

# **Booth Creek Townhouse Association Rules and Regulations As adopted by the Board of Directors**

Revised November 1, 2023

All residents must fill out information forms to be kept on file with Management Company that includes a primary telephone number and email address. Additional required forms may include but are not limited to information on vehicles, pets, rental status, etc.

## **Section 1. Authority**

Per the Authority granted by the Amended and Restated Declaration of the Booth Creek Townhomes, dated May 20, 2011, Section 3.3, the Rules and Regulations hereinafter enumerated as to the Booth Creek Townhouse Association, the Common Property, the Common Facilities, the General Common Elements, the Limited Common Elements and the Condominium Units located thereon shall be deemed in effect until amended by the Board of Directors of the Booth Creek Townhouse Association (the "BOD"), and shall apply to and be binding upon all Townhouse Unit Owners of the Booth Creek Townhouse Association. All such Unit Owners shall, at all times, obey said Rules and Regulations and shall use their best efforts to see that they are faithfully observed by their families, guests, invitees, servants, lessees and persons over whom they exercise control and supervision. No Unit Owner or resident shall direct, supervise, or in any manner attempt to or assert control over the employees of the BOD.

## **Section 2. Compliance**

All residents of the Booth Creek Townhouse Association are hereby informed that in addition to abiding by the Rules & Regulations of the Association, they must also comply with all laws, permits, codes and ordinances as adopted by the Town of Vail and are solely responsible for any violations.

## **Section 3. Purpose and Intent**

These rules and regulations are intended to ensure the quiet enjoyment of the Booth Creek Townhouse Association by the membership of the Association. These rules are intended to reduce impacts to maintenance and up keep of the Property by restricting activities that may have negative impacts on the landscape areas, parking areas, and building exteriors and interiors. The regulations also help insure that property values are not eroded by the actions of any one member.

## **Section 4. Building and Landscape Improvements**

Nothing shall be altered on, constructed in, or removed from, the General Common Elements by a Unit Owner, his guests, renters or invitees. Such work is the responsibility of the BOD. All alterations to the General Common Elements of

the building must be presented in the form of building plans and specifications and approved by the BOD and management company prior to any changes being made. This includes but is not limited to decks, doors, screen doors, skylights, exterior light fixtures and windows. Any and all requests shall be submitted in writing to the BOD and management company. The BOD has the right to approve, approve with conditions, or deny any such request. All exterior improvements, if permitted by the BOD, shall be of a scale, color and appearance consistent with that of the other buildings on site.

- a. Doors & Windows: All windows and sliders must be Weather Shield, Pella or equivalent, brown clad. Front doors and screen doors must be painted or stained to match others in the complex.
- b. No air conditioners, clotheslines, or other machines shall be installed on the exterior of a Condominium Unit or of a Building or be allowed to protrude through the walls, windows or roof of a Condominium Unit or Building.
- c. Any change to exterior vents, conduits or piping including radon mitigation systems must be submitted in writing and be subject to the Board of Director's approval.
- d. Any requests for variance must be submitted in writing and shall be subject to the BOD's approval.

Owners should contact the management company for approval and Design Review requirements prior to doing any interior alterations or major repairs.

### **Section 5. Cable, Phone, and Satellite Dishes**

The designated area for satellite dish mounting is on the deck wall, between the two units or closest approximate location as approved by the BOD. All dishes must be the smallest diameter possible (24" or smaller) and painted to match the colors of the siding at the owner's expense. Absolutely no mounting of satellite dishes or running of wires will be allowed in any other areas. Cable TV lines and phone lines must be wired in the same manner. Absolutely no wires are to be attached to the side of the buildings nor can any holes be made in the building siding, stucco or deck without BOD approval. If Unit Owners desire additional new phone or cable service, the Unit Owner may be required to install an underground conduit at owner's sole expense and responsibility. Management will instruct the owner as to the location and manner in which the cable lines may be installed

### **Section 6. Siding, Stucco and Trex Decks**

Absolutely no puncturing or penetrating the siding, stucco, stone or Trex decking is allowed anywhere on the property. Holes impair and insult the integrity of the building wrap, flashing and siding and the stucco's resistance to water and thus damage to the exterior finish or interior walls may result.

