall mean for a pastime, diversion, exercise, or other activity or resource affording relaxation and enjoyment to restore or refresh one's physical or mental being.

**RECREATIONAL VEHICLE** means a travel trailer, 5<sup>th</sup> wheel, camp-car, camper, bus, motor home, tiny home or other vehicular or portable unit, with or without motor power, designed and constructed for travel and intended for human occupancy as temporary living quarters for recreational, vacation or travel purposes: ATV/UTV, motorcycles, snowmobiles, boats and trailers.

**REPETITIVE NUISANCE** means a property which has been issued three Notices of Violation within a 12-month period. These notices may be related to the same violation or to different violations that occur within that 12-month period. Such property will be deemed to be a Repetitive Nuisance and subject to a \$500 fine pursuant to the Enforcement Policy.

**RUBBISH OR DEBRIS** shall include garbage or other similar materials detrimental to the public health, safety and general welfare, or detracting from a neat and clean condition of the LOT, or building materials accumulated on a LOT for which there is no active approved project permit.

**RULES AND REGULATIONS** or **RULES** shall mean the requirements adopted by the BOARD of Directors for the regulation of the DEVELOPMENT.

**SIGN** means any device, fixture, placard, or structure that uses any color, form, graphic, symbol, or wording to advertise, announce, identify, or communicate information of any kind to the public. Temporary SIGNS and banners not permanently mounted in one location are included in this definition.

**SINGLE FAMILY DWELLING** shall mean a DWELLING which is not attached to any other DWELLING or building by any means, is situated on a permanent foundation containing one (1) or more rooms, at least one (1) kitchen and at least one (1) bathroom, and is designed, occupied or intended for occupancy as separate living quarters for the exclusive use of a single-family unit for living, cooking and sanitary purposes.

**STOP WORK ORDER** shall mean the ASSOCIATION's formal notice to a contractor or OWNER to cease or hold work on an IMPROVEMENT.

**STRIPPED DOWN, PARTIALLY WRECKED OR JUNK MOTOR VEHICLES** shall mean any MOTOR VEHICLE in a state of disrepair including, but not limited to, significant body damage that has not been repaired within twenty-one (21) days of occurrence, or is missing parts or elements essential to operation.

**SUBDIVISION** shall mean the individual neighborhoods established by any of the plats concerning real PROPERTY within the DEVELOPMENT.

**SUBSTANTIALLY COMPLETE** shall mean a BUILDING OR STRUCTURE on which all permitted IMPROVEMENTs are ready to be used for its intended purpose.

**TEMPORARY STRUCTURE** Shall consist of tents, canopies, sunshades and frames covered with flexible, weather-resistant materials including those for storage.

**TEMPORARY USES** shall mean uses that do not require any new permanent Buildings, Structures or IMPROVEMENTs for their operation, may use existing buildings or IMPROVEMENTs, and do not result in any unreasonable annoyance or NUISANCE to the surrounding properties.

**TRAILER** means any wheeled VEHICLE, without motor power, which is designed to be drawn by a MOTOR VEHICLE and to carry its cargo load wholly upon its own structure and, that is generally and commonly used to carry and transport property over the public highways.

## M. Other Applicable Governing Documents and Amendments:

- DECLARATION OF RESTRICTIONS – PLPOA
- DECLARATION OF RESTRICTIONS – Central Core
- DECLARATION OF RESTRICTIONS – Chris Mountain II
- DECLARATION OF RESTRICTIONS – Coyote Cove
- DECLARATION OF RESTRICTIONS – Eaton Pagosa Estates
- DECLARATION OF RESTRICTIONS – Highland Estates/Pagosa-in-the-Pines II
- DECLARATION OF RESTRICTIONS – Lake Forest Estates
- DECLARATION OF RESTRICTIONS – Lake Hatcher Park

- DECLARATION OF RESTRICTIONS – Lakewood Village/Lakeview Estates
- DECLARATION OF RESTRICTIONS – Martinez Mountain Estates/Pagosa Meadows II, III, & IV
- DECLARATION OF RESTRICTIONS – North Village Lake
- DECLARATION OF RESTRICTIONS – Pagosa Trails/Pagosa Vista
- DECLARATION OF RESTRICTIONS – The Ranch Community
- DECLARATION OF RESTRICTIONS – Ridgeview
- DECLARATION OF RESTRICTIONS – South Village Lake/Mallard Point
- DECLARATION OF RESTRICTIONS – Twin creek Village
- DECLARATION OF RESTRICTIONS – Village Service Commercial
- PLPOA PROJECT PERMIT PROCESS

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## **N. Closing Statement:**

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Thank you for your time, attention, reading and compliance with the PLPOA Neighborhood Rules and Regulations. You should now have a better understanding of the complexities of the PLPOA.

