

**Colorado City Metropolitan District  
Policy on Colorado City Architectural Advisory Committee (CCAAC)  
Design, Review, Covenant Enforcement Procedures and  
Potential Fines for Violations, Amending Resolution 14-2024**

**1) CCAAC Committee Structure**

- a) CCAAC shall be comprised of a minimum of three (3) volunteer residents of the Colorado City Metropolitan District (CCMD) and the Colorado City Manager (Manager).
- b) CCAAC shall acquire from Pueblo County Clerk and Recorder a true and correct copy of recorded Colorado City Protective Covenants (Covenants) and have the copy available for viewing at the CCMD office and on the District website.
- c) The CCMD Board of Directors (Board) will appoint members to CCAAC and may remove any member from the committee, with or without cause, at any time.
- d) The members of CCAAC will designate a chairperson for the committee to present findings and recommendations to the Board and Manager, as needed, but not less than one time per month at a regularly scheduled Board meeting.
- e) CCAAC will establish a meeting schedule of not less than one meeting per month.
- f) CCAAC specific activities or costs shall be reimbursed to members by CCMD, within the budget and appropriations approved by the Board.

**2) Complaints and Investigation of Violations**

- a) CCAAC will generate a complaint form that will be approved by the Board and available at the CCMD office for use by the public for complaints alleging violations of Covenants, Pueblo County or CCMD Regulations, or Colorado Revised Statutes.
- b) The Manager and/or any CCAAC member will accept complaints and will log and date such complaint and assign a tracking number.
- c) A complaint form generated by CCMD will be completed and attached to any and all correspondence to the Property Owner.
- d) All complaints will be forwarded to CCAAC for investigation.
- e) In the event of a large number of complaints, the CCAAC may prioritize investigation of alleged violations that would pose a threat to public health, safety and welfare, as determined by the CCAAC.
- f) Upon receipt of a complaint, CCAAC will review and make a determination of whether a violation of Covenants, Pueblo County Code, or Colorado State Law has occurred and whether a Property Owner is responsible for the violation. As part of the review the location of the complaint will be examined and pictures, if required, taken by a member(s) of the CCAAC committee.
  - i) If determined to be a violation of applicable Colorado City Covenants, enforcement action will proceed.
  - ii) If determined to be a violation of Pueblo County Unified Development Code, Regulations, or Ordinances, or a violation of Colorado Revised Statutes, CCAAC will request that the CCMD Board file a written complaint with the appropriate department of Pueblo County.
  - iii) If determined no violation(s) have occurred , correspondence of such will be provided complainant.

**3) Enforcement Procedure**

- a) If CCAAC determines that Colorado City Covenants violation has occurred, CCAAC will refer the complaint to the CCMD Board to solicit comments and make recommendations during an official Board meeting.
- b) If the Board decides not to proceed with enforcement no further action will be taken, a reason will be provided, and CCAAC will notify complainant of the Board's decision.
- c) If the Board concurs with the CCAAC recommendations to proceed with addressing the violation(s), the following will take place.

**d) FIRST LETTER.** CCAAC will generate a “Courtesy Letter” to be sent by CCMD via USPS certified mail, return receipt requested, to the Property Owner of record with the Pueblo County Assessor:

