

**HERITAGE HILLS METROPOLITAN DISTRICT
RULES AND REGULATIONS
RELATED TO
STREET, SIDEWALK, AND OPEN SPACE USE**

1. **Definitions.** Capitalized terms used herein shall have the following meaning:
- a. “Appellant” shall have the meaning ascribed to it in Section 4.a below.
 - b. “Board” means the Board of Directors of the Heritage Hills Metropolitan District.
 - c. “Carrier” shall have the meaning ascribed to it in Section 3.b below.
 - d. “Charges” means any Interest, Late Fees, or Penalties, or any combination thereof, due and owing to the District.
 - e. “District” means the Heritage Hills Metropolitan District.
 - f. “Electrical Assisted Bicycle” means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power.
 - g. “Electric Personal Assistive Mobility Device” means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts per Section 42-1-102(28.7), C.R.S. and includes, but is not limited to, Segways. The definition of Electric Personal Assistive Mobility Device does not include a motorized wheelchair designed for use by a person with a physical disability.
 - h. “Golf Car” means a self-propelled vehicle (electric or gasoline powered) not designed primarily for operation on roadways and that has: (a) a design speed of less than twenty miles per hour; (b) at least three wheels in contact with the ground; (c) an empty weight of not more than one thousand three hundred pounds; and (d) a carrying capacity of not more than four persons.
 - i. “Heritage Hills” means the area within the boundaries of the Heritage Hills Metropolitan District, as the same may be adjusted from time to time.
 - j. “Interest” shall have the meaning ascribed to it in Section 3.c below.
 - k. “Late Fee” shall have the meaning ascribed to it in Section 3.c below.
 - l. “Low-Speed Electric Vehicle” means a vehicle, excluding Golf Cars, that: (1) is self-propelled utilizing electricity as its primary propulsion method; (2) has at least three wheels in contact with the ground; (3) does not use handlebars to steer; and (4)

exhibits the manufacturer's compliance with 49 C.F.R. 565 or displays a seventeen-character vehicle identification number as provided in 49 C.F.R. 565, as set forth in Section 42-1-102(48.6), C.R.S.

- m. "Notice" shall have the meaning ascribed to it in Section 3.b below.
- n. "Off-Highway Vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes, and includes, but is not limited to, four wheelers or quads, three wheelers, dirt bikes, go carts, all-terrain vehicles, and utility vehicles (whether wheeled or tracked).
- o. "Penalty" and "Penalties" shall have the meaning ascribed in Section 3.a below.
- p. "Rules and Regulations" means these Heritage Hills Metropolitan District Rules and Regulations Related to Street, Sidewalk, and Open Space Use, as the same may be amended from time to time.
- q. "Toy Vehicle" means any vehicle that has wheels and is not designed for use on public highways or for off-road use and includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.
- r. "US Mail" shall have the meaning ascribed to it in Section 3.b below.

2. Operation and Parking Regulations.

- a. No person shall operate a Low-Speed Electric Vehicle on any Heritage Hills street unless such person has been issued and possesses a currently valid driver's license. Any person operating a Low-Speed Electric Vehicle shall be subject to all duties and penalties applicable to a driver pursuant to all state and local laws, ordinances, and regulations. Low-Speed Electric Vehicles may only be parked in parking lots and may not be parked on streets.
- b. No person shall operate a Golf Car on any Heritage Hills street unless such person has been issued and possesses a currently valid driver's license. No person shall operate a Golf Car on any Heritage Hills sidewalk or bike path or within Heritage Hills open space areas. Any person operating a Golf Car shall be subject to all duties and penalties applicable to a driver pursuant to all state and local laws, ordinances, and regulations. Golf Cars may only be parked in parking lots and may not be parked on streets.
- c. Any person operating an Electrical Assisted Bicycle must comply with all applicable state and local laws, ordinances, and regulations related thereto. Electrical Assisted Bicycles may only be parked in bicycle racks.

- d. Toy Vehicles and Electric Personal Assistive Mobility Devices may only be operated on sidewalks or bike paths within the District; no Toy Vehicle or Electric Personal Assistive Mobility Device may be driven or operated on Heritage Hills streets except when crossing the street in a crosswalk. Toy Vehicles may only be parked in bicycle racks, and Electric Personal Assistive Mobility Devices may only be parked in parking lots; no Toy Vehicles or Electric Personal Assistive Mobility Devices may be parked on Heritage Hills sidewalks or bike paths.
- e. No person shall operate or park an Off-Highway Vehicle on or within any Heritage Hills street, sidewalk, bike path, or open space area.

3. Notice and Enforcement.

- a. Any person who violates any provision of these Rules and Regulations shall receive a written warning for such violation. After the first violation and warning, any person who violates any provision of these Rules and Regulations is subject to a penalty ("Penalty") in the amount of fifty dollars (\$50.00) for the second violation; one hundred dollars (\$100.00) for the third violation; and two hundred fifty dollars (\$250.00) for each violation thereafter.
- b. The District will provide written notice of a violation of these Rules and Regulations to the violator and, if applicable, the owner of the home where the violator resides, including the date and nature of the violation and, if applicable, the amount of the Penalty incurred therefor (the "Notice"). Such Notice may be (a) hand delivered to the violator or placed on the violating vehicle if no violator is currently present ("Hand Delivery"), (b) sent via United States certified mail, postage prepaid, return receipt requested ("US Mail"), or (c) placed in the custody of a nationally recognized overnight carrier for next day delivery ("Carrier"). Such Notice will be deemed given (a) upon placement if by Hand Delivery, (b) three days after deposit if sent by US Mail, or (c) the next business day after deposit if deposited with a Carrier during business hours on a business day.
- c. Payment of any Penalty shall be due to the District within thirty days of the date of the Notice. If the Penalty has not been paid in full by the scheduled due date, a late fee in the amount of \$15.00, or up to five percent (5%) per month, not to exceed a total of twenty-five percent (25%) of the amount due, whichever is greater, may be imposed against the delinquent violator (the "Late Fee"). Furthermore, the District may charge interest at any rate up to eighteen percent (18%) per annum on any past due Penalty, exclusive of the Late Fee, from the date of delinquency ("Interest").
- d. If the violator resides within the District, all Charges shall, until paid, constitute a first and perpetual lien on or against the violator's property served by the District in accordance with Section 32-1-1001(1)(j)(I), C.R.S. Any such lien may be foreclosed in the manner provided by law.

- c. In addition to all Charges, any delinquent violator shall be responsible for all fees and costs incurred by the District in the collection of any Charges, including, but not limited to, attorneys' fees.

4. Hearing and Appeal Procedures.

- a. If a violator or owner of the home where the violator resides (the "Appellant") wishes to dispute any Charges imposed by the District or a determination made by the District pursuant to these Rules and Regulations, the Appellant must file a written request for a hearing with the District within ten (10) days of the date of delivery of the Notice. The request for a hearing shall set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant's reasons for the request.
- b. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a request for a hearing is timely made, the Board shall hold a formal hearing on the matter at the next regularly scheduled meeting that is held no earlier than ten (10) days after the filing of the Appellant's request for a hearing. A notice will be served on the Appellant specifying the time and place of