

VICTORIA VILLAGE HOMEOWNERS ASSOCIATION  
RULES FOR USE OF THE COMMON AREA

[in accordance with Article VI, Section 1(i)  
of the Declaration of Covenants]

THESE RULES AND REGULATIONS ARE INTENDED TO CLARIFY, SUPPLEMENT AND ELABORATE UPON PROVISIONS ESTABLISHED IN THE VVHOA DECLARATION OF COVENANTS, WHICH ARE REPRINTED ELSEWHERE IN THIS HANDBOOK. HOMEOWNERS AND TENANTS SHOULD PAY PARTICULAR ATTENTION TO ARTICLE II, SECTION 3, "GENERAL RESTRICTIONS", AND ARTICLE V, "ARCHITECTURAL CONTROL."

**NOTE: HOMEOWNERS ARE RESPONSIBLE FOR THE CONDUCT OF THEIR TENANTS AND GUESTS.**

Date of adoption or revision: The date on which a given rule was adopted or amended by the Victoria Village Board of Directors appears in brackets [] following each rule.

**ENFORCEMENT OF RULES**

1. Persons deemed to be in violation of the Rules and/or Declarations, as witnessed by members of the Rules Committee, Board of Directors, or agents of the Association, will be given a written notice of such violation. Failure to correct the condition causing the violation within ten (10) days of notice will result in the fine [penalty] being imposed. [1/84]

2. Any fine [penalty] assessed against an Owner or tenant which remains unpaid after sixty (60) days shall become a lien on the Owner's unit, and shall be recorded in the same manner as any lien for nonpayment of common expenses. Furthermore, the Board of Directors may take such other legal action that it deems necessary, including the filing of a law suit, to collect any fines that remain unpaid after sixty (60) days. In the event legal action is necessary, the prevailing party shall be entitled to receive reasonable attorney's fees and court costs from the losing party. [1/84]

**APPEALS**

1. Any person who has had a fine imposed may, within thirty (30) days, appeal such fine to the Rules Committee. The Rules Committee shall, within thirty (30) days of such appeal, meet and decide upon such appeal. The Rules Committee may act with or without a hearing. If a hearing is conducted, it will be in accordance with Items 4 through 8 of the VVHOA Complaints Resolution Procedure. [1/84]

2. Persons not satisfied with the decision of the Rules Committee may appeal such decisions to the Board of Directors. The Board may also conduct such proceedings as are necessary, including investigation, hearings or legal actions, to fully resolve the issue(s). [1/84]

3. Persons found in violation of Rules or Declarations through the Complaints Resolution Procedure may be subject to immediate fines, as established by the Board of Directors. [1/84]

## SCHEDULE OF PENALTIES

The Schedule of Penalties (i.e., monetary fines) which applies to the violation of the established rules appears following the Rules.

### A. PETS [See also: Declarations, Art. II, Sec. 3 (e).]

1. All owners, tenants, guests, visitors, etc., are responsible for the immediate removal of their animal's waste from the Common Area and disposal in an appropriate place. [1/84]
2. All pets, whether dog, cat, or other, must be carried or on a 6-foot hand-held leash at all times in the Common Area. [1/84; Rev. 5/1/85]
3. If any animal owned by a Victoria Village resident destroys community property, including grass and/or other vegetation, the pet owner will be fined and billed for the cost of the repairs. [5/87]

### B. TRASH [See also: Declarations, Art. II, Sec. 3 (s).]

1. All trash and garbage for weekly pickup must be in plastic bags or rigid trash containers. [1/84]
2. Trash shall not be placed on the curb before 5:00 p.m. on the night before regularly scheduled trash pickup. [1/84]
3. All trash containers must be removed from the Common Area by the homeowner or tenant by the evening of the day of pickup. [1/84]
4. Trash containers must be stored out of view of any neighboring unit. [1/84]

### C. VEHICLES [See also: Declarations, Art. II, Sec. 3 (q) and (u).]

1. Vehicles parked in violation of restrictions will be towed, at owner's expense. [1/84]
2. Your car may legally be towed if it is parked in a designated emergency access area (fire lane). [1/84]
3. Vehicles operated in a reckless manner will be subject to nuisance restrictions, as outlined in the Declarations, Art. II, Sec. 3(f). [1/84]
4. Homeowners and tenants will be responsible for the legal parking of their guests and family members. [1/84]
5. Motorcycles may be parked only in the Owner's designation [numbered] parking space [9/12/84]  
OR in designated motorcycle parking areas. [8/85]
6. No oversized, inoperable, or unlicensed vehicles may be parked on Association property . . . 24-hour tow notice. [5/14/85]
7. No vehicle may be parked on Association property with any part of vehicle blocking or obstructing any portion of a sidewalk or any other walkway. [5/14/85]

