

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
WINTER FARM METROPOLITAN DISTRICT NO. 2**

ADOPTING A DISTRICT PARK AND OPEN SPACE USE POLICY

WHEREAS, the Winter Farm Metropolitan District No. 2 (the “District”) was organized pursuant to §§ 32-1-101 *et seq.*, C.R.S. (the “Special District Act”), as amended, and is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “Board”) is empowered with the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, the District owns and operates common area amenities including parks, open space, trails, landscape tracts, and other common areas within its boundaries (collectively, the “Park and Open Space”); and

WHEREAS, the Board finds that the adoption of the District Park and Open Space Use Policy is in the best interest of the public health, safety, and welfare within the District in order to address such issues.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. Adoption. The Board hereby adopts the District Park and Open Space Use Policy (the “Policy”), attached hereto and incorporated herein as **Exhibit A**.
2. Authorization. The Board hereby directs the District Manager, as may be necessary, to implement and otherwise oversee compliance with the Policy.
3. Amendments. The District expressly reserves the right to amend, revise, redact, and/or repeal this Resolution and the Policy in whole or in part, from time to time, in order to further the purpose of carrying on the business, objects, and affairs of the District.
4. Effective Date. This Resolution and the Policy shall be effective immediately and shall remain in full force and effect until such time as such policy is repealed by the Board.

5. Severability. If any term or provision of the Policy is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the Policy as a whole but shall be severed from the Policy, leaving the remaining terms or provisions in full force and effect.

[Remainder of the page intentionally left blank. Signature page to follow.]

ADOPTED THIS 3rd DAY OF MARCH, 2022.

WINTER FARM METROPOLITAN DISTRICT NO. 2, a
quasi-municipal corporation and political subdivision of the
State of Colorado



President


ATTEST:



Secretary

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature page to Resolution Adopting a District Park and Open Space Use Policy

EXHIBIT A
WINTER FARM METROPOLITAN DISTRICT NO. 2
DISTRICT PARK AND OPEN SPACE USE POLICY

- A. District Park and Open Space Use:** The parks, trails, and open space (the “District Parks and Open Spaces”) are available for the general, informal use by the general public subject to this District Park and Open Space Use Policy (the “Open Space Policy”). Commercial use of the District Parks and Open Spaces is prohibited.
- B. Pets:** Owners of pets must abide by the following in District Parks and Open Space:
1. Owners and custodians shall keep their pets leashed at all times
 2. Owners and custodians shall not leave pets unattended
 3. Pet waste must immediately be removed.
 4. All pets shall be under voice control by a competent person
- C. Prohibited Activities:** Unless specifically authorized in writing by the District, the activities described in the Open Space Policy are prohibited within District Parks and Open Spaces.
1. Place or post signs.
 2. Camp overnight.
 3. Enter or remain in or refuse to leave during those times when the District Parks and Open Space is not open for public use as posted.
 4. Deposit, leave or bury refuse, trash or litter except in designated trash receptacles.
 5. Install any structure, including but not limited to, tents, booths, stands, awnings, tree houses, rope swings, inflatable amusements or canopies, except that temporary awnings and umbrellas for shade are permitted as long as such structures are not left unattended and are removed when user leaves.
 6. Use any amplified sound system that produces audible sound beyond 25 feet.
 7. Stick or place any handbill, poster, placard, sticker, or painted or printed matter on any public building, fence, power or light or telephone pole, or any other public structure.
 8. Smoke, except in designated smoking areas if provided.
 9. Bring into, possess, or have any glass bottle or container.

10. Discharge explosives or fireworks or operate launch model rockets or other devices which may have an explosive charge.
11. Conduct any private enterprise.
12. Destroy, vandalize, deface or damage any buildings, structures, signs, equipment, fences, gates or locks regulating access.
13. Leave trash.
14. Remove, cut down, and disfigure rocks, trees, shrubs or other features of the natural environment.
15. Build a fire.
16. Operate unauthorized motor vehicles.
17. Possess a weapon, unless authorized pursuant to C.R.S. 18-12-214, or any air rifle, spring-gun, bow and arrow, sling, paintball gun, air soft gun or any other weapon.
18. Enter detention pond.

C. **Compliance:** All persons must obey any order, rule or regulation of the District and the instructions of any sign posted by the District.

D. **Violation of Park Policy:** Should any person fail to observe and obey any such order, rule, regulation or sign posted by the District, the District's Manager, or designee, may immediately remove or cause to be removed any such person and may ban such person from the use of the District parks or open space and its facilities for such period of time as may be necessary to secure compliance with order, rules, regulations or posted signs, or the District's Manager, or designee, may impose a fine, at their discretion.

1. **Fines:** A violation of any Park Policy rule or regulation is subject to any and all civil remedies available to the District under Title 32, C.R.S. or other applicable laws, including a civil penalty hereby imposed in the amount of \$50 for the first violation, \$100 for the second violation, and \$250 for the third violation, and actual costs and attorney fees incurred by the District with respect to any damages or other losses sustained by the District because of the violation of the Park Policy. Such penalties, charges, costs and attorney's fees shall be assessed against a violator of the Park Policy and may be assessed against real property or the owners of any real property (the "Owner") located within the District on which a violator of the Park Policy resides on a permanent or temporary basis. The District may collect such penalties, charges, costs and attorney's fees it incurs by any means necessary authorized by law.
2. **Opportunity for Hearing:** Any Owner charged with a violation of the Open Space Policy is entitled to an opportunity for a hearing. If any Owner desires a hearing, they must proceed as follows:

- a. Within seven (7) days after the Notice of Violation has been delivered to the alleged violator, the Owner must complete the Request for a Hearing form, which is attached to the Notice of Violation, and return it to the District Manager.
- b. If a Request for a Hearing is timely filed, an administrative hearing on the complaint shall be held before a representative or committee appointed by the Board ("Tribunal"). The hearing shall be conducted no later than twenty-one (21) days after receipt of the Request for a Hearing, as determined by the Tribunal.
- c. At any such hearing, the Tribunal shall hear and consider arguments, evidence or statements regarding the alleged violation. Following the hearing, the Tribunal shall issue its determination regarding the alleged violation. The decision of the Tribunal shall be binding on the Owner and the District. If the decision of the Tribunal is deemed unsatisfactory to the alleged violator, they may present a written request to the District for an appeal before the Board.
- d. If no Request for a Hearing is received within seven (7) days, a hearing will be considered waived, the allegations in the Notice of Violation shall be deemed admitted by default, and the appropriate sanctions shall be imposed. The Owner shall be notified by the District Manager of any such determination using the same form and in the same manner as if a hearing had been conducted.