

**RESOLUTION OF
THE BOARD OF DIRECTORS OF THE
STERLING HILLS WEST METROPOLITAN DISTRICT
REGARDING PARK RULES**

At a regular meeting of the Board of Directors of the Sterling Hills West Metropolitan District, City of Aurora, Arapahoe County, Colorado, held at 6:30 P.M., on Thursday, March 14, 2019 at Balterra Clubhouse, 2654 South Danube Place, Aurora, Colorado 80013, at which a quorum was present, the following resolution was adopted:

WHEREAS, Sterling Hills West Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Aurora, County of Arapahoe, State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District’s Board of Directors has authority 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 of Directors and of the District; and

WHEREAS, pursuant to Colorado laws and the District’s Service Plan, the District has provided for the construction, operation and maintenance of parks and recreation services; and

WHEREAS, the District owns, operates and maintains three parks within its boundaries for the use and benefit of its constituents and the public, located at: (1) S. Argonne Street and E. LaSalle Place, (2) E. Villanova Place and S. Dunkirk Court, and (3) E. LaSalle Place and S. Ensenada Way, and including playground equipment, benches, lights, trash cans, and irrigation improvements (collectively the “Parks”); and

WHEREAS, the improper use of recreational motorized vehicles, instances of vandalism, noise and other problems result in the destruction and disrupted use and enjoyment of the District’s Parks by its constituents; and

WHEREAS, such recurring incidents are of a financial and safety concern to the constituents of the District; and

WHEREAS, the Board of Directors exercising its powers, pursuant to § 32-1-1001(h), C.R.S., to manage, control and supervise the business and affairs of the District, now desires to establish rules for public use of the District’s Parks.

NOW, THEREFORE, the Board of Directors of the Sterling Hills West Metropolitan District resolves as follows:

1. Rules for Public Use of Parks. The Board hereby determines that it is in the best interests of the District and its residents to establish and adopt rules and regulations regarding the public use of the District’s Parks. The District hereby adopts the “Park Usage Rules” attached hereto as **Exhibit A** and incorporated herein by this reference.

2. Posting of Rules. The District shall post the Park Usage Rules in each park and on the District's website, and shall disseminate the Park Usage Rules through communication means available and upon request.

3. District Representative. The District's manager shall be delegated and authorized to serve as District representative for distributing the Park Usage Rules and permit application forms, and for receiving and reviewing the permit applications for completeness. The District representative shall be responsible for advising the applicants of approval or denial of any permit application. The District representative shall inform the Board of submitted applications and their approval, or reasons for denial.

4. Enforcement. The Aurora Police Department shall be advised of the District's Park Usage Rules for purposes of enforcement. The District shall also take steps to enforce the rules as appropriate.

5. Prior Rules Superseded. The Park Usage Rules shall supersede any previous rules regarding park use adopted by the Board.

6. Legislative Measure. This resolution is and shall constitute a legislative measure of the District, which may be modified only by formal resolution of the Board of Directors of the District.

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Whereupon, a motion was made and seconded, and upon a majority vote this Annual Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 14th DAY OF MARCH, 2019.

STERLING HILLS WEST METROPOLITAN DISTRICT

Juliet Uhlott, President

ATTEST:

Albertain Ransom, Secretary

EXHIBIT A

Park Usage Rules (Adopted March 14, 2019)

1.0 Park Hours.

- a. Persons are prohibited from being in any District park between the hours of 10:00 p.m. and 5:00 a.m., unless otherwise posted, or at any other times when the parks have been fenced, locked, and/or temporarily closed to public use except as authorized.