D. FIREWOOD

1. Firewood may be stacked only on the concrete patio slab. [1/84]
2. Any stacked firewood must have a 3-inch air space between it and the side of any fence or building. Contact with these structures is prohibited. [1/84]

E. PATIOS AND DECKS [See also: Declarations, Art. II, Sec. 3 (g).]

1. Patios and decks must be maintained in a presentable manner, and may not be used for storage of building materials or any objects that extend beyond the confines of the patio or deck. [1/84]
2. Outdoor stair railings and deck railings may not be used as drying racks or hangers for objects, except as approved by Architectural Control Committee. [1/84]

F. USES OF COMMON AREA

1. No games which involve thrown objects will be allowed within twenty-five (25) feet of any building. [1/84] [See also: Declarations, Art. II, Sec. 3 (m).]
2. Private [personal] property, such as toys, tools, etc., may not be left unattended in the Common Area. Property left unattended may be removed by agents of the Victoria Village Homeowners' Association. [1/84]
4. Real estate signs (For Sale/Rent) may displayed only in the windows of the unit (i.e., not placed on the common area or any other part of unit). [1/13/87] [See also: Declarations, Art. II, Sec. 3 (d).]
4. Yard/Garage/Patio Sales are prohibited in the common area without prior approval of the Board. [5/87]

## PENALTIES FOR VIOLATION OF VICTORIA VILLAGE RULES

The Victoria Village Board of Directors hereby establishes an escalating Schedule of Penalties for the violation of the established rules. [See Declarations, Article II, Section 3 (k).] Each Schedule (A-F) will be applied to a particular rule, or set of rules [as outlined in the preceding pages]. [January, 1984]

The Schedule of Penalties is as follows:

### Schedule A

1. First violation after warning \$ 10.00
2. Second violation \$ 20.00
3. Third violation \$ 30.00

### Schedule B

1. First violation after warning \$ 25.00
2. Second violation \$ 50.00
3. Third violation \$100.00

### Schedule C

1. First violation after warning \$ 50.00
2. Second violation \$100.00
3. Third violation \$200.00

### Schedule D [Adopted 5/87]

1. First violation after warning \$ 20.00
2. Second violation \$ 40.00
3. Third violation \$ 60.00

## APPLICATION OF PENALTY SCHEDULE

Schedule A will apply to all Rules for the Use of the Common Area except C-1, C-2, C-3, and D-2.

Schedule B will apply to Rules C-1 and C-3 ("Rules for the Use of the Common Area"), AND to Article II, Sections 3(a), 3(d) and 3(f) of the Declaration of Covenants, Conditions and Restrictions.

Schedule C will apply to Rule C-2 ("Rules for the Use of the Common Area") AND TO Article II, Sections 3(e), 3(l) 3(m), 3(p), 3(q), AND Article V of the Declaration of Covenants, Conditions and Restrictions.

Schedule D applies to Rules A-1, A-2, and A-3 ("Pets") only; and supersedes Schedule A for these violations. [5/87]

## PENALTIES FOR FAILURE TO TAKE TIMELY CORRECTIVE ACTION

Policy: Resolved, that the Board of Directors, concerned regarding homeowner failure to correct conditions which are in violation of the Rules and Regulations and/or the Declarations of the Association, established monetary penalties which are in addition to the established escalating penalty schedule;

Rules and Procedures: If a homeowner, after being informed of a monetary penalty being imposed against his unit for the violation of a Rule or portion of the Declarations of the Association, fails to correct the violation within one week of the mailing of notification, the monetary penalty will be increased by the amount of the initial penalty. Continued failure to correct the violation will result in a weekly increase until such time as the penalty reaches ten (10) times the initial penalty. At the time the penalties reach ten (10) times the initial penalty, the Board of Directors of the Association shall be obligated to seek legal redress to correct the condition and to recover the entire amount of the penalty and any costs incurred in taking such action.

The Board of Directors will, at their regularly scheduled monthly meetings, review every situation where such failure to take action is occurring and decide whether other avenues for correction should be taken. The final decision to seek legal redress will be made only by a majority vote of a legal quorum of Board members present at a regularly scheduled meeting of the Board.  
[September 1989]

## USE OF THE SWIMMING/WADING POOL(S)

### RESTRICTED USE OF POOL

The swimming and wading pools are available ONLY for the use of Victoria Village residents and their guests. Please do not allow your pool key to be duplicated and do not allow entrance to the pool by persons who do not have their own key. Pool keys are the property of Victoria Village Homeowners Association.

