

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
CUNDALL FARMS METROPOLITAN DISTRICT**

**ADOPTING RULES AND REGULATIONS**

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WHEREAS, the Board of Directors (the "Board") of Cundall Farms Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District") has determined that it is in the best interest of the District and the residents and property owners of the District to adopt rules and regulations in order to preserve and protect public property and facilities owned and/or operated by the District, and prohibit activities that interfere with the use and enjoyment of such property and facilities; and

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

WHEREAS, pursuant to § 32-1-1001(n), C.R.S., the Board is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to fix and impose fees, rates, tolls, charges and penalties for services or facilities provided by the District; and

WHEREAS, pursuant to § 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the District may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management or supervision, regarding, *inter alia*, the following matters: (i) the preservation of property, grounds and structures; (ii) restriction or limitation of the use of such public property as to time, manner, or permitted activities; (iii) prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance; (iv) necessary sanitation, health, and safety measures; (v) camping, picnicking, assemblages, and other individual or group usages including the time, place, and manner in which such activities may be permitted; (vi) use of all vehicles as to place, time, and manner of use; and (vii) control and limitation on fires; and

WHEREAS, pursuant to § 18-9-117 (2), C.R.S., such limitations or prohibitions must be prominently posted at all public entrances to such property or such notice must be given by an officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce the limitations, restrictions, or prohibitions; and

WHEREAS, the Board of the District has determined that it is in the best interest of the

District and the residents and property owners of the District to adopt rules and regulations in order to provide for the preservation of the health, safety, and welfare of residents, property owners, and the public.

NOW, THEREFORE, be it resolved by the Board of Directors of Cundall Farms Metropolitan District as follows:

1. Adoption of Rules and Regulations. The rules and regulations attached hereto as **Exhibit A** and incorporated herein by this reference (the “Rules and Regulations”) are hereby adopted pursuant to § 32-1-1001(1)(m) and § 18-9-117, C.R.S.

2. Variances. The Board hereby authorizes the district manager or general counsel to grant written variances for good cause shown.

3. Amendment. The District expressly reserves the right to amend, revise, redact, and/or repeal the Rules and Regulations adopted hereby 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. The foregoing shall specifically include, but not be limited to, the right to adopt new rules and regulations and/or policies and procedures as may be necessary, in the Board's discretion.

4. Effective Date. The provisions of this resolution shall take effect as of the date of this resolution.

5. Severability. If any term or provision of this resolution or if any rule or regulation 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 remainder of the resolution or rules and regulations, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

6. Penalties. Violators of any of the Rules and Regulations shall be subject to criminal and civil penalties.

a. Criminal Remedies. Pursuant to § 18-9-117 (3)(a) and (b), any violation of the Rules and Regulations is unlawful and violators shall be subject to criminal penalties enforceable by authorized law enforcement officers.

b. Civil Penalties. A violation of any of the Rules and Regulations 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 and subsequent violations, and actual costs and attorneys’ fees incurred by the District. The District may collect such penalties, charges, costs and fees by any means authorized by law.

*[Signature page follows]*

**RESOLVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CUNDALL FARMS METROPOLITAN  
DISTRICT**, a quasi-municipal corporation and  
political subdivision of the State of Colorado

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
WHITE, BEAR & ANKELE,  
Professional Corporation

\_\_\_\_\_  
General Counsel to the District (s)

*Signature page to Resolution Adopting Rules and Regulations.*

**EXHIBIT A**  
**Rules and Regulations**

The following Rules and Regulations are hereby approved and adopted by the Board of Directors of Cundall Farms Metropolitan District.

It shall be unlawful for any person to:

General Rules

1. To enter, use, or occupy any public areas during the time such areas, or any portions thereof, are closed to entry, use, or occupancy, including seasonal closures, unless approved in writing by the District Manager, the Board, or General Counsel.
2. To enter, use or occupy any District property between 11:00 p.m. and 6:00 a.m. unless authorized by a written permit or approved in writing by the District Manager, the Board, or General Counsel.
3. To remove, destroy, vandalize, deface, or damage any building, structure, facility, sign, equipment, fences, gates or locks located on or regulating access to District property.
4. To construct, place, or maintain any kind of road, trail, structure, sign, fence, marker, enclosure, communication equipment or other improvement within or upon any District property without written approval from the District Manager, the Board, or General Counsel.
5. To deposit or leave any refuse, trash, litter, household, or construction debris, or commercial garbage or trash, except by depositing such trash, refuse, litter and debris in refuse receptacles specifically designed for such purpose.
6. To bicycle, skateboard or rollerblade on District property except on designated trails, sidewalks and/or roadways.
7. To solicit, picket, protest or distribute literature without prior approval of the District Manager, the Board, or General Counsel and the securing of any required permits.
8. To tamper with, remove, or vandalize any life safety equipment on District property (i.e. fire extinguishers, smoke detectors, fire alarms, lifeguard equipment, etc.).
9. To loiter on or within or to block ingress and/or egress to or from District property.
10. To amplify sound by any means, including but not limited to the use of loudspeakers, public address systems, radios and/or stereo systems, within any District property without written approval of the District Manager, the Board, or General Counsel.
11. To engage in any activity that unreasonably endangers the health, safety, and welfare of any person, animal, or property.

