

**GAME TRAIL ASSOCIATION
RULE AND REGULATION 22-02
PROCEDURE FOR IMPOSITION AND
SCHEDULE OF FINES**

Rule and Regulation 12-02 and 12-07 is hereby suspended and superseded by this Rule and Regulation. If any other GTA Rule and Regulation refers to the preceding Rules, they will be interpreted as referring to Rule and Regulation 22-02.

The purpose of this policy is to establish a schedule of fines and a written policy governing the procedure for the imposition of fines assessed for violations of the Game Trail Association (GTA) Covenants, Policies, and Rules and Regulations (R&R) of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws (Governing Documents).

In all instances, "Notice" to the property owner as used in this R&R means that GTA shall through certified mail, return receipt requested, provide the property owner and/or the property owner's designated representative written Notice of the Delinquency and/or legal action, in English and in any other language that the property owner has notified GTA of a preference. Additionally, a copy of the written Notice will be sent to the property owner by one of the following means based on the owner's contact information provided to GTA to be maintained in its records: First-class mail or a text message to a cellular number or an email.

Notice to GTA can be by First Class or certified mail, return receipt requested to Game Trail Association, P. O. Box 4110, Buena Vista, CO 81211.

PROCEDURE FOR IMPOSITION OF FINES

1. In the event the Board determines that the imposition of a fine is the appropriate enforcement action, the following shall apply:
 - a. Prior to the imposition of any fine, the Board will conduct a fair and impartial fact-finding review concerning whether the alleged violation actually occurred including whether the property owner is the one who should be held responsible for the violation.
 - b. The Board will send Notice to the property owner of the violation for which fines will be assessed including the amount of the fine proposed, the frequency of assessment of the fine and the duration of this assessment as well as what action can be taken to terminate the assessment of a fine along with reference to and inclusion of this R&R 22-02. The Notice shall advise the property owner that the property owner is entitled to a fact-finding review before an impartial decision maker concerning whether the alleged violation actually occurred including whether the property owner is the one who should be held responsible for the violation. The fact-finding review should be requested in writing to the Board by first class mail sent to the Game Trail

Association, P. O. Box 4110, Buena Vista, CO 81211. The fact-finding review will occur at a mutually convenient time and place by agreement of the parties provided that it is within forty-five (45) days from the date of receipt by the Board of the request for a fact-finding review. If a request for a fact-finding review is not made within thirty (30) days of receipt of the Notice by the property owner, it shall be deemed that the property owner admits to the violation and the proposed assessment of fines described in the property owner's original Notice.

- c. As used in this section, "impartial decision maker" means a person or group of persons who have the authority to make a decision regarding the enforcement of GTA's Governing Documents, and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of GTA.
 - d. If, as a result of the fact-finding review described in this section, it is determined that the property owner should not be held responsible for the alleged violation, GTA shall not allocate to the property owner's account with GTA any of GTA's costs or attorney fees incurred in asserting or conducting a fact-finding review of the claim. Notwithstanding any provision in the declaration, bylaws, rules and regulations or other governing documents of GTA to the contrary, a property owner shall not be deemed to have consented to pay such costs or fees.
 - e. Nothing in this section shall preclude Notice to a property owner that the consideration of the imposition of a fine for a violation will be considered at the next regularly scheduled Board meeting from satisfying the requirement of the impartial fact-finding review required pursuant to the provisions of the R&R 22-02 contained herein.
2. After the time to request a fact-finding review has expired or after a fact-finding review has been conducted at the request of the property owner, the Board will give Notice to the property owner of its determination of whether fines will or will not be assessed. The Notice shall inform the property owner of the amount of the fine assessed, the frequency of assessment of the fine and the duration of this assessment as well as what action can be taken to terminate the assessment of a fine along with reference to and inclusion of R&R 22-02 contained herein. The Notice shall advise the property owner of the right to contest, dispute, or appeal to the Board in writing within thirty (30) days of receipt of the Notice by referencing paragraph II of R&R 22-01 – Enforcement of Game Trail Covenants, Policies, Rules and Regulations and Other Governing Documents and including a copy therein and shall also advise the property owner of the availability of mediation by referencing and including a copy of R&R 12.08 – Alternative Dispute Resolution Option for Resolving Differences Between Property Owners and the Actions of the Board of Directors.

SCHEDULE OF FINES

1. Violation of ACC Policies:

- a. Failure to obtain Architectural Control Committee (ACC) approval prior to beginning the construction or alteration of any structure as defined in the Architectural Control Policy may result in a fine of \$25.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 - b. Failure to comply with the conditions and building plans approved by the ACC may result in a fine of \$25.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 - c. Failure to comply with other provisions of the Architectural Control Policy may result in a fine of \$100.00 per occurrence unless the violation is ongoing in nature in which case a fine of \$15.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
2. Violation of Game Trail's prohibition of outdoor burning as described in paragraph 7 of the Declaration of Covenants may result in a fine of \$250.00 per occurrence. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 3. Violation of R/R No. 96-01 Overnight Occupancy of a Home Construction Site, Vacant Lot, or Common Property may result in a fine of \$100.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 4. Violation of R/R No. 96-02 Vehicular Entry into the National Forest may result in a fine of \$100.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 5. Violation of Rule and Regulation 12-04, Allowable Use of Outside Water, may result in a fine of \$250.00 per occurrence. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
 6. Violation of Rule and Regulation 12-09, Water Services, may result in a fine of \$100.00 per occurrence unless the violation is ongoing in nature in which case a fine of \$25.00 every other

day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.

7. Violation of Rule and Regulation 18-01, Short Term Rentals, may result in a fine of \$250.00 per occurrence unless the violation is ongoing in nature in which case a fine of \$15.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
8. Violation of Rule and Regulation 18-02, No Recreational Discharge of Firearms may result in a fine of \$500.00 per occurrence if not abated and the Sheriff's Department will be notified. Since a violation of Rule and Regulation 18-02 threatens the public health and safety of GTA residents, the fine of \$500.00 per occurrence is not subject to a Five Hundred Dollars (\$500.00) limit.
9. Any other violations of Game Trail Covenants, Policies, and Rules and Regulations may result in fine of \$100.00 per occurrence unless the violation is ongoing in nature in which case a fine of \$15.00 every other day until abated. The total amount of fines per violation may not exceed Five Hundred Dollars (\$500.00) for any single violation that does not threaten public health and safety.
10. The imposition of fines will continue until the violation is corrected and/or all fines are paid, including any legal or other costs of enforcement as allowed by law.
11. Non-payment of any fines imposed pursuant to this Schedule of Fines shall be deemed a separate violation and subject to the provisions contained in R&R 22.03 – Late Payment Policy.
12. The non-payment of fines will continue to accumulate until payment or abatement and could result in the recording of a lien on the owners' property in the amount of unpaid fines and other costs owed by the property owner, with the effect that the violation and amount owed appear on the title to the property, including legal or other costs of enforcement as allowed by law.