### POOL KEYS

The pool fence key is changed annually to discourage use of the pool by unauthorized persons. Pool keys are re-issued to Victoria Village homeowners whose Association fees are paid up-to-date, prior to the opening of the pool each Spring. Renters must obtain the pool key from the Owner. Replacement cost for lost or duplicate keys is \$10.00. [4/9/85]

### POOL RULES

1. Hours: 6 am - 10 pm. Adults Only: 6 - 9 am; 8 - 10 pm
2. No running in pool area.
3. No glass allowed in pool area.
4. Conventional swimming attire only (no disposable diapers on infants, or cut-offs on anyone; the fibers interfere with pool filters)
5. No food in the pool itself.
6. No sharp objects in the pool.
7. Children 12 years old or under must be accompanied by an adult (18 years or older).
8. No adult may be responsible for watching more than three (3) children.
9. No audible radios. (Use earphones or headphones only.)
10. No pets within the fenced pool area.
11. Swim at your own risk; no life guard on duty.
12. Two (2) consecutive reported violations may result in Board action to suspend pool privileges (as authorized by Article VI, Section 2 of the VVHOA Declarations).

## ARCHITECTURAL CONTROL APPROVALS

### ARCHITECTURAL CONTROL COMMITTEE

Victoria Village has established an Architectural Control Committee to "see that all improvements, construction, landscaping and alterations on lands within the Property conform to and harmonize with existing surroundings and structures. [See Declarations, Article V, Section 2.]

### APPROVAL PROCEDURES

According to Article V, Section 1 of the Association Declarations, "No building, fence, wall, canopy, awning, structure, or improvement shall be commenced, erected, altered, removed or maintained upon the Project or any portion thereof, nor shall any exterior addition to, or change or alternation thereof be made, until the plans & specifications showing the nature, kind, shape, height, materials, location and approximate cost of the same shall have been submitted to and approved in writing, as to harmony of external design and location in relation to surrounding structures and topography, by the Architectural Control Committee. . . "

A homeowner who wishes to make a change to the exterior of any unit must submit a written request to the Architectural Control Committee which provides the information requested above: plans and specifications, nature of change, shape, height, materials to be used, location and approximate cost. The Architectural Control Committee shall approve or disapprove all plans and requests within thirty (30) days after submission. In the event that the Architectural Control Committee fails to take any action within thirty (30) days, approval will not be required, and the homeowner will be considered to have fully complied with the requirements in this section of the Declarations. [See Declarations, Art. II, Sec. 3.]

### GENERAL GUIDELINES FOR ALL UNITS

NOTE: The following is provided for informational purposes only.  
ALL EXTERNAL CHANGES TO THE EXISTING STRUCTURES MUST BE APPROVED IN ADVANCE BY THE ARCHITECTURAL CONTROL COMMITTEE.

Screen/Storm Doors. "The doors in your townhome utilize a plastic insert ["molding"] to support the glass. The original builder, Pulte Home Corporation did not install storm doors or offer them as options, due to the potential for heat buildup in the space between the storm and the regular door caused by the intense Colorado sun. Such a heat buildup can damage the plastic inserts utilized in the doors. . . . Damage resulting from any modifications to your townhomes, without Pulte's approval, is not covered by warranty and is strictly the responsibility of each homeowner. The installation of storm doors automatically voids the warranty as to any damage caused by the storm door.

However, the installation of screen doors is acceptable and will not void any warranties for your home." [2/6/84; from a letter written by the Vice President for Construction of the Pulte Home Corporation.]

It is strongly recommended that you DO NOT continue to use the glass storm door insert with your [screen/storm] door. If you do continue to use the glass storm door insert and there is a deformation of the new molding, then you, the homeowner, will be responsible for its replacement. . . . [7/16/84; from a letter written to all Victoria Village homeowners by the President of the Board of Directors.]

Screen/Storm doors--whether for front or back doors of units--must be individually approved before installation. The following general specifications apply: "full-view" door with no dividers or sections; maximum 4" top and side border; maximum 8" kickplate at bottom; color may be white, off-white, brown or bronze (but must match trim on building). [7/9/85] [Original specifications approved July 1983.]

