

Covenant Violation Guide Book



Belle Creek Master HOA
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Purpose: This guide book was designed by the Board to assist homeowners and renters in understanding the Board’s interpretation of sections 10.5 (“Unsightly Conditions”), 10.12 (“Lots to be Maintained”), 10.14 (“Landscaping”) and 10.7.1 (“Vehicular Parking, Storage and Repairs”) of the Master Declaration of Covenants, Conditions and Restrictions (CC&Rs). For simplicity, the Board has decided against ranking the severity of each example. Rather, each example is classified as either a violation or not a violation. Although many pictures may display several types of violations, the ranking assigned to each picture is specifically regarding the violation category in which the picture is grouped.

Front yard conditions similar to “violation” examples shown in this guide will be subject to violation notices in accordance with the Board’s CC&R Enforcement Policy. (The Board’s current CC&R Violation Policy is available for viewing and download from the Association’s website.)

The Board reminds homeowners that this guide book does not cover all types of violations of the CC&Rs. Homeowners are encouraged to refer to the Association’s Architectural Policies and Design Standards and articles 5 and 10 of the CC&Rs for a complete list of covenants and design standards to which all lots within Belle Creek are required to comply.

The Board reserves the right to make changes from time to time to its interpretations and views of covenant violations as published in this guide book. Subsequent changes to this guide book, if any, will be effective 10 days from the publication date of any updated guide book.

None of the pictures in this guide book are properties/lots located within the Belle Creek neighborhood.

Section 1: Lawn Care

Example #1



Violation

Example #2



Violation

Example #3



Violation

Example #4



Violation

Example #5



ok

Example #6



ok

Example #7



Violation

Example #8

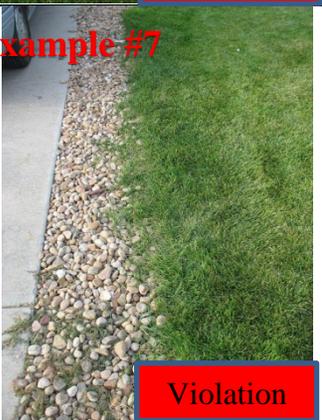


Violation

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, and replacement of landscaping.

Section 2: Weeds/Grass in Rock Beds

<p>Example #1</p>  <p style="text-align: right;">Violation</p>	<p>Example #2</p>  <p style="text-align: right;">ok</p>	
<p>Example #3</p>  <p style="text-align: right;">Violation</p>	<p>Example #4</p>  <p style="text-align: right;">Violation</p>	
<p>Example #5</p>  <p style="text-align: right;">Violation</p>	<p>Example #6</p>  <p style="text-align: right;">Violation</p>	<p>Example #7</p>  <p style="text-align: right;">Violation</p>
<p>Example #8</p>  <p>Grass has overgrown the right-side border</p> <p style="text-align: right;">Violation</p>	<p>Example #9</p>  <p style="text-align: right;">ok</p>	

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, and replacement of landscaping.

Section 3: Weeds in Lawn

Example #1



Example #2



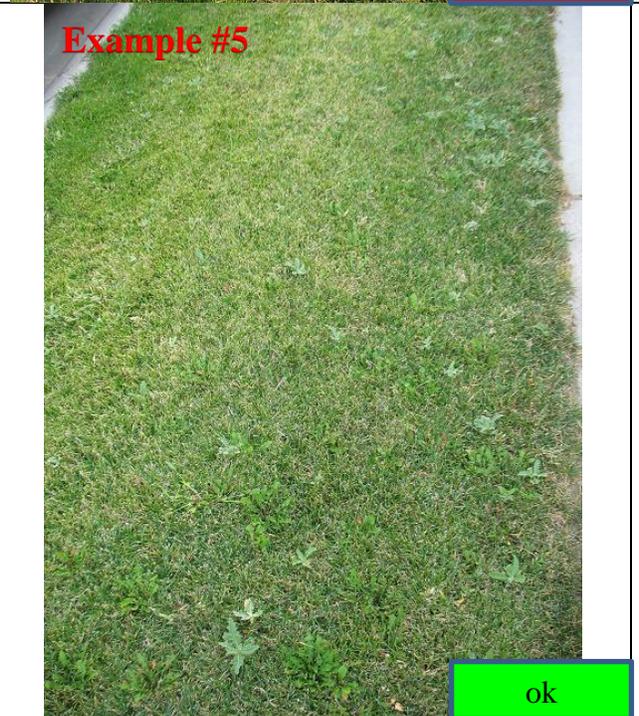
Example #3



Example #4



Example #5



Note: Violation severity primarily depends on the extent of the weed population throughout the yard.

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, replacement of landscaping.

Section 4: Weeds in Driveway/Sidewalk

Example #1



Example #2



Example #3



Example #4



Example #5



Note: Violation severity primarily depends on the extent of the overgrowth.

Example #1: Assumes this is the only growth in the sidewalk cracks throughout the driveway and front sidewalk of a property.