12. To engage in disorderly conduct within District property, including:
  - a. Addressing abusive language or threats to any person present which creates a clear and present danger of violence;
  - b. Fighting with another;
  - c. Making unreasonable noise;
  - d. Any conduct defined as disorderly conduct pursuant to §18-9-106(1) C.R.S.
13. To build, start, or light any fire at any location, of any nature, except within properly approved and designated areas (i.e. park grills, etc.), or to leave any fire unattended, or to fail to comply with any fire bans.
14. To install any structure including, but not limited to, tents, booths, stands, awnings, tree houses, rope swings, inflatable amusements and canopies, except as may otherwise be approved by the District Manager, the Board, or General Counsel, with the exception that temporary awnings and/or umbrellas for shade are permitted as long as such temporary structures do not exceed 25 square feet, are not left unattended, and are removed when the visitor leaves.
15. To place or post signs of any type on District property without prior approval by the District Manager, the Board, or General Counsel.
16. To stick or place any handbill, poster, placard, sticker, or painted or printed matter upon any District property, including, but not limited to, any fence, power or light pole, telephone pole or other District structure.
17. To golf or hit golf balls onto or within any District property.
18. To camp within any District property.
19. To swim, wade, or operate any boat or other flotation device in waters within any District property.
20. To possess or use any glass bottle or container on District property.
21. To use any District property for any private enterprise or to sell or offer for sale any tangible or intangible goods or services on District property without prior approval by the District Manager, the Board, or General Counsel and the securing of any required permits.
22. To hold any public meeting, gathering, or other scheduled event, public or private, which the sponsor reasonably anticipates will be attended by 10 or more persons without prior written approval by the District Manager, the Board, or General Counsel, and the securing of any required permits.
23. To interfere or attempt to interfere with any authorized law enforcement, security, or District personnel, or to give false or misleading information with the intent to mislead

said persons in the performance of their duties.

Drugs, Alcohol, Marijuana, Etc.

24. To sell, possess or consume any illegal drugs or controlled substances prohibited under any section of the Colorado Revised Statutes on District property.
25. To sell, serve, dispense, or consume any alcoholic beverage or possess an open container of any alcoholic beverage on District property.
26. To sell or consume any tobacco product of any kind on District property.
27. To sell, possess, use, or display marijuana and/or marijuana related products on District property.

Firearms, Weapons, Fireworks, Etc.

28. To knowingly possess an unconcealed firearm of any description, or a concealed firearm of any description, unless authorized to do so pursuant to C.R.S. § 18-12-214, or any rifle, spring-gun, bow and arrow, crossbow, sling, paintball gun, air soft gun, blowgun or any other weapon potentially inimical to wildlife or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any trapping device.
29. To discharge explosives or fireworks or operate or launch model rockets or other devices which use an explosive charge.
30. To use any model remote or radio controlled boat, aircraft, car, truck or other similar device on or within any District property

Vehicles

31. To park any motor vehicles, trailers, or campers except in designated parking lots.
32. To park any motor vehicles, trailers, or campers between the hours of 11:00 p.m. and 6:00 a.m. on any District property.
33. To park any semi or commercial trucks on or within any District property or parking lots within any District property without written approval of the District Manager, the Board, or General Counsel.
34. To operate any motorized vehicle on or within any District property, except on public roads or within public parking areas. Emergency, maintenance, and patrol vehicles are specifically excluded.

Plants, Animals, Etc.

35. To allow domestic pets to roam on District property, except when restrained by a leash

and under direct control of a person physically able to control the domestic pet.

36. To allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile or amphibian within any District property.
37. To leave any domestic pet unattended within any District property.
38. To allow any domestic pet to enter any water feature, pond, fountain or the like on or within District property.
39. To leave on any District property, except in designated trash receptacles, or in any waters within such property, the fecal matter of any animal that one owns, possesses, or keeps.
40. To relocate or release animals, fish, birds or insects onto any District property without written approval of the District Manager, the Board, or General Counsel.
41. To hunt, shoot, kill, injure, trap or maim any animal while on District property.
42. To feed any wildlife on District property.
43. To permit any livestock to graze, or remain to graze, on District property.
44. To install landscaping improvements extending onto District property including, but not limited to, irrigation, landscape materials, shrub and tree planting, gardening, landscape related structures, and retaining walls.
45. To knowingly mar, mutilate, deface, disfigure, remove, or injure beyond normal use any rocks, trees, shrubbery, flowers, wildflowers or other features of the natural environment.