2.0 Prohibited Activities.

- a. **Unauthorized motor vehicles.** Unauthorized motor vehicles either electric or gas powered shall not be permitted in any District park, open space, or landscape feature. Individuals with mobility disabilities may use other power-driven mobility devices (i.e. motorized wheelchairs or other similar devices) in District parks for purposes of locomotion.
- b. **Trash and dumping of trash/refuse.** Disposal of all litter, trash, and debris, in proper receptacles, is required of all park users. Any dumping of commercial or household refuse, landscape materials, organic or yard waste, or any hazardous substances, on property or into containers managed or owned by the District is prohibited.
- c. **Damage to District Property.** It shall be unlawful to alter or damage in any manner any District park, open space, or landscape feature. Furthermore, it shall be unlawful to remove, destroy, mutilate, deface or damage any building, structure, facility, sign, marker, or other object located on any District property. Park users are personally liable for damage to District property. Park users are required to contact District personnel in the event of any damage to District property.
- d. **Weapons and firearms.** Possession, display, flourishing, brandishing, or use of any illegal or deadly weapons or firearms are prohibited in any District park, open space, or landscape feature. Weapons are defined as including, but not limited to, any lawn dart, slingshot, razor, dirk, dagger, or any knife with a blade over 3 ½ inches, nunchaku or throwing stars. Firearms are defined as including, but not limited to, any crossbow, bow and arrow, slingshot, blowgun, BB gun or pellet gun, whether powered with gunpowder, compressed air, or gas cartridges. It shall not be an offense to carry a concealed handgun if, at the time of carrying the concealed handgun, a valid permit to carry a concealed handgun was issued pursuant to C.R.S. § 18-12-214 or a temporary emergency permit issued pursuant to C.R.S. § 18-12-2019.
- e. **Fireworks, fires or open flames, model rockets.** Fireworks of any kind, fires or open flames are prohibited at any District park, open space, or landscape feature. Additionally, the launching of model rockets or any other type of missile or projectile is prohibited in any District park, open space, or landscape feature.

- f. **Glass bottles or containers.** Glass bottles or containers of any kind are prohibited in any District park, open space, or landscape feature.
- g. **Alcoholic beverages.** Consumption or possession of alcoholic beverages in any District park, open space, or landscape feature without a prior approved alcohol permit from the District is prohibited.
- h. **Possession of illegal drugs or paraphernalia; public consumption of marijuana products.** The possession of any illegal drug, substance or drug paraphernalia is prohibited. Additionally, the public consumption of any marijuana product is prohibited.
- i. **Use of athletic cleats or spikes.** The use of athletic cleats or spikes, or any other footwear or gear that has the potential to damage the surface of any District park, open space, or landscape feature is prohibited.

3.0 General Rules.

- a. **Pets.** All pets shall be restrained by a leash, cord, or chain a maximum of 10 feet in length and held by a person who is physically able to control the animal. All animal excrement shall be removed immediately from any District park, open space, or landscaping feature or shall be disposed of in a proper disposal receptacle. Cruelty or mistreatment of any animal is prohibited.
- b. **Park use.** Park use is based on a “first come, first served” basis, unless the park facility has been reserved by a reservation permit from the District. It is unlawful for any person(s) other than those who reserved it to occupy an area that has been reserved with a reservation permit.
- c. **Amplification and Noise.** Amplified sound is prohibited, unless previously authorized by a sound permit from the City of Aurora. If authorized, sound permits will be limited to certain times and must be related to the event securing the reservation permit. In any case, the sound from any source shall be kept at a reasonable level so as not to disturb other facility users or surrounding residents. No person shall make, continue, or cause to be made or continued, any unreasonably loud or unusual noise, which seriously inconveniences other persons in the area. See rule 4.0(b) for more information about obtaining sound permits.
- d. **Trash removal.** All park users are responsible for removal and proper disposal of all trash, litter, debris, and cleanup of spills. Any trash or debris that cannot be placed inside a park trash receptacle must be promptly removed from the park property by the park user(s).

4.0 Permits & Event Rules.

- a. **Reservation Permits.** Pavilions, large grassy areas, and ball fields can be reserved via a reservation permit from the District. Playgrounds and play equipment cannot be reserved. Each area needs its own reservation permit to secure a reservation. Areas can be reserved

for a non-refundable fee plus a refundable damage deposit. The damage deposit will be refunded once the event is over and the area has been inspected provided that the area is free of damage, trash, and debris. The granting of reservation permits by the District is in its sole discretion and, among other things, the District will take into consideration the number of permits already granted for a given day and the amount of Park area that is already reserved.

- b. Sound permits.** Sound permits are available from the City of Aurora in addition to a reservation permit to allow sound and/or video equipment. Sound permits require a fee and, in order to avoid disruption to the surrounding residents, will only be granted for certain time ranges to be determined by the City. A temporary special use permit application must be completed and can be found online at <https://apps2.auroragov.org/TempUsePermit/>
- c. Alcoholic beverage approval.** It shall be unlawful to consume or possess any alcoholic beverage in any park facility without the prior approval of an alcohol permit from the City of Aurora. Event sponsors/coordinators shall be responsible for obtaining an alcohol permit from the City for a fee when spectators/participants will be served or sold alcoholic beverages. The permit shall designate the type and quantity of alcohol being sold or served and the maximum allowed number of participants. Event sponsors/coordinators shall be responsible for ensuring all federal, state, and city statutes are followed and that spectators/participants do not disturb the surrounding residents. A temporary special use permit application must be completed and can be found online at <https://apps2.auroragov.org/TempUsePermit/>