

**Pelican Shores PUD South
A Residential Waterfront Development in the County
of Weld, Colorado**

**Rules, Regulations, Policies, and Procedures
March, 2005**

These Rules, Regulations, Policies, and Procedures have been adopted and implemented to protect the investment of the members and to enhance the values of the Pelican Shores PUD South properties subject to regulation by the Association.

SECTION I

Service and Maintenance Policy Standards

A. In General This policy statement defines the responsibilities of the Association to the Lot Owners with regard to the maintenance of Common Area and other property. The maintenance standards are to be interpreted in the sole discretion of the Association. The Association shall endeavor to maintain the Common Area and other property which is the responsibility of the Association in a manner consistent with the governing Documents.

B. Streets Pelican Shores Drive and Pelican Shores Court are private roads owned by the Association. The gated entrance, speed control, maintenance and other related matters shall be governed by the Association.

C. Streetlights and Signs The streetlights and all signs on the Common Area are the ownership of the Association and as such will be managed and maintained by the Association.

D. Open Space The lake and open space around the lake is designated open space on the PUD map. It is owned and regulated by the Association.

E. Snow Clearing. The Association will endeavor to clear snow falls on Pelican Shores Drive and Pelican Shores Court prior to 9 am. on the next day following the snow. In major storms, interim clearing may be provided. Individual driveways and walkways will not be cleared by the Association. Sanding, salt, or ice melt may be applied in anticipation of and during icing conditions, where it is needed, on a time-available basis by the Association's snow plowing contractor.

F. Trash Collection. Trash will be collected by the designated contractor on a regular schedule. The designated contractor will bill the Association, and each individual lot owner will pay for this service as part of their monthly Association dues. Certain materials must be segregated and left in designated containers for recycling.

G. Fence Maintenance. All fences located on a Lot or the boundary of a Lot shall be maintained by the Owner of that Lot. All fences will be finished in natural cedartone semi-transparent stain, and must be stained regularly to maintain a stained look. Any fences located on the Common Area shall be maintained by the Association. All fences must be approved by the Design Review Committee (DRC).

SECTION II

Motor Vehicles/Driveways/Parking

A. Speed Limit/Posted Rules. Owners, their families, guests and tenants shall abide by any posted speed limit (which shall be 20 m.p.h. if not posted) as well as such other traffic and parking regulations as may be posted.

B. Permitted Parking. Parking along Pelican Shores Drive and Court, and in driveways on each Lot may be occupied by passenger motor vehicles, motorcycles, motor-powered bicycles, vans, and bicycles.

C. Restricted Vehicles. No oversized vehicles, camping trailer, hauling trailer, or accessories thereto, self-contained motorized recreational vehicle, or other oversized type of vehicle or equipment, may be parked or stored on any Lot or on the Common Area unless such parking or storage is within a garage, in improvements located on a Lot, or in an area designated for such large vehicle parking; except that any such oversized vehicle may be otherwise parked as a temporary expedience for loading, delivery of goods or services, or emergency.

D. No Parking Areas. "No Parking" areas may be designated. Stopping for discharge or pickup of passengers is permitted in no parking areas and access driveways.

E. Inoperative, Unused, or Abandoned Vehicles. No inoperative, unused or abandoned vehicle shall be parked, maintained

or kept upon any part of the Common Area. No inoperative, unused or abandoned vehicle shall be parked, maintained or kept upon any part a Lot, except in a garage.

F. Restrictions on Vehicle Maintenance. No automotive maintenance, mechanical, body or engine work overhauling or similar automotive repair work for commercial and/or business purposes shall be performed in any portion of the Common Area or on any Lot. Vehicle washing is allowed on driveways.

SECTION III **Lake and Beach Easement Rights and Rules**

As provided in the Declaration, each Lot Owner has an easement to limited use of the Lake for boating, boating activities, wading, swimming, shore fishing, and sunbathing. The operation of approved watercraft and accessory or related uses such as water skiing and wakeboarding will be allowed, and will not be restricted or prohibited on the Lake except as outlined in this document. Lot Owners also have a pedestrian and beach easement as provided in the Declaration. The easement and use rights of Lot Owners are subject to rules and regulations of the Lake. The use rights of Lot Owners are subject to further regulation by the Association, as amended from time to time. The use rights of the Lake by Lot Owners are also subject to the following rules and regulations of the Association.