- i)** To notify the Property Owner of alleged Covenant violation(s).
- ii)** To advise of action required to cure the violation(s).
- iii)** To advise the Property Owner to make necessary corrections or present an acceptable plan to the CCAAC within 15 days of receipt of the letter. Notice that all subsequent correspondence and action may incur administrative fees allowed by law, including attorney’s fees, mailing costs, service costs, and court costs. Any and all costs incurred for enforcement will be the responsibility of the Property Owner and, if unpaid, could result in a lien being placed on the property.
- iv)** To require the Property Owner to notify the CCMD office when they have corrected the issue, or request a time extension at the pleasure of the CCMD Board.
- v)** To provide information on where to locate copies of the Covenants and this Resolution.
- e) SECOND LETTER.** The Property Owner of record with the Pueblo County Assessor will be sent a second letter via USPS certified mail, return receipt requested, if the violation(s) was not corrected, or a plan of action submitted to, and accepted by, the CCAAC within 15 days of receipt of the First Letter:
  - i)** As notification a fine may be assessed pursuant to Colorado HB 24-1267 and as set by the Board from time to time, at 45 days from the date of receipt of First Letter if the violation(s) has not been corrected.
  - ii)** To notify the Property Owner of the amount of potential fines and of any assessed costs to date.
  - iii)** As notification of the opportunity for appeal and to be heard before an Impartial Decision-Maker (the CCMD Board) before the 45 day deadline.
  - iv)** Notification that in addition to any assessed fine, CCMD may seek reimbursement for collection costs and reasonable attorney’s fees and costs incurred as a result of failure to cure violation(s) and that a lien may be placed on the property.
- f) THIRD LETTER.** The Property Owner of record with the Pueblo County Assessor will be sent a third letter by USPS certified mail, return receipt requested, if the violation(s) was not corrected within 45 days of receipt of First Letter notice of violation:
  - i)** Notification a fine has been incurred, the amount of fine and assessed costs to date and procedure for payment of fine and costs reimbursement.
  - ii)** Notification there will be an additional fine, in accordance with HB 24-1267 and as set by the Board from time to time, if violation is not corrected within 75 days from the date of receipt of First Letter.
  - iii)** A reminder that in addition to any fines incurred, CCMD may seek reimbursement for administrative costs, collection costs, and reasonable attorney’s fees and costs incurred as a result of the failure to take corrective action.
- g) ADDITIONAL FINE.** An additional fine shall be imposed for violations that are not corrected within 105 days from the date of receipt of First Letter and civil suit may be initiated.

**4) Conflicts of Interest**

Any member of the CCAAC or the Board which has a conflict of interest in connection with a complaint or alleged violation shall recuse himself/herself from any investigation, discussions or decision-making in connection therewith. A member will be considered to have a conflict for the purposes of this policy only if they have any direct personal or financial interest in the outcome of the matter being decided, in that the member would receive greater benefit or detriment than that of other property owners subject to the same instrument.

**5) Right of Property Owner to Hearing**

The subject Property Owner, or any other owner whose property is included in the same covenant as the subject property, shall have the right to appeal a notice of violation (or denial of a design review application) to the CCMD Board, with a public hearing in front of the Board, provided that a written appeal is filed with the Manager within 45 days of the date of the second

letter regarding the violation (or within 45 days from denial of a design application). If no appeal is filed within such timeframe, the decision of the CCAAC is final. Appeals will not negate the time limits, fines or fees incurred, or other actions of the CCAAC, unless the Board reverses the decision of the CCAAC. Decisions of the CCMC Board following the public hearing will be final.

**6) Decisions**

The CCMD Board will make all decisions on any appeals of matters referred to the Board by the CCAAC by majority vote of the quorum present at the meeting, except for any Directors that have recused themselves due to conflict.

**7) Penalties**

In the event of a violation of Covenants, as determined by the CCAAC and Board pursuant to the procedure set forth herein, the Property Owner of the property where the violation occurred may be subject to the following fines, in addition to all other rights and remedies in law or equity:

- a) \$150.00 fine per violation if the violation has not been addressed and/or corrected within 45 days from the date of receipt of First Letter of notice of violation.
- b) An additional \$350.00 fine per violation if the violation has not been addressed and/or corrected within 75 days from the date of receipt of First Letter.
- c) An additional \$750.00 fine per violation if the violation has not been corrected within 105 days from the date of receipt of First Letter and civil suit action may be initiated.