### **Section 7. Sidewalks, Common Areas, Storage, and Decks**

- a. Sidewalks: The sidewalks walkways, entrances and all of the Limited Common Elements and General Common Elements must not be obstructed or encumbered; nor shall any carriages, skis, bicycles, wagons, shopping carts, or any other object of a similar nature be left thereon.
  - a. NO BICYCLES OR OTHER CONVEYANCES INCLUDING, BUT NOT LIMITED TO, SKATEBOARDS, SCOOTERS, ROLLERBLADES, MAY BE RIDDEN ON THE HEATED WALKWAYS. RESIDENTS MUST DISMOUNT AND WALK ALL SUCH VEHICLES.
  - b. During winter season, snow must be removed from walkways following sledding or other activities that cover walkways with snow.
- b. Storage: There shall be no outdoor storage of any kind in the General Common Elements by any Unit Owner, group of Unit Owners or their guests, or invitees. Balconies, decks and Common Areas shall be kept in a neat and orderly fashion and free of debris. Bicycles, canoes, kayaks, skis, snowboards, and other personal property shall be stored within each Unit Owners Townhouse.
- c. Decks: The following personal items are allowed to be on the decks: deck furniture, satellite dish, firewood, and one electric or gas grill. The following items are prohibited on the decks: charcoal or wood burning
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 grills and smokers. From May 1 to November 1 the following items may be kept on the decks: operable bicycles, patio umbrellas, bird feeders, hanging flower baskets and flower boxes that are planted and well kept. No artificial or plastic plants are permitted. Any brackets or hangers that are to be affixed to the property must be done in a fashion that will not damage the property and that will be unnoticeable to passersby. All fixtures and brackets must be of the approved style and must be ordered through the management company. The management company must also attach any fixture or bracket to the Limited or General Common Elements and the Unit Owner shall be charged accordingly. Individual Unit Owners may not attach any item to the outside of the building, deck, and partitions, railing or other Limited or General Common Elements. Any fixture or other item that violates the Rules and Regulations shall be removed and discarded without further notification to the Unit Owner and any repairs or removal costs will be charged to the Unit Owner.

**Section 8. Parking and Driveways**

- a. Winter Months: During the winter months where snow removal is required (usually Nov. 1- May 1), no vehicle shall be parked for 24 hours in the same spot after a snow fall so that the area can be plowed

and the buildup of ice and snow can be prevented. The Board of Directors may tow or move offending vehicles at the Unit Owners expense.

- b. No vehicle shall be parked in or travel across landscaped areas.
- c. Each Owner may have the use of one (1) parking space within the Community. Parking of additional vehicles is on a first come-first serve basis. No unit may use more than two parking spaces at one time.
- d. Speed Limit: The designated speed limit on the property is 10 miles per hour.
- e. Trailers and other Vehicles: The parking and/or storage of, including but not limited to, trailers, boats, snowmobiles, snowmobile trailers, or snowmobiles in the back of pickup trucks, utility trailers, camping trailers, recreation vehicles or other powered recreational equipment, unlicensed vehicles, and similar equipment shall not be permitted on the Townhouse Project. Moving trucks and trailers may be permitted on the Townhouse Project but may not be parked for more than 2 days within the complex. No overnight "camping" is allowed in any vehicles.
- f. Registered Vehicles: All vehicles parked on Townhouse property shall be registered and legal for operation. Vehicles shall also be registered with the management company.
- g. Abandoned or inoperable vehicles: No abandoned or inoperable vehicles of any kind shall be stored or parked within the property. An abandoned or inoperable vehicle shall be defined by Colorado statutes governing inoperable or abandoned vehicles on public streets, or as defined by the BOD. The management company may notify Unit Owners of abandoned vehicles that the vehicles must be moved by placing a notice on the vehicle and by mailing or emailing notice to the Unit Owner, if known. If notice is disregarded for 72 hours the Board of Directors may have the vehicle towed at Unit Owner's expense.
- h. Parking of heavy-duty commercial vehicles and construction equipment on common areas is prohibited. No vehicle shall be repaired, serviced, rebuilt, dismantled or painted anywhere within the General Common Elements.
- i. Dumpster Areas: No vehicles shall block access to the dumpsters.
- j. Day skier parking is not allowed.