A. General No skiing, swimming, or boat driving while intoxicated, or under the influence of drugs.

No swimming, fishing, sailing, or diving allowed on the Lake, when such activity may interfere with the boat path of another member using the Lake.

Failure to adhere to these rules by any person may result in loss of lake rights for a period to be determined by the Association.

B. Shore Area Use. The use of the Lake within thirty (30) horizontal feet from the water's edge or shoreline for each Lot may be restricted to wading, shore fishing, swimming, operation of small, quiet watercraft (when waterskiing activity is not taking place), construction and maintenance of docks and for general pleasure.

C. Common Areas. Boats and trailers shall be parked in designated parking areas. All offensive noise such as generators, loud parties, etc. shall cease at 10:00pm. The lake site shall not be used as a storage area for extra campers, trailers, old cars, old docks, etc. No campfires shall be allowed, except in designated "fire pits."

D. Docks and Boat Shelters. Any dock or boat shelter will be constructed by the Homeowners Association, and shall be subject to approval by the DRC. No siding, roof or additional improvement shall be allowed unless specifically approved in writing by the Committee.

The developer is working on design and construction details for docks, boat lifts, and boat shelters since all of these improvements will be on Homeowners Association owned land. Any improvements will be made only by and through the Homeowners Association. After the contemplated improvements are designed, a contractor will be selected based on competitive bidding. Any homeowner wishing to have their own facility will then pay for the improvement directly to the Association who will contract for the improvement. The homeowner and Association will enter into an agreement for the ownership, use, and maintenance of any improvements. All docks will be located by the DRC in coordination with each lot owner and the specific design criteria for each home. Dock locations will be laid out so as to minimize any impact on water activities. In some instances, docks may not be allowed directly behind a homeowner's lot, but located at the nearest acceptable location.

E. Swimming. Swimming may be restricted or prohibited beyond thirty (30) feet from the water's edge or shoreline of each Lot. From time to time, the Board of Directors or managing agent may promulgate and post rules pertaining to swimming. Owners, tenants, family members and their guests are required to adhere to said rules. All persons swimming in the Lake shall give precedence to water skiing and boating activities, and comply with the requests of the managing agent of the Association or other authorized persons respecting matters of personal conduct. Swimming is at the risk of the swimmer, as no lifeguards or supervision is provided by the Association. No glass containers are allowed on the beach or on the Lake, only metal or plastic are allowed. Children under twelve (12) are not permitted to swim or play on beach areas without a parent or guardian. Children under twelve (12) shall wear life vests when on beaches or in the water.

E. Fishing. Fishing from the shoreline is restricted such that no fishing hook shall be further than thirty (30) feet from the shoreline

of each Lot when waterskiing activities are taking place. Fish caught, which are not intended to be kept, shall be released in a manner to allow survival. Those fishing are to carry a hook extractor that will safely remove the fish hook from fish or are to cut hook off barbed tackle and leave in the fish. Barbless hooks are the only fish hooks allowed for use in the Lake. Barbs can be pinched down with a pair of pliers. Owners, their tenants, family members and guests are not required to have a valid Colorado fishing license.

SECTION IV **Boat Rules**

Boat types and models may be restricted from the Lake as the Association may determine, based on a) noise, b) safety, c) size and d) such other factors as the Association may determine. Guests of Owners are not allowed to bring or use their boats on the Lake.

A. Boat Type. All boat must be of the A.W.S.A. approved inboard tournament type. Any "oversized" boat (larger than 22') must be approved by a majority vote of the owners. Jet Ski type craft shall not be used on the lake.

B. Small Watercraft. Quiet, small watercraft may be used by Owners for pleasure (other than waterskiing) or fishing on the Lake, when waterskiing activities are not in progress. Watercraft of Owners used for these purposes are subject to continual review and approval by the Association. In all cases a life jacket shall be available in the boat for each person inside such watercraft, and children under 12 shall be required to wear a life vest.

C. Boat Drivers. Only insured and experienced course drivers shall be allowed to pull skiers. All drivers must be at least 16 years old, or have passed a State accredited boat safety course. Proper driving techniques are to be followed by all, regardless if skiing the course or not. All new drivers shall be properly instructed and have a trainer in the boat at all times.