Cedar Fencing to Enclose Patios. You may put a fence around your concrete patio, provided that the fence is made of the same rough cedar as the existing dividers and spaced in the same manner. The fence must be the same height, material, and construction style as the existing fences presently dividing patios. The fence may not extend over any part of the rock area. The end post is to be used to extend the fencing along the front of the concrete slab. The rough cedar dog-eared slats are 1" X 4" X 6'; the posts are 4" X 4" X 8'; and the 2X4s are 8 feet. . . . We suggest the National black hinge and the Arrowsmith handle and latch. [VVHOA Newsletter, 7/83, Rev. 5/84]

[Additional information provided July 17, 1990.] All fences shall be made of rough cedar, with 4" X 6', side to side alternating, dogeared pickets, 2" X 4" rails and 4" X 4" posts. If the posts are set in the ground, there must be a minimum of two feet (2') in the ground, 18" of which are set in concrete. All nails must be galvanized. Fences must be a standard 6' height and match as closely as possible all existing fences between patios and decks. Fences must be self-supporting and may not be anchored to the main structure of the townhome, unless installed under a deck. In the latter instance, the top of the 4" X 4" uprights may be anchored to the outer support beam of the deck. Gates must have three (3) hinges and must be designed not to sag. All hardware must be decorative black.

Fences must be built using the attached design and must have three (3) cross rails. If the posts are in the ground, they must be installed immediately adjacent to the concrete patio slab. Prior to digging for post installation, a check should be made for telephone lines, natural gas lines, TV cable, irrigation system lines or any other utilities. The rock area next to the patio slab must be restored to its finished condition after installation of the fence posts. After Architectural Control approval is received, and before construction is begun, a building permit must be obtained from the City of Lakewood. A copy of the permit must be filed with the VVHOA Management Company. After the fence is completed, the homeowner will be responsible for all maintenance of the fence.

Privacy Fences Between Decks. Homeowners with back [wooden] decks may wish to get together with your neighbors and build privacy dividers between your units, if they do not already exist. The dividers should be of the same rough cedar as the fencing and the same height as the dividers that were originally built. [VVHOA Newsletter, 7/83]



Indoor/Outdoor Carpet [on Patio Slab]. Green indoor/ outdoor carpet may be used to cover your patio slab, if you desire. . . . Our patios are about 11 feet long and 6 1/2 feet deep. Buy 7' and glue it down below the rocks. [VVHOA Newsletter, 7/83]

Patio Decorations. A cedar shelf may be attached to the divider fence (to hold pots, barbecue tools, etc.), and hanging plants are O.K. for the patio. [VVHOA Newsletter, 7/83]

Planter Boxes and Pots. Absolutely no planting of any type will be allowed in Common Areas, specifically the rock areas behind and in front of individual units. However. . . two (2) planters no larger than 24" diameter barrels may be placed on the rock area behind individual units. Two (2) planters no larger than 16" in diameter may be placed on the front porch or steps. Planter boxes or pots may be put in the rock area in front of the unit, provided they are no larger than 18" in diameter. All containers must be kept neat, with live, well-maintained plant material. Owners of containers with dead or dying plants will be asked to remove said containers from the Common Area. If not removed by the Owner within two (2) weeks, they will be removed by the Association. [VVHOA Newsletter, 7/83; Rev. 5/1/85; 5/15/88]

Address Numbers on the backs of units may be removed. [11/13/84]

"For Sale"/"For Rent" Signs must be place in the window of the unit. [VVHOA Newsletter, 5/84]

Stepping Stones are permitted across the rock areas in back of units provided that (a) there are no more than four (4) of them; (b) they are placed in a single line; (c) they are placed on top of the plastic and are no more than 2" above the height of the rocks; and (4) they are well maintained. Stepping stones may be made of concrete, flagstone or treated wood; but may not be more than 15" in length, width, or diameter. [VVHOA Newsletter, 8/85]

Holiday Decorations. Homeowners are reminded that any holiday decorations attached to and/or displayed in front or back of townhomes (e.g., Christmas lights) must be approved in advanced by the Architectural Control Committee. [Board minutes, 10/16/90]

Display of U.S. Flag. If homeowners wish to display the U.S. flag on the exterior of their unit, the following guidelines apply:

1. One flag, maximum size 35" by 60"; minimum size 24" by 48";
2. Must be mounted on a six foot (6') standard;
3. The bracket for the standard is to be mounted 48" from the base of the front door, on the outside frame, to the right of the door while facing out;
4. The standard will be angled up at 135 degrees from vertical (45 degree angle down from vertical);
5. The bracket must be permanently attached, and the flag and standard must be removable;
6. Accepted flag etiquette will be observed (i.e., the flag will only be displayed during daylight unless illuminated by light.)

Flags displayed in any manner other than listed above will be considered as architectural violations and shall be subject to fines. [Letter from Board of Directors, 3/28/91]

**VICTORIA VILLAGE POLICY ON INSURANCE CLAIMS**  
(Adopted by the Board of Directors, 12/13/83)

Victoria Village Homeowners Association will pay the deductible amount on insurance claims for damages which are covered by the Association's Blanket [Comprehensive Insurance] Policy when said damages affect one or more units, if the cause of damage can be attributed to: settling, defects in original construction, leakage, breakage or stoppage of Association water or sewer lines, or acts of God.