### **Section 9. Pets**

Having a normal household pet on the Property is a privilege granted by the Association and is not a right. Abuse of this privilege may result in a Unit Owner not being allowed to have pets on the Booth Creek Townhouse Association property.

- a. Only owners may have or keep pets on the property. Renters, tenants and guests are not allowed to have pets of any kind.
- b. Control of Pets: Pets are the responsibility of their owners and ultimately the owner of the unit. Dogs must be on a leash at all times and under the direct control of the owner. Dogs shall not be allowed to bark or whine excessively. Pet owners shall immediately remove feces from the property. Pet owners may be required to pay for repairs or additional maintenance required to General and Limited Common Elements or other areas caused by pets in addition to fines assessed by the Association. No pet shall cause a nuisance or be a health or safety concern.
- c. At the management company's discretion, Unit Owners who do not clean up after their dogs, whose dogs constantly bark or whose dogs intimidate other people shall be required to remove their dogs from the property and will be fined according to Section 17. If at any time two or more written complaints are received about a dog, the BOD shall contact the Town of Vail's Animal Control Department and apprise them of the situation so they can bring the Unit Owner and dog into compliance with this ordinance.
- d. Tethering of Pets: Pets shall not be tethered anywhere on the Property.
- e. Number of Pets: No more than two pets shall be permitted to reside in any one Unit Owner's Townhouse. Those Unit Owners having additional dogs/cats as of September 2015 shall be grandfathered in. All Owners must register their pets with the management company.

#### **Section 10. Tenants**

- a. It shall be the responsibility of the Unit Owner of a Townhouse to notify the management company within 48 hours of renting a Townhouse and not less than 48 hours before the tenant will be occupying the Townhouse. The Unit Owner shall supply the management company with a copy of the lease, including the names, phone numbers and email and/or mailing addresses of all tenants and the name and contact information of the Agent to be contacted, if not the Owner, if there are renter issues. Agents must respond to calls from the Management Company or authorities within one (1) hour between the hours of 7 AM and 11 PM or within thirty (30) minutes if issues occur between 11 PM and 7 AM.
- b. The Unit Owner shall also be responsible for providing the tenants with a copy of the most current Condensed Rules and Regulations and must sign an acknowledgement to that effect and ensure that the Condensed Rules and Regulations are posted in the unit.
- c. Unit Owners of Townhouses are ultimately responsible for the acts of the

tenants with regard to these regulations. The Unit Owner of the property shall also be responsible for fines and fees of any tenants.

- d. Townhouse units may be rented or leased for a period of not less than six (6) nights. Owner of any Townhouse rented or leased for fewer than thirty (30) nights is required to obtain a Short Term Rental License from the Town of Vail and retain a local Management Company licensed with Colorado Department of Real Estate. The name and contact information for that Management Company must be provided to the Association's Management Company. Any changes in Management of rented or leased units must be updated with the Association's Management within forty-eight (48) hours of such change.
- e. Owners of all rented or leased units are required to name Booth Creek Townhouse Association as an additional insured on the homeowners insurance policy.

### **Section 11. Dumpster and Refuse**

Two dumpsters are provided on the property; one is designated for refuse and the second for recycling. All trash shall be deposited only within the dumpsters provided and shall be sealed in plastic bags, or otherwise secured, to prevent trash from blowing out of the dumpsters. Recycling is provided within the dumpster enclosure per Town of Vail requirements. Single stream recycling containers allow for aluminum cans, glass containers, newspaper, cardboard boxes, broken down and laid flat, and plastics to be mixed together in these bins. A list of allowed and inappropriate recycle items is attached and is displayed on the RECYCLE bin. Please use accordingly.