D. Insurance. All motorized boats on the lake must have a minimum of \$500,000 in liability insurance with Pelican Shores South HOA named as co-insured.

SECTION V **Lake Usage**

A. Skier Rotation. Members shall ski in a one-at-a-time rotation. Each member shall be allowed one (1) skier per rotation (guests take the turn of a Member). When more than one Member desires to ski at a given time, the rotation shall be in the numerical order of lot number. For example, if three Members are skiing, the Member on Lot 4 will ski, then the Member on Lot 8, then the Member on Lot 12, then back to the Member on Lot 4, and so on. When additional Members want to ski, they join the rotation in the numerical order of their lot.

B. Slalom Pass Limit. There will be a maximum of eight (8) passes or approximately ten to fifteen (10-15) minutes. A fall constitutes a pass.

C. Non-course Uses. Any non-course skier such as kneeboard, wakeboard, trick skier, barefooter, or beginner shall limit their time on the water to 10-15 minutes.

B. Courtesy Rules. Be ready when your time comes. This shall mean having equipment ready and on the dock waiting. Members shall not trade turns to accommodate a person who is not ready. The Members turn will be skipped if the skier is not ready immediately. Please be conscious of your boat's wake as you travel on the lake while another Member is using the lake. Boat wakes will travel the length of the lake and impact another Member's use of the lake. Please be considerate.

E. Hours of Operation. Skiing shall be limited to the hours between sunrise and sunset.

F. Boat Restrictions. Only one boat may be under power (causing a wake) on the lake at any given time. Guests must have an HOA Member present when operating any boat on the Lake, and must understand and abide by the Rules, Regulations, Policies and Procedures of the Lake.

G. Equipment. If anyone breaks club equipment, they are responsible for fixing or replacing it (members are responsible for their guests).

If you wish to use the slalom course it is your responsibility to know how the buoys are attached. If one breaks loose during your turn it is your responsibility to have commonly used spare parts in

your boat, or know where to obtain them to fix the problem correctly as soon as possible.

All skiers must wear life jackets while skiing.

SECTION VI **Compliance with Law**

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No immoral, improper, offensive or unlawful use may be made of the Property. Lot Owners shall comply with and conform to all applicable laws and regulations of the United States and of the State of Colorado, and with all local ordinances, rules and regulations. The violating Lot Owner shall hold the Association and other Lot Owners harmless from all fines, penalties, costs and prosecutions for any violation or noncompliance.

SECTION VII **Enforcement and Attorney's Fees**

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In accordance with the Declaration, Bylaws, and Rules and Regulations, it is hereby declared to be the intention of the Association to enforce the provisions of the Documents by any and all means available to the Association at law or in equity, and to seek recovery and reimbursement of all attorney's fees, Association expenses and costs incurred by the Association in connection therewith.

SECTION VIII **Modification, Amendments, Repeal, and Re-Enactment**

Notwithstanding anything to the contrary contained in these Rules, Regulations, Policies, and Procedures, the Association hereby reserves the right, at any time and from time to time hereafter, to modify, amend, repeal and/or re-enact these Policies and Procedures in accordance with the Declaration, Bylaws and applicable law.

SECTION IX **Miscellaneous**

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A. Failure by the Association, the Board, or any person to enforce any provision of these Policies and Procedures shall in no event be deemed to be a waiver of the right to do so thereafter.

B. The Provisions of these Policies and Procedures shall be deemed to be independent and severable, and the invalidity of any one or more of the provisions hereof, or any portion thereof, by judgment or decree of any court of competent jurisdiction, shall in no way affect the validity or enforceability of the remaining provisions, which provisions shall remain in full force and effect.

C. Unless the context provides or requires to the contrary, the use of the singular herein shall include the plural, the use of the plural shall include the singular, and the use of any gender shall include all genders.

D. The captions to the sections are inserted herein only as a matter of convenience and for reference, and are in no way to be construed so as to define, limit or otherwise describe the scope of these policies and procedures or the intent of any provision hereof.

IN WITNESS WHEREOF, the undersigned, as Secretary of the Association, certifies these Rules, Regulations, Policies, and Procedures were adopted by the Board of Directors on _____, 2007.