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.5 **Unsightly Conditions.** ...no unsightly conditions, structures, facilities, equipment or objects shall be so located on any Residential Lot ...as to be visible from a street or from any other Lot.

Section 5: Lawn Edging

Example #1



Violation

Example #2



ok

Example #3



Violation

Example #4



Violation

Example #5



Violation

Note: Violation severity primarily depends on the extent of the overgrowth.

Example #2: Assumes this is the only overgrowth issue throughout the front lawn edging of the property.

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping**. The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat & attractive condition, including periodic and horticulturally correct pruning, removal of weeds & replacement of landscaping.

Section 6: Driveway Oil Stains

Example #1



Violation

Example #2



Violation

Example #3



Violation

Example #4



ok

Example #5



Violation

Example #6



ok

Example #7



ok

Example #8



ok

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.5 **Unsightly Conditions.** ...no unsightly conditions, structures, facilities, equipment or objects shall be so located on any Residential Lot ...as to be visible from a street or from any other Lot.

Section 7: Trees

Example #1



Violation

Example #2



ok

Example #3



Violation

Example #4



Violation

Example #5



Violation

Descriptions

- Example #1—Untrimmed tree
- Example #2—Partial dead crown
- Example #3—Dead crown
- Example #4—Dead crown; untrimmed trunk
- Example #5—Severed trunk with live offshoots

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds...

replacement of landscaping.

Section 8: Equipment Storage

Example #1



Violation

Example #2



Violation

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.12 **Lots to be Maintained.** Each Residential Lot shall at all times be kept in a clean, sightly and wholesome condition by the Owner thereof. No trash, litter, junk, boxes, containers, bottles, cans, implements or machinery shall be permitted to remain upon any Residential Lot ...

Section 9: Grass/Mowing

Example #1



Violation

Example #2



Violation

Example #3



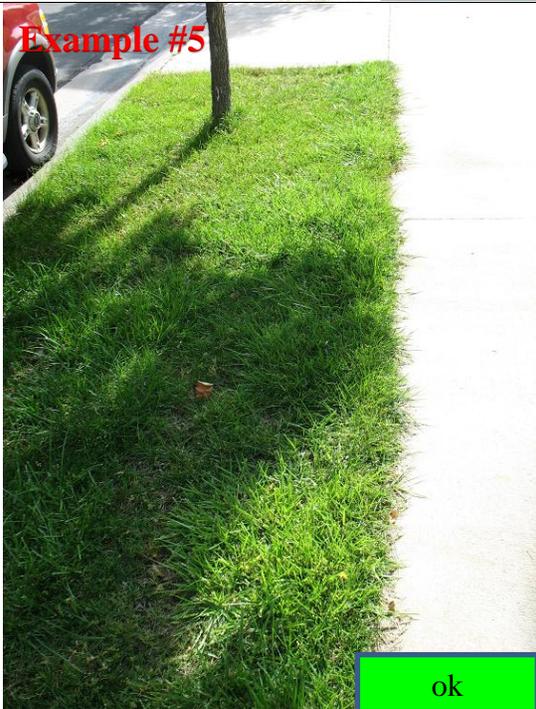
ok

Example #4



Violation

Example #5



ok

Note: All pictures on this page are example of unmowed lawns. The difference between violation examples and non-violation examples is the height of the grass.

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, and replacement of landscaping.

Section 10: Flower Beds/Tree Rings

 <p style="color: red; font-weight: bold;">Example #1</p> <p style="text-align: right; background-color: red; color: white; padding: 2px;">Violation</p>	 <p style="color: red; font-weight: bold;">Example #2</p> <p style="text-align: right; background-color: green; color: black; padding: 2px;">ok</p>
 <p style="color: red; font-weight: bold;">Example #3</p> <p style="text-align: right; background-color: red; color: white; padding: 2px;">Violation</p>	 <p style="color: red; font-weight: bold;">Example #4</p> <p style="text-align: right; background-color: red; color: white; padding: 2px;">Violation</p>
 <p style="color: red; font-weight: bold;">Example #5</p> <p style="text-align: right; background-color: red; color: white; padding: 2px;">Violation</p>	<p>Descriptions</p> <p>Example #1—Overgrowth and deterioration of brick border</p> <p>Example #2—Grass growing inside tree ring</p> <p>Example #3—Weeds and partial exposed bare ground in rock bed</p> <p>Example #4—Untrimmed grass growing inside tree ring</p> <p>Example #5—Weeds growing in rock bed and dying shrub</p>

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.14 **Landscaping.** The Owner...shall thereafter maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, and replacement of landscaping.

Section 11: Campers, Trailers & Junk Vehicles

Many of the homeowners in our Association own recreational vehicles (RVs), campers and trailers. The Board's policy is to allow homeowners to park RVs, campers and trailers in their driveways for a period not to exceed 48 hours. Violations of this policy are subject to the notice and fine schedule per the Board's written covenant enforcement policy. (Note: The Board's covenant enforcement policy is posted on the Association's website.)