The trash dumpster area must not be blocked. No items shall be placed on or alongside the dumpsters and dumping of any large items (i.e. furniture) is not permissible. Dumpsters shall not be over-filled. Dumpsters shall only be utilized for normal domestic activities occurring on the property and not for the disposal of materials produced off of the property or in conjunction with remodeling, moving in/out or a business. For construction, remodel or appliance disposal needs contact the Property Management company to arrange for a pick up at Unit Owners expense.

### **Section 12. Noise**

All Unit Owners have the right to quiet enjoyment of their residence. No Unit Owner shall make or permit any disturbing noises, sounds, or odors by himself, his family, employees, agents, visitors, invitees and licensees, nor permit anything that will interfere with the rights, comforts or convenience of the other Unit Owners. The ability to hear stereos and televisions within a neighboring unit when the windows are closed is deemed excessive noise. Unit Owners and tenants shall refrain from playing televisions and stereos at high volumes especially during summer months when windows are typically open and during quiet time from the hours of 10:00 PM to 8:00 AM. Unit Owners of loud vehicles (i.e. diesel trucks, motorcycles) shall refrain from warming up vehicles for extended periods of time (more than 5 minutes), especially before 7:00 AM.

### **Section 13. Signs and Banners**

No sign, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed, in, on or upon any part of the Townhouse Project by a Unit Owner or occupant without written permission of the BOD.

- a. Banners: Banners shall not be permitted on the property. Banners, as stated herein, do not include properly displayed national flags.
- b. Signs: For sale, for rent, or any other sign shall not be displayed on the property but shall be allowed to reside inside of the unit displayed in a window. The maximum size allowed is 36 inches by 24 inches per Amended and Restated Declaration Section 7.13 (c). An open house sign shall be permitted during the period of time when an open house is occurring. Garage sale signs shall be allowed but shall not be affixed to any Association property (i.e., the entrance signs). Garage sale signs shall be removed immediately following the sale.

### **Section 14. Fire Hazards**

- a. Grills: Charcoal or wood fueled grills shall not be permitted on the Limited Common Area decks or Limited Common Elements.
- b. Other Hazards: No flammable, combustible, or explosive fluid, chemical, or other substance as may be defined as or considered an Environmental Hazard by any governmental agency, shall be kept in any unit or in any of the Limited Common Elements except such as are required for normal household use.
- c. All firewood is to be stored on Unit Owners deck, entry porch and/or inside the storage closet. Firewood shall be clear of doorways and not be stacked higher than the top rail of the deck or be visible from the General and Limited Common Areas.
- d. Fireplace ashes can remain hot for up to four days. Burnt firewood and ashes must be placed in a metal container with a lid and doused with water. The container should not be placed on a deck or porch or in dumpsters until completely cooled - up to four days.
- e. Management Company inspects chimneys one time per year. If cleaning is needed, chimney will be cleaned and owner will be billed back for the cleaning expense.
- f. Cigarette butts and all smoking related materials of any kind must be carefully extinguished and disposed of within the Townhouse. At no time are cigarette butts or any smoking materials to be tossed into the landscape or off decks.

### **Section 15. Quarterly Dues.**

Payments of Maintenance Fees, Assessments and Per Diem Fees shall be made to a designated address by the Board of Directors. Payments made in the form of checks shall be made to the order of the Booth Creek Townhouse Association.

- a. Due Date: Quarterly dues shall be due on the first day of the month of each quarter (April, July, October, and January). Payment shall be considered overdue if payment is not received by the last day of the first month of the quarter. The management company is not obligated to notify a Unit Owner that a payment has not been received.
- b. Late fee: A \$25.00 late fee shall be charged on the last day of the first month of the quarter for ANY overdue account. Thereafter, any balance that remains unpaid will be subject to interest of 21% per annum.
- c. Lien: If an account becomes 90 days overdue the Association may file an Assessment Lien with Eagle County Clerk and Recorder and the Unit Owner shall be notified of such action by postal registered letter.
- d. Required Pre-Payment: If an assessment installment becomes delinquent, the Association, in its sole discretion, may accelerate all remaining assessment installments so that unpaid assessments for the remainder of the fiscal year shall be due and payable at once.

