

Rules and Regulations of the Poncha Meadows Block 5 Homeowners' Association, Inc.



Adopted May 2022

Effective May 2022

E-mail: ponchablock5@quartzproperties.com

HOA Rules and Regulations

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HOA Rules and Regulations

Rules and Regulations

Pursuant to the terms of the Declaration of Covenants, Conditions, and Restrictions for Poncha Meadows Homeowners Subdivision (the “Declaration”), the following rules and regulations have been formulated by the Executive Board of the Poncha Meadows Homeowners’ Association, Inc. (Poncha Meadows Block 5 Homeowners’ Association, Inc. is referred to herein as “HOA” and the Executive Board of the Poncha Meadows Homeowners’ Association, Inc. is referred to herein as “BOD”) for the protection and general welfare of Poncha Meadows.

Violations of these rules and regulations should be reported either by phone number and followed up in writing to a member of the BOD or the management company as listed below:

By Mail

Poncha Meadows HOA
(To Be Determined after the
Declarant Period)

OR

In Person

Poncha Meadows HOA
(To Be Determined
After the Declarant Period)

These rules and regulations become effective as of the date of this notice.

Poncha Meadows HOA BOD - Declarant

First Name	Last Name	Role	E-mail Addresses
Joanna	Schwartz	Declarant Representative	joanna@quartzproperties.com
David	Roover	Declarant Representative	davidr@quartzproperties.com
Michelle	Paul	Declarant Representative	michelle@quartzproperties.com

Community documents and changes to the HOA BOD can be found by signing into: donedone.com with your email address. An invitation was originally sent to you shortly after you bought your new home. Send an email to ponchablock5@quartzproperties.com if you need a new invitation emailed.

I. Architectural Control - Building and Landscape Changes

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1. All architectural changes must be approved by the Design Review Committee (DRC) of the HOA BOD. Homeowners must submit all desired changes in writing in advance.
2. Owners are not permitted to make any additions or changes to any part of the exterior of the building unless submitted to the DRC for approval. Under no ***circumstance will a verbal request be considered. An architectural review form is included at the end of the Architectural Guidelines. Located at: www.quartzproperties.com***
3. *Requests for additions or changes to the Owner's landscaping must be submitted to the DRC, through the management company, in writing. No verbal request will be considered.*
4. **The DRC has the right to remove and/or repair any unauthorized** changes to the grounds that an Owner refuses to correct after being notified of such. The cost of the removal and/or repair will be billed to the Owner.
5. Architectural changes include but are not limited to patios, sheds, fences, landscaping, garages, and exterior painting. You are encouraged to seek out advice and answers from the Design Review Committee of the HOA if there is any ambiguity about what is or is not an architectural change. The email for the DRC is ponchablock5drc@quartzproperties.com.
6. Failure to comply with the rules in the Architectural Control section will subject the homeowner to a hearing by the BOD and penalty assessments up to \$100 per day of non-compliance

II. Vehicles and Parking

1. The following **may not** be operated or stored on the street or in any yard of the community:
 - a. any unlicensed vehicle
 - b. trucks of more than two and one half (2 ½) tons gross weight
 - c. boats
 - d. recreational vehicles (RV)
 - e. trailers
2. Inoperable vehicles cannot be stored.
3. The posted speed limit shall be observed throughout the development. Be alert for walkers, joggers, small children, older individuals, dog walkers and wildlife.
4. Car repairs limited in noise and to one week in duration are permitted.
5. Temporary storage containers (PODS) that are used when moving or for repairs and renovations are permitted for not more than thirty (30) days, without special permission from the BOD. The container must be placed and fit on the Owners personal parking pad or grass.
6. Vehicles may not be parked on grass.
7. Vehicles may not be parked overnight on streets or common areas.

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8. Vehicles may not be parked within **15 feet** of a corner or curve.
9. Vehicles may not be parked within **10 feet** of a hydrant.
10. Vehicles parked on the street must be parked in the **same direction** as the flow of traffic.
11. Semi-trailer or work trucks may not be parked overnight in the community.
12. Exceptions are permitted pursuant specifically to section 4.4 of the CC&Rs

III. Noise

Owners and occupants shall exercise reasonable care to avoid making or permitting to be made loud, disturbing, or objectionable noises and in using, playing or permitting to be used or played musical instruments, radios, phonographs, televisions, amplifiers and any other instruments or devices in such manners as may unreasonably disturb owners, tenants or occupants of other homes.

1. Barking dogs shall be controlled by the animal's owner. Complaints received by the BOD regarding a barking dog could result in removal of the dog at owners' expense.
2. All noise must be kept to a minimum throughout the neighborhood.

