

## **Prospect Commons Home Owners Guidelines**

Home Owner's Associations are common attempts to "manage" neighborhoods. HOAs have become a means to promote community and to accomplish common goals, often through contracting for common services. At base, a HOA's desire is to bring awareness of group needs or desires to the individual residents, with the goal of fulfilling these needs while also promoting living together in harmony.

Values held by residents of Prospect Commons are:

- Preserve the safety of self, group and private and common property,
- Preserve peace and quiet,
- Maintain private and common properties and enhance their personal value and economic worth,
- Promote reasonable discussion and problem solving, and
- Appreciate and protect individual differences while respecting the peace and safety of others.

Operation of HOAs is governed through legal documents, Declaration of Covenants, By Laws and Articles of Incorporation. Creation of these documents and the authority to govern, via a Board of Directors, are granted under the Colorado Common Interest Ownership Act (CCIOA). Each resident of a HOA is responsible for reading and complying with their Association's legal documents.

A common responsibility of Boards of Directors of each HOA, is to formulate guidelines for community behavior. Following are the guidelines drawn up by the Board of Directors of Prospect Commons.

### **Common Guidelines**

#### *\* Parking*

Every home in our community has a private garage and driveway. In addition, our community has public spaces between adjacent residences with room for 1 or 2 vehicles. These public spaces are considered shared spaces. It is expected that residents shall:

- First utilize their private garages and driveways for parking before they utilize any shared public space for parking.
- Demonstrate thoughtfulness when parking in shared public spaces, being mindful that (a) all residents have easy and safe access to their homes and to community mailboxes; (b) vehicles do not block the views of any homes; and (c) there is room for emergency vehicles such as fire trucks and ambulances plus other vehicles needed for PC-HOA landscaping and snow removal. If one side of the street is full, then residents should consider parking in a non-adjacent area to allow room for these vehicles.
- Take care of mechanical problems causing leakage of fluids from their vehicles within four days, so that unsightly fluid stains do not mark the street or driveways.
- Park all vehicles that are not driven regularly or that are temporarily inoperable in private garages. Such vehicles should never be stored on common areas or in shared public parking areas.
- Not park campers, RVs, trailers, boats, or similar types of vehicles in front of or in open

view of any home for more than 24 hours. These vehicles may be stored in an owner's garage, out of open view.

Please for safety sake, drive slowly on our street and remind guests and visitors to do the same.

*\* Home Owner Association Services*

By nature, HOA's are formed to fulfill goals through common efforts. To gain cost efficiencies and ease and conformity of service, Prospect Commons contracts for services that are needed by all residents. Currently these services are; trash and snow removal, water & sewer for sprinklers, lawn care, insurance covering common areas, electricity and maintenance for equipment used on common areas (front sign and sprinkler timer).

These services will be contracted through the HOA, no private contracting of these services will be permitted. Additional services, voted necessary by 3/4 of the membership, may be added as contracted services at any time.

A property tax is also levied on the HOA's common areas and is paid as a common fee.

*\* Snow Removal*

The HOA contractor will remove snow, when 3 inches or more have fallen. All sidewalks, driveways and the path to the bike path will be shoveled. The street will be bladed only after snowfall exceeds six inches or more.

*\* Lawn Care*

Grass, shrubs, trees and landscaping for all private residences and common areas, will be cared for by the HOA contractor, beginning in May or June through November of each year, respectively. Spring and fall clean-up of leaves and debris will be completed in May and November of each year. Repair and adjustment of sprinkler heads will also be the responsibility of this same HOA contractor. Notification of need for repair or adjustment of sprinkler heads or lines, should be made to the President or one of the other Board of Directors, who will then contact the HOA Lawn Care provider.

*\* Property*

Our community is designed as a patio community, with minimal ownership of property (1 foot in the back of each residence, 1/2 of the space between each residence (except those residences adjacent to common areas, whose ownership extends only 1 foot from their home), the grass area from the front porch to the front sidewalk of each residence and a few feet to one side of the residence (for Spanjer properties only). No property in the back of any residence is owned by any resident, and is therefore "common area" - to be used by all residents. Decks fashioned by the principal builder are designed within the footprint of the property lot, with no extension into the "common area".

Common area has been "loaned" to those homeowners, of residences built by the second builder, for construction of decks.

It should be understood that those residents who have fenced in the property behind their residences, have enclosed "common" property. They do not own this property. The fencing was completed before the direction of the HOA was passed to the residents. Access to

these "common" areas is denied to the other residents of the community, property that they own and for which they pay taxes.

The Board should be notified, prior to the sale of each of these residences with fenced common areas, so that they may notify the new owners that the fencing must be removed, in order to reflect the true ownership of the enclosed property.

*\* Use of Common Area*

The common areas are to be used for the recreation and enjoyment of all Prospect Common residents. Entertaining visitors with these objectives in mind is within the reasonable use of these areas. No open fires are permitted on common areas.

*\* Pets*

Our community is designed as a patio community without yards. Reason should be used by all residents in choosing the type, size, number, attitude and needs of their pets, in order to blend with the constraints of the community design. One small 4-legged pet would seem reasonable. Property behind residences is not owned by the residents and therefore should not be assumed to be available to transform into "yards" to contain pets.

Controlling the behavior of all pets, at all times, is the sole responsibility of each pet owner. All pet owners or visitors with a pet(s) are held responsible for complying with these guidelines. Fecal matter should be removed from the pet owner's property, another's property and from the common areas, immediately. The appearance and odor of fecal matter on any resident's property is aesthetically distracting, as well as unsanitary, and thus compromises the health of all residents. The task of cleaning up after another's mess does not nurture kind feelings among neighbors. If fecal matter is not removed from property within a reasonable time, the Board will contract clean up services, billing the pet owner. This includes fecal matter on common areas enclosed by fences.

Any animal outside the confines of its owner's home should be leashed. Pets are often frightening to residents who do not own pets themselves. Leashing is a city ordinance and a practice that the HOA believes also promotes respect and thoughtfulness among neighbors. Any Prospect Commons resident may call the City Animal Control office to have them pick up any pet(s) seen running at large through the community. A fine is levied upon the pet owner for any pet picked up by the City.

Animals should not be tied up unattended on any part of the common areas.

Each pet owner shall ensure that their pet(s) refrain from making loud and disturbing noises. Recompense for any destruction to their own or another's property or private belongings, or person, etc., due to the behavior of a pet, shall be rendered by the pet owner immediately.

*\* Home Owners Dues*

Monthly Association dues are levied and are to be collected by the Treasurer of the HOA, as pursuant to the CCIOA, governing Home Owners Associations.

Prospect Commons will propose only reasonable dues, enough to cover all agreed upon common services and preservation of the safety and aesthetics of the common areas. No increases will be proposed unless they are necessary to cover increased costs of common services or additional services are voted needed or desired.

Total Association dues should be paid promptly, upon receipt of invoice, from the Treasurer. Interest shall be levied upon payment amounts in arrears greater than 90 days, at the rate of 18% per annum. If the time a resident has been in arrears has been longer than 9 months, the Board of Directors will initiate placement of a lien on the property. This lien amount will be kept updated with the appropriate city government office. Any resident carrying an arrear balance for longer than 90 days, forfeits his/her right to vote in any Association function.

*\* Due Process*

If any resident disagrees with any rulings related to the common guidelines set up by the Board of Directors of this HOA, the resident may appeal, in writing, to the Board. Explanation of why the ruling should not be carried out, accompanied by details of the situation leading up to the ruling should be delivered to a Board member. If no mutually satisfactory resolution is achieved, the appeal may be referred to the general membership for approval. If no rules of the HOA governing documents are involved, a simple majority vote of the membership will determine resolution of the appeal.

*\* Procedures for Disagreements*

Discussion between the disagreeing residents should be the first step in settling community disagreements.

If no resolution is reached, through discussion, and if the issue relates to behaviors specified in the Prospect Commons HOA legal documents or common guidelines, a member of the Board of Directors should be called. Written explanation of the issue and situation should be submitted to a Board member. The Board will then meet, examine the documentation and analyze the situation guided by the wording of the HOA governing documents. The Board will render a decision in keeping with the instructions of the HOA legal documents or guidelines.

**Architectural Guidelines**

"A man's home is his castle" is a popular saying. HOA's must find the balance between self-expression and protecting the values and differences among residents living in a community. Those who choose to live in a community governed by a Home Owners Association are agreeing to modify their own architecture design expression to align with common guidelines defined by the Association. Common guidelines usually focus upon common goals: preserving the safety of self, group and private and common property and enhancing individual and group property values and worth.

*\* Construction*

All modifications made to individual residences should strive to enhance the value and worth of the owner's and the community properties.

Resident's contemplating modifications to their property, should be mindful of their neighbor's property, safety and aesthetic issues. Changes that block the views of other residents, compromise safety or encroach on any common areas are discouraged.

Construction plans, detailing measurement specifications of all modifications to existing homes, must be first submitted to the Prospect Commons Architecture Committee, prior to the start of construction.

All construction must be performed by a licensed contractor, who must file the

appropriate permit with the City of Fort Collins, before starting construction.

Building materials should be in keeping with the "look and feel" of the Commons; redwood for decks, railings and fences. Any siding or roofing replaced should use the same type as currently used. Colors should blend with the look and feel of the Commons. Decks should not exceed 10 feet wide by 14 feet long. Railings should also maintain the redwood look common to the community. Satellite dishes should be placed as inconspicuously as possible. Beautification of the front of any resident is strongly supported. Prior to any selection of trees or shrubs, the type of tree and a sketch of the proposed location where it will be placed, should be submitted to the Architectural Committee. This is as a safeguard against the planting of species that may result in damage to community sidewalks or streets.

Before a tree can be planted, the Locator service also must be called, to verify that the position of the tree on the property does not damage any existing cable, water, or electric line.