For access to all Declarations of Restrictions, Bylaws, Articles of Incorporations, Board of Director Resolutions, Rules and Regulations, Building Permit Process and many other documents, which are pertinent to living in PLPOA, please visit the Association's web site at [www.plpoa.com](http://www.plpoa.com).

For any questions regarding any of the information contained within this document, please contact the Department of Community Standards of the PLPOA at 230 Port Avenue, Pagosa Springs, Colorado 81147; call 970-731-5635 or email us at [plpoa@plpoa.com](mailto:plpoa@plpoa.com).

# NEIGHBORHOOD RULES AND REGULATIONS

## VIOLATION COMPLAINT FORM

Complainant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Alleged Violator – Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subdivision and Location of Incident: \_\_\_\_\_

Date & Time of Incident: \_\_\_\_\_

Description of the incident / Nature of Complaint: \_\_\_\_\_

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I hereby attest that I am the witness and complaining party to the above incident. Additionally, I hereby state that, I will appear at the PLPOA Hearing Panel meeting and/or legal proceedings where I will present my complaint before the Hearing Panel, violator and/or other officials.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Received by PLPOA / Title

\_\_\_\_\_  
Date:

Please be advised that PLPOA staff (Community Liaisons) are not going to enact an immediate response or resolution to a violation. If the complaint is after hours or involves a violation of an Archuleta County Ordinance, owners are expected to notify their authorities prior to submission of a complaint form. Violations such as dogs at large, noise, fires or parking in the road have the capability of the responding Law or Code Enforcement officer issuing a summons and complaint on the spot. In the instance of there being a threat to life or personal safety, please dial 911. A PLPOA Community Liaison will attempt to notify property owners, but it may take days before we receive any response. Violations involving Vacation Rental Properties should call the 24-Hour Vacation Rental Complaint Line at (970) 294-7869 in addition to submitting an online complaint.

As we do not share any information about any property with anyone other than the property's actual owner, we will not report back to any complainant as to the status of any complaint submitted. Conversely, we will not share any information about the complainant to the owner in violation.

Any complaint form that is not complete or has ambiguous information (i.e., a street name in lieu of an actual address) will be discarded.

## **Abbreviated Neighborhood Rules and Regulations For Vacation Rentals**

- All vehicles, RVs and trailers must be parked on the driveway or on an approved designated parking pad. Rental on a residential property of either a Recreational Vehicle or rental of a parking space for use by a Recreational Vehicle is prohibited. While a property has a Vacation Rental in progress, no Recreational Vehicle may be parked on the property, with the exception of an unoccupied Recreational Vehicle, in storage, belonging to the property owner.
- Trash and trash containers must be contained to prevent refuse from being scattered by weather or animals. Trash receptacles shall only be placed at road shoulder the day of collection and must be pulled away from the road that evening.
- No trash, ashes, garbage, or other refuse shall be dumped, stored or accumulated in any lot or be thrown into or left on the shoreline of any waterway.
- No outside burning of wood, leaves, trash, garbage or household refuse is permitted; this includes recreational fires.
- Noise levels must be kept to a level as to not disturb the neighbors. This includes music, sitting inside with the windows open or outside communicating at a loud volume. Quiet hours are from 10:00 p.m. to 7:00 a.m. Loud profane language is not tolerated.
- No activity shall be conducted on any lot which shall give off discharge or emit any obnoxious noises, fumes, odors, glare or vibrations. Exterior lighting should be turned off during quiet hours. Turn off exterior lights when you leave the property.
- No activities shall be allowed or conducted on any lot which might be unsafe or hazardous to any person or property. This includes, but is not limited to the use of fireworks, bow and arrows, explosives, guns, air or pellet guns or any similar device or act involving projectiles. No trespassing on neighboring lots.
- All dogs must be under the control of a responsible person at all times. Dogs running loose and vicious dogs are in violation and will be reported to animal control.
- ATVs, UTVs, off-road motorcycles, unlicensed vehicles and snowmobiles are not allowed to be operated on private property. ATVs and UTVs may be operated with blades on properties to remove snow from walkways and driveways.
- No commercial trucks or heavy equipment shall be parked overnight or longer on any lot.
- All short-term visitors are required to have a fishing permit to fish our lakes and all restrictions must be adhered to. All boats brought from out of the county must be inspected prior to being launched in our lakes and an annual boat permit must be purchased for each boat, canoe, or kayak.
- No swimming is allowed in the lakes or use of any pool float, inner-tube or foam lounge chair.
- Property owners are responsible for the actions of their tenants at all times and need to be aware of our civility code.