

WHISPERING PINES METROPOLITAN DISTRICT NO. 1

PARKS AND OPEN SPACE USE POLICY

The Whispering Pines Metropolitan District No. 1 (“District”) parks, trails, and open space (the “District Parks and Open Space”) are available for recreational use by the general public subject to this District Park and Open Space Use Policy (the “Policy”). Commercial use of the District Parks and Open Spaces is prohibited.

A. Pets: Owners of pets must abide by the following while 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. Any owner or keeper of a dog that is more than four (4) months of age must be able to provide a current rabies vaccination, issued by a licensed veterinarian. A rabies certificate or tag current at the time that it is requested, and supplied by a licensed veterinarian, shall serve as proof of rabies vaccination. (Arapahoe County Resolution No. 24-212);
4. Pet waste must immediately be removed and properly disposed of; and
5. All pets shall be under voice control by a competent person.

B. Prohibited Activities: Unless specifically authorized in writing by the District, the following activities are prohibited within District Parks and Open Space:

1. Placing or posting signs;
2. Camping overnight;
3. Remaining onsite beyond the times when the District Parks and Open Space are open for public use as posted;
4. Depositing, leaving or burying refuse, trash or litter except in designated trash receptacles (trash receptacles are for disposal of waste generated on or near the District Parks and Open Space and are not to be used for dumping of excess personal or residential waste);
5. Installing 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 the recreational user departs;
6. Using any amplified sound system that produces audible sound beyond 25 feet;

7. Sticking or placing any handbill, poster, placard, sticker, or painted or printed matter on any public building, fence, power, light or telephone pole, or any other public structure;
 8. Smoking, except in designated smoking areas, if provided;
 9. Possessing glass containers of any kind, including but not limited to bottles;
 10. Building a fire, discharging explosives or fireworks, or operating launch model rockets or any other device which may have an explosive charge;
 11. Conducting any private enterprise;
 12. Destroying, vandalizing, defacing or damaging any buildings, structures, signs, equipment, fences, gates or locks regulating access to District property;
 13. Removing, cutting down, or disfiguring rocks, trees, shrubs or other features of the natural environment;
 14. Operating unauthorized motor vehicles; or
 15. Possessing 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 device that may cause physical harm to another.
- C. Compliance: All persons must obey any order, rule or regulation of the District in addition to the instructions of any sign posted by the District within the District Parks and Open Space.
- 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 Manager, or District designee, may immediately remove or cause to be removed any such person and may ban such person from the use of the District Parks and Open Space and any related facilities for such period of time as may be necessary to secure compliance with any order, rules, regulations or posted signs. At its discretion, the District Manager, or District designee, may impose a fine in addition to or separate from removing the violating party from the District Parks and Open Space.
1. Fines: A violation of this 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, in addition to actual costs and attorney fees incurred by the District with respect to any damages or other losses sustained by the District due to a violation of this Policy.
 - a. The District may collect such penalties, charges, costs and attorney's fees which it incurs by any means necessary and authorized by law. Such

penalties, charges, costs and attorney's fees shall be assessed against the violator's real property located within the District or in which the violator resides on a permanent or temporary basis (the "Owner").

2. Opportunity for Hearing: Any Owner charged with a violation of this Policy is entitled to notice and an opportunity for a hearing. If any Owner desires to request a hearing, he or she 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 will be 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 Violation shall be held before a representative or committee appointed by the District Board of Directors ("Hearing Officer"). The hearing shall be conducted no later than twenty-one (21) days after receipt of the Request for a Hearing, as determined by the Hearing Officer.
 - c. At any such hearing, the Hearing Officer shall hear and consider arguments, evidence or statements regarding the alleged Violation. Following the hearing, the Hearing Officer shall issue its determination regarding the alleged Violation. The decision of the Hearing Officer shall be binding on the Owner and the District. If the decision of the Hearing Officer is deemed unsatisfactory to the alleged violator, he or she may present a written request to the District for an appeal to the District Board of Directors.
 - d. If no Request for a Hearing is received by the District Manager 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 sanctions as determined by the District Board 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.
3. Criminal Activity. Law enforcement may be called for any activity or activities conducted on the District Parks and Open Space that appear to be criminal in nature. Such activities may include but are not limited to trespass, breaking and entering, vandalism and loitering.