**d) Unpaid fines:**

In accordance with HB 24-1267, and Sec. 32-1-1004.5 (3) (b) (I) C.R.S. until paid any fee, fine, or penalty constitutes a perpetual lien on and against the property on which the violation occurred. Unpaid fees, fines, or penalties may be certified to the Pueblo County Treasurer for collection as a property tax in accordance with Sec. 39-10-107 C.R.S.

**8) New Construction**

a) CCAAC will review all applications for new construction (new building construction, re-roofing, fences, shed, garages, carports, decks, etc.) in Colorado City to verify the compliance to Covenants and receipt of appropriate fees.

b) Upon review of all required items on routing slip CCAAC shall;

- i) Report deficiencies to the Manager, if any,
- ii) Make recommendations to the Manager for approval or disapproval,
- iii) If unanimous agreement (including the Manager), the Board may approve the construction application,

iv) If there is not unanimous approval by CCAAC, the CCAAC shall work with the applicant to resolve any concerns. If the concerns are not resolved with the applicant, the application shall be referred to the Board to make a determination.

e) Property Owner Appeal Process is the same as paragraph 5 above.

d) The CCMD Manager is hereby authorized to issue a Stop Work Order for any property within the District if the Manager determines that construction has been commenced prior to obtaining CCAAC design approval that is required by the applicable Covenants, after investigation of either the Manager or the CCAAC. The Stop Work Order shall be mailed by USPS certified mail, return receipt requested, to the Property Owner of record with Pueblo County Assessor and to Pueblo County Department of Planning and Development. A copy shall also be hand-delivered to the construction workers on site, if applicable.

e) A Property Owner may appeal any Stop Work Order to the Board by written appeal filed with the District office within 15 days following the date of the Order. Upon receipt of an appeal, the District shall schedule a public hearing at a regular or special meeting of the Board, at which time the Property Owner and other Property Owners subject to the same Covenants shall have an opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final.

**9) Unenforceable Covenants**

a) The District shall not enforce any Covenants that are prohibited or cannot be enforced by a Metropolitan District pursuant to Sec. 32-1-1004.5 (6) & (7) C.R.S.

- b) The District shall not enforce any Covenants that require the use of cedar shakes or other flammable roofing material on any unit.

**10) Definitions / Policies for Covenant Enforcement**

a) The District shall interpret the following terms when used in the Covenants as set forth below for purposes of review and approval/disapproval of architectural design applications and for purposes of review, investigation and enforcement of alleged violations of Covenants.

i) Commercial Use – any use permitted as a use by right of al use by review (after approval by Pueblo County Planning and Development) allowed by Pueblo County Code, Title 17 Division I Zoning, as amended from time to time, in the following zone districts:

- a. 17.56 Neighborhood Office District (O-1) or
- b. 17.60 Neighborhood Business District (B-1) or
- c. 17.64 Community Business District (B-4)

ii) Refuse Can – any trash container which is one cubic yard in volume or smaller. For enforcement of Covenants requiring that refuse cans be maintained in fenced service yards or enclosures, the District interprets “maintained” to mean kept in such enclosures, except when put on the curb up to 24 hours before scheduled trash collection and until 24 hours after trash collection.

iii) Continuous Violation – A violation that continues to be unresolved past 45 days from the date a first letter is sent to the violator.

iv) Offender – The fee title owner(s) of the property which contains a violation of a CCMD Covenant, Pueblo County Title 17 (zoning) code, Pueblo County Title 8 (health) code, or Colorado Revised Statute, or other person determined to have violated such requirements.

b) In accordance with the business judgment rule, due to the limited resources of the District for enforcement and the difficulty of inspecting private backyards, at this time the District will not pursue enforcement actions against residents who own up to 6 chicken hens for generating food for the home. This shall not apply to those owning chickens for commercial purposes or for owning roosters.

11) Nothing herein shall be construed to prevent future amendments to this Policy by the CCMD Board of Directors or to establish vested property rights of waive the right to enforce Covenants in the future. Nothing herein shall prevent residents from privately pursuing legal action to enforce Covenants.