### **Section 16. General**

- a. Unit Owners/Tenants are responsible for alerting the Board of Directors of any common concerns immediately (flooding, electrical problems, leaks, etc.).
- b. Nothing shall be done or kept in any unit or in the Common Elements or any part thereof which would be a violation of any statute, rule, ordinance, regulation, permit or other validly imposed requirement of any governmental body having jurisdiction thereof.
- c. Nothing shall be done or kept in any unit or in or on the Common Elements or any part thereof which would result in the cancellation of the insurance on the Townhouse Project or any part thereof or increase the rate of the insurance on the Townhouse Project or any part thereof over which the Board of Directors or Unit Owners, but for such activity, would pay.
- d. Drains and Sewers: Unit Owners, guests and tenants are advised not to put coffee grounds, coarse or stringy foods such as banana peels, carrot tops, artichoke leaves, other succulents or fibrous materials, in garbage disposals or drains. Only regular toilet paper should be disposed of in



toilets. Disposal of other items including baby wipes, handy wipes, puffs, Kleenex, paint, glue, mastic, construction materials, etc. causes sewer backups. Owner will be responsible for any expense caused by inconsiderate use of drains and sewers including clearing the blockage, restoration of landscape if any, and clean up to Owner's or other units.

- e. Bird Feeders: Bird feeders are allowed. However between the dates of April 15 and November 15, all bird feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below the feeders must be kept free from the accumulation of seed debris. Hummingbird feeders are permitted between Memorial Day Weekend and Labor Day weekend only in order not to interfere with migration patterns.
- f. The Homeowners Association or Board of Directors assumes no liability for, nor shall it be liable for any loss or damage to articles left or stored in any the General or Limited Common Elements or other area or to vehicles parked in or about Booth Creek Townhouse Association property.
- g. Christmas/Holiday lights are allowed from November 15<sup>th</sup> until March 1<sup>st</sup>.
- h. The Board of Directors reserves the right to make additional Rules and Regulations as may be required from time to time without consent of the Townhouse Association and its members. These Additional Rules and Regulations shall be as binding as all other Rules and Regulations previously adopted.

### **Section 17. Enforcement**

The Board of Directors or the Board of Directors' designee shall be responsible for enforcing these rules and regulations. The Board of Directors shall have the authority after notice and hearing to levy fines, charge violators for costs and damages, and place liens on property when fines and other charges go unpaid.

- a. Complaints: Complaints about violations to these rules and regulations shall be reported to the management company or to the Board of Directors in writing or via email to the HOA's Property Management Company.
- b. Violations: Violation notices will be delivered in writing or via email to the Unit Owner of the property where violation is occurring.
- c. Fines: after notice and hearing.
  - 1. First offense- Written Warning (corrective action required within the timeframe dictated per violation)
  - 2. Second Offense- \$250.00 fine
  - 3. Third offense - \$500.00 fine

4. Fourth and subsequent offenses – Fines will continue to increase with each subsequent offense, at the discretion of the BOD but not less than \$500.00, plus suspension of STR rights for a period of 2 years if applicable.
  5. Fine will be billed on the normal dues notice.
- d. Corrective Action: If the Unit Owner does not respond within the time allowed in the written notice corrective action will be taken by the management company and all costs incurred will be billed to the Unit Owner.
  - e. Unit Owners Responsibilities: Individual Unit Owners will be held responsible for all expenses (attorney's fees, costs, liens, etc.) incurred in enforcing these rules and regulations.
  - f. Litigation: Any litigation involving the Association shall take place in Eagle County, Colorado.
  - g. Cost of Repair: The Board of Directors may, at its discretion, charge Unit Owners for the costs of restoring property where damages are due to violations or Unit Owner or Tenant negligence have occurred.
  - h. Offenses: Each day of violation shall constitute a separate and distinct violation to these regulations.
  - i. Appeals: All appeals must be presented in writing to the management company.

I do hereby certify that the foregoing Rules and Regulations for the Booth Creek Townhouse Association were duly adopted by unanimous action of the Board of Directors on November 1, 2023.

Booth Creek Townhouse Association, Inc.  
A Colorado Non Profit corporation.

By: \_\_\_\_\_, President  
Officer of the HOA

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Print name