Reference to Master Declaration of Covenants, Conditions and Restrictions

10.7.1 No house trailer, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck (excluding pickup trucks that are 1 ton or less), self-contained motorized recreational vehicle, jet ski, or other type of recreational or commercial vehicle or equipment, may be parked or stored on a Residential Lot or an Apartment Lot, or parked or stored on any property visible from the ground level of any other Lot, unless such parking or storage is entirely within the garage area of any Residential Lot or Apartment Lot or will be suitably screened from view by a fence in accordance with the requirements, and prior written approval of, the Architectural Review Committee subject to any provisions of the Design Guidelines, except that any such vehicle may be otherwise parked as a temporary expedient for loading, delivery, or emergency. This restriction, however, shall not restrict trucks or other commercial vehicles which are necessary for construction or maintenance of any portion of the Community or any Improvements located thereon.

CITY OF COMMERCE CITY ORDINANCES REGARDING STREET PARKING

FAQ #1: Are homeowners restricted from parking their vehicles overnight on the street?

No. However, per Commerce City ordinances, unattended vehicles and trailers cannot be parked on the street for more than 72 consecutive hours.

Any cars or trailers parked on the street for 72 consecutive hours or more are considered by the City as "abandoned" vehicles (City Code Section 11-41(a)(3)). Per Section 11-41(a) of the City Code, the Commerce City police are authorized to tow any abandoned vehicles and trailers parked on public property.

FAQ #2: Other than the City's restriction on cars parked for more than 72 hours on city streets, what other city parking restrictions apply to our neighborhood?

You can obtain more information about Commerce City parking restrictions by calling Commerce City's Neighborhood Services at (303) 227-8860 or by researching the City's Municipal Code book posted on Commerce City's website and/or part 12 of the 2003 Model Traffic Code for Colorado. (Per Section 11-21 of the City ordinances, Commerce City adopted the Model Traffic Code for Colorado.)

The Board has noted various violations of City parking ordinances this year including the following:

- Parking within 30 feet of a stop sign
- Parking within 15 feet of a fire hydrant
- Parking within 5 feet of a driveway
- Parking on sidewalks (i.e. cars parked in driveways but blocking the sidewalks)

[continued on next page]

FAQ #3: Does Commerce City restrict the *type* of vehicles that may be parked in the street or the driveway?

Yes. Per the Commerce City Code (Section 11-23, Amendment 513):

“It shall be unlawful to park, keep or store or allow the parking, keeping or storing of any vehicle in excess of one-ton carrying capacity, excluding pick-up trucks, recreational vehicles, motor homes, travel trailers, ‘hummers’, and camp trailers on any private property that is in a residentially zoned district or on or directly adjacent to any property which is legally used for residential purposes, regardless of the zoning within the City of Commerce City, without a duly issued city permit...”

Per the Commerce City Code (Section 11-23, Amendment 514), “...no vehicle with a gross weight over 8,000 pounds shall be allowed within any residential district unless the vehicle has obtained a transportation permit from the Department of Public Works or is performing a service for a destination within the neighborhood where such vehicle is operating.”



Also, per Commerce City parking ordinances, semi-trucks and trailers may not be parked on our neighborhood streets (including 112th Avenue) at any time. No City parking permits allow semi-trucks and trailers to be parked in our neighborhood.

Homeowners who need a Commerce City parking permit for their oversize vehicles must apply in person at the Neighborhood Services Department (located within City Hall) and pay \$50. The parking permit is valid for 2 years. For further information, please call Commerce City's Neighborhood Services at (303) 227-8860.

FAQ #4: Who should homeowners contact regarding vehicles parked on the street in violation of City parking ordinances?

For vehicles parked on city streets, please call:

- **If *not* an emergency**, Commerce City Police Department non-emergency line (303) 288-1535

If an emergency, dial 911 **FAQ #1: Does Commerce City restrict the *type* of vehicles that may be parked in the driveway?**

Yes. See response to FAQ #3 in Section 11 of this Guide.

FAQ #5: How many cars can be parked on a homeowner's property?

Per Commerce City ordinance Section 11-23, Amendment 513(8):

“It shall be unlawful for the owner or occupant of any residence in the City to park or register or allow the parking at such residence of any motor vehicles or trailers in excess of the number that can be parked on constructed parking areas or driveways (not a lawn) of such residence.”

Homeowners who park two cars in a one-car driveway and no cars in the garage are considered to be violating this City ordinance. In addition, homeowners parking four cars in a driveway are likely also violating the City parking ordinance that disallows cars from being parked over sidewalks.

FAQ #6: Who should homeowners contact regarding campers, trailers and junk vehicles parked on homeowner lots in violation of City parking ordinances?

For violations of City ordinances, please contact Commerce City's Neighborhood Services at (303) 227-8860. If a violation of City parking ordinances on a homeowner lot also constitutes a violation of paragraph 10.7.1 of the Declaration document, please also contact Wolfersberger, LLC.