The Association will not pay the deductible amount on claims against the Association's Blanket Insurance Policy if said damages can be directly attributed to an owner or a tenant, whether caused by accident or negligence. In such case, the individual owner must pay the deductible amount.

If damages occur affecting a single residence from within, or affecting windows and doors of that residence from without, whether caused by accident, negligence, vandalism or forced entry, the owner of that unit shall pay the deductible amount.

**VICTORIA VILLAGE RESOLUTION**  
**PERSONAL PROPERTY IN THE COMMON AREA**

**PURPOSE:**

(1) To develop and implement a workable solution to occupants leaving personal property in the common areas; (2) To add incentive for occupants not to leave personal property in the common area; (3) To give the Association a viable way to remove items that are left unattended.

**AUTHORITY:**

Declarations, Article II, Section 1(a), and Rules and Regulations, Schedule F (2)

**DATE ADOPTED:** May 1989

**RULES AND PROCEDURES:**

1. Any item of personal property, whatever type or kind, that is left unattended in the common area of Victoria Village, will have attached to it a notice stating that it will be removed by Victoria Village within 24 hours if not removed sooner by the owner thereof.
2. If the property remains in the common area longer than 24 hours after being tagged, the Association may remove the item and store it for a period of 30 days. If unclaimed after the 30 days, the Association may dispose of the personal property as it sees fit.
3. Anyone wishing to claim an item stored by the Association may do so in writing only to the Managing Agent [Management Company] of the Association. In this claim, a detailed specific description of the item must be given. No telephone requests will be accepted.
4. The request will be acknowledged in writing within three (3) business days, and arrangement will be made to return the item(s) within seven (7) days of verification of ownership.
5. Owners will be fined for repeat offenses, according to Penalty Schedule A [of the Rules and Regulations].
6. Any costs incurred in the removal and/or storage of the item(s) will be the responsibility of the owner.

VICTORIA VILLAGE RESOLUTION

OWNERS MUST REGISTER LEASE WITH ASSOCIATION

PURPOSE: To require all off-site owners to register their leases with the Homeowner's Association so that the Association will know who is residing at the unit, and so that the Association can be sure that the [provisions of the] Declarations, Article II, Section 3(p) are being followed.

AUTHORITY: Declarations, Article VI, Section 1(j)

DATE ADOPTED: April 1986

SPECIFICATIONS:

NOW THEREFORE BE IT RESOLVED, that effective June 1, 1986 any owner of property at Victoria Village who does not reside at said residence shall be required to submit to the Association, c/o its Management Company, a copy of the lease for said property. And shall at any time there is a change, submit an updated lease to the Homeowners Association.

## COMPLAINTS RESOLUTION PROCEDURE

In accordance with Article VII, Section 1a, of the By-Laws of the Association, and under the authority of Article VI, Section 2 of the Recorded Declarations, the Board of Directors has established a Complaint Resolution Procedure to protect the Association and to insure due process for the protection of the rights of each member. This Procedure is intended to minimize the necessity for seeking resolution of issues in a court of law. The Complaint Resolution Procedure is as follows:

### 1. Informal Action

Any Member or Agent of the Association is authorized to request any Member, resident or guest to cease or correct any act or omission which appears to be in violation of the Declarations, By-Laws, or Rules as established by the Board of Directors. Such requests must be made before the formal process is initiated.

### 2. Formal Resolution Process: Written Complaint

If the results sought through the means of request, as per Section 1, are not obtained within one (1) week of the request, then the Resolution Process shall be initiated by the filing of a written complaint by any resident, member or agent of the Association with the Board.

The complaint shall be a written statement of charges which sets forth in ordinary and concise language the acts or omissions with which an individual is charged and from which the charged individual may prepare a defense. The complaint must specify the exact provisions of the Declarations or Rules which were allegedly violated and must be supported by specific facts. Such facts should include time, date, location and persons involved. Names of witnesses must be included also if any were present.

If the complaint is considered by the Board to be insufficient, the complaining party will have seven (7) days to complete and resubmit the complaint to the Board. The Board will not consider insufficient complaint statements.

### 3. Service of the Complaint

A complaint accepted by the Board will be assigned a Resolution Number. The complaint will then be serviced upon the charged individual either by personal delivery or by registered mail. It will be addressed to the charged party and mailed to the address appearing on the books of the Association. Service by mailing will be considered notification effective upon receipt.