IV. Disposal of Toxic Waste

No owner or occupant shall dispose of any toxic material on the complex in a manner which is inconsistent with local and federal law. The BOD shall be empowered to levy a **severe fine** for illegally disposing of any toxic material. Toxic materials include, but are not limited to, oil, antifreeze, solvents, gasoline, paint etc.

There will be no warning for disposal of toxic waste and any such activity must be stopped immediately. The homeowner will be fined the highest amount allowed by law plus any other amount for damages and restoration.

V. Occupants/Non-owners

1. The occupancy in each home is limited based on federal, state, and city laws and ordinances. Any violation of said laws and ordinances will be reported to the proper authorities.
2. The owner shall be responsible for keeping the HOA BOD informed of any change in occupancy. Owners shall provide the HOA BOD with the names of all authorized occupants, their telephone number and the license number, make and color of authorized vehicles.

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VI. Rental of Property

Poncha Meadows is a residential community of private single-family homes. The BOD recognizes that owners may find themselves contemplating renting their homes. Before making the decision to rent and certainly before having a rental agreement drawn up, owners need to be aware of the following:

For Long Term Rental Arrangements

Defined as rental arrangements of more than 30 days:

1. Owners are required to submit a copy of the rental agreement and required insurance as stated in the CCR Article VIII submitted to the Secretary of the BOD at least **10 days BEFORE** the property is occupied for long term rental.
2. Your lease should address these matters of interest to the Homeowners Association:
 - a. The right of the Association to enforce the governing documents and more specifically the rules and regulations against both owner and tenant. The owner is responsible for supplying tenant with a copy of these prior to signing of the lease and the owner **MUST execute a lease information form** found at the end of this document.
 - b. The responsibility of both owner and tenant to maintain the grounds, common areas as well as private property, in keeping with the HOA's rules and regulations and the Declaration.
 - c. The liability of the owner and tenant for any damage to property and common elements within Poncha Meadows.
 - d. The responsibility of owner for all HOA dues and assessments, regardless of what arrangement owner and tenant may make between themselves for payment of these monies.
 - e. The owner and tenant will indemnify and hold the HOA harmless should there be any legal action of any kind relating to the rental of an owners' property.
 - f. You are required to acknowledge in writing your tenant, lessee, or contract purchaser fully understands the CC&Rs, and has received a copy of the Rules and Regulations of the Homeowners Association.
3. You are required to further acknowledge you (as a member of record of the Homeowners Association) will be held responsible for the actions of your tenants, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common elements, or other property caused by your tenants. A form is provided at the end of this document. **Acknowledgements are acceptable by email via ponchablock5@quartzproperties.com.**

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For Short Term Rental Arrangements

Defined as rental arrangements less than 30 days:

1. Owners are required to submit a short-term rental application for approval no later than **10 Business Days prior to advertising your short-term rental** on any one service, such as Airbnb. A copy of the short-term rental service or agency agreement and required insurance as stated in the CCR Article VIII submitted to the Secretary of the BOD **is required as part of the short-term rental application.**
2. Short term rental approvals will be for one year from date of approval and subject to the owner being in good standing.
3. An owner is considered in good standing when they are current on their assessments and have no violations. A violation or late assessment will forfeit your approval to short term rent your home for a duration of one year.
4. Your agreement with any short-term rental service or agency should address these matters of interest to the Homeowners Association:
 - a. The right of the Association to enforce the governing documents and more specifically the rules and regulations against both owner and the short-term renter ("renter"). The owner is responsible for supplying renter with a copy of these prior to signing an agreement with a renter and **MUST execute a Short Term Rental Acknowledgement form** found at the end of this document.
 - b. The liability of the owner and renter for any damage to property and common elements within Poncha Meadows.
 - c. The owner and renter will indemnify and hold the HOA harmless should there be any legal action of any kind relating to the rental
5. You are required to have each of your renters acknowledge that they fully understand the CC&Rs and have received a copy of the Rules and Regulations of the Homeowners Association.
6. You are required to further acknowledge you (as a member of record of the Homeowners Association) will be held responsible for the actions of your renters, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common elements, or other property caused by your tenants. A form is provided at the end of this document. **Acknowledgements are acceptable by email to ponchablock5@quartzproperties.com email.**

VII. Pets

Keeping typical domestic pets is permitted when the following rules are observed. All animals must be vaccinated and properly licensed with the proper government agency. The BOD shall

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have the right to order any person with a pet that is a danger, nuisance or does not comply with the SECTION 4. ANIMALS of CCRS following rules to remove such pet from Poncha Meadows.

Pet owners must immediately clean up and properly dispose of animal waste. Failure to do so will result in fines being assessed.

A. Dogs

1. Dogs are to be walked on leashes. Owners MUST clean up immediately after their pets in all areas and dispose of the bagged waste in appropriate containers.
2. ***DOGS MAY NOT BE LEFT OUTSIDE AND UNATTENDED AT ANY TIME.***
3. Any dog running loose without identification shall be considered a stray. Please report strays to Chaffee County Animal Control at [\(719\) 539-2596](tel:7195392596).
4. A pet is considered a stray when it is off the property of its owner and not under restraint by means of a leash. Voice command is not recognized as adequate restraint.

B. Cats

1. For their own safety and for the well-being of the neighborhood, it is strongly recommended that cats should be kept indoors only.
2. Cats must have a collar, rabies tag and identification tag with owner's name, address and phone number or they may be deemed as strays if they are off the Owner's property.

C. Other Animals

Livestock including but not limited to cows, pigs, sheep, roosters, beehives, chicks, or chickens are not allowed in the community.

VIII. Common Elements

1. Common Elements will be owned by the HOA upon expiration of the Declarant Control Period. These include but are not limited to:
 - the pocket park, parking lot and associated landscaping
 - areas shown on recorded plats of Poncha Meadows as "Common Areas"
2. Individual homeowners may not alter these areas in any way.

IX Waste/Recycling Collection

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Trash pickup and recycling is the responsibility of each individual homeowner in accordance with the following:

1. Carts must be stored in the garage or side or in the rear of the home so as not to be visible from the front of the home.
2. All trash must be placed inside containers furnished by the homeowner or your trash / recycling service provider.
3. Cart lids should be closed so that no trash escapes into the street or yard.

X. Prohibited Activities

Noxious, offensive, or loud activities shall not be carried on upon any property. **This includes fireworks and firecrackers of any kind.** Each owner shall refrain from any act or use which could reasonably cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood. Each owner shall keep and maintain all portions of the property in a well-kept manner and shall keep in place adequate measures for erosion, insect, reptile, rodent, and fire control.

XI. Rules Violations and Fines

Violators of these Rules and Regulations, any resolution of the BOD, the Bylaws, and/or the Declaration may result in the matter being turned over to the HOA's attorney for resolution. This is an addition to any other remedies available, including commencing civil action.

A. Filing a Complaint

Owners wishing to file a complaint must do so in writing. Owners should complete the online form on the Poncha Meadows Resources page on www.quartzproperties.com and submit it or print the form off and send by postal mail.

B. Architectural Control Violations

See ***The Architectural Guidelines.***

1. **Day 1:** First a warning letter is sent detailing the issue. The homeowner has 30 days to correct the issue and respond back to the BOD.
2. **Day 31:** If the issue has not been corrected and the BOD has not given an extension then a second letter will be sent requesting a hearing with the BOD or an adjudication panel.

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C. Non-Architectural Violations

1. **Day 1:** First a warning letter is sent detailing the issue. The homeowner has 7 days to correct the issue and respond back to the BOD.
2. **Day 8:** If the issue has not been corrected and the BOD has not given an extension then a second letter will be sent requesting a hearing with the BOD or an adjudication panel.

D. Violation and Fine Assessment Hearing

1. The homeowner will be given an opportunity to present their case and may then be excused.
2. The hearing panel will confirm whether or not a violation has occurred and set a reasonable amount of the fine.
3. The fine levied may not exceed \$100 per day per violation.
4. The Owner will be notified of the decision of the hearing panel, the amount of the fine, the date that fining will commence, and the right of appeal to the BOD if the hearing was held before an adjudicatory panel.
5. The BOD will wait 5 days after the hearing before imposing the fine.
 - a. This time is afforded the homeowner as a last opportunity to remedy without a fine.
 - b. Thereafter, the homeowner will receive a monthly invoice for the fine.
6. Fines more than 45 days overdue will be sent for debt collection and lien or foreclosure.

**The BOD reserves the right to use its authority
to have any issue fixed, at the homeowner's expense.**

E. Legal Action Procedure

1. Before turning a matter over to the Association's attorney, a homeowner shall be given at least **15** days written notice of the BOD's intention, along with a statement for why the action is being taken.
2. Any homeowner objecting to the procedure is entitled to file a written appeal to the BOD within **4** days of the notice. Upon filing the appeal, the homeowner shall be entitled to be heard before the BOD, either orally or in writing, not less than **3** days before the effective date of turning the matter over to the Association's attorney.
3. Following this hearing, the BOD shall determine, at its discretion, whether to proceed. Written notice of the BOD's decision shall be given to the homeowner not more than **48** hours following the hearing.

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4. All notices, either to homeowners or the BOD; given pursuant hereto shall be in writing and delivered personally or sent by email or first-class mail, postage prepaid. Notices to a homeowner shall be sent to the homeowner's last address of record as shown in the Association's files. Notices to the BOD shall be sent to the Association's current management company with a duplicate copy of the notice to the current President of the Poncha Meadows, at his or her home address. All notices shall be deemed effective upon receipt if delivered by hand or on the next business day if sent by mail. EMAIL must be acceptable.

XIV. Criminal or Suspicious Activity

1. Homeowners are encouraged to be active participant in neighborhood watch. If you observe any suspicious activity,
 - a. Call the Chaffee County Sheriff's office immediately at
 - b. Keep the police number at your telephone or in auto dial. You do not need to give your name. Give your report in calm, slow and precise language.
2. Any and all illegal activity should be reported immediately to the Chaffee County Sheriff's office by calling 719-539-2596 for 911 for emergencies only.

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XVII. Important Phone Numbers

Who	Why	Contact
Chaffee County Animal Control	8am to 5pm, Monday – Friday	719-539-2596
Chaffee County Sheriff's Office	Non-emergency	719-539-2596
Emergency	Any and all emergencies	911
Chaffee County Fire Rescue	Any fire, EMS, and rescue	719-395-6545

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XVIII. LONG TERM RENTAL INFORMATION FORM (two pages)

Date of Information Form: _____

1. Rental Address: _____

2. Homeowner Information

Name(s) _____

Address _____

Phone numbers: _____

Email Address: _____

3. Tenant Information

Name(s) _____

Address(es) _____

Phone numbers: _____

Email Address: _____

4. Vehicle Information

Make/Model/Color: _____ License Plate: _____

Make/Model/Color: _____ License Plate: _____

Additional Vehicles: _____

5. Lease Terms and Conditions: *Please attach a copy of your lease agreement to this form.*

Start Date: _____ End Date: _____

6. Insurance: *Please attach a copy of your required insurance*

Effective Date: _____ End Date: _____

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7. Management Company Contact Information

Name(s)_____

Address(es)_____

Phone numbers:_____

Email Address:_____

8. Acknowledgements by owner. Owner must initial this section of the form and email to ponchablock5@quartzproperties.com ATTN: Long Term Rental Form

a. CCR & Rules and Regulations Delivered by owner and read by tenant

Owner Initials_____

b. Insurance Policy Provided to HOA meets the requires as established in the CCRs

Owner Initials_____

- c. You, as owner acknowledge (as a member of record of the Homeowners Association) **that you will be held responsible for the actions of your tenants and will hold the Poncha Meadows Homeowners' Association harmless and indemnify the Homeowners association for any cause related to leasing your home**, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common elements, or, other property caused by your tenants.

Owner Initials_____

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XVIII. SHORT TERM RENTAL APPLICATION FORM (one page)

In addition to the required documents requested below. The BOD has **10 business days** from application date to review and provide a decision to the owner. Owner must sign and email a copy to ponchablock5@quartzproperties.com ATTN: Short Term Rental Application

Date of Application: _____

1. Rental Address: _____

2. Homeowner Information

Name(s) _____

Address _____

Phone numbers: _____

Email Address: _____

3. Rental Terms and Conditions: *Please attach a copy of your service or agency agreement to this form.*

Start Date: _____ End Date: _____

4. Insurance: *Please attach a copy of your required insurance*

Effective Date: _____ End Date: _____

5. Management Company Contact Information

Name(s) _____

Address(es) _____

Phone numbers: _____

Email Address: _____

Approval and Acknowledgement:

By: _____ Date: _____

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XVIII. SHORT TERM RENTAL ACKNOWLEDGEMENT FORM

Acknowledgements by owner WHEN RENTING ON A SHORT-TERM BASIS. **For each instance of renting to new renters, owner must initial this section of the form and email to ponchablock5@quartzproperties.com ATTN: Short Term Rental Acknowledgement Form.**

- a. **CCR & Rules and Regulations Delivered by owner TO RENTER and read by Renter.**

Owner Initials_____

- b. **Insurance Policy Provided to HOA meets the requires as established in the CCRs**

Owner Initials_____

- c. You, as owner acknowledge (as a member of record of the Homeowners Association) **that you will be held responsible for the actions of your renter and will hold the Poncha Meadows Homeowners' Association harmless and indemnify the Homeowners association for any cause related to leasing your home**, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common elements, or, other property caused by your renters.

Owner Initials_____

Renter Information

Name(s)_____

Address(es)_____

Phone numbers:_____

Email Address:_____

Vehicle Information

Make/Model/Color:_____ License Plate:_____

Make/Model/Color:_____ License Plate:_____

Additional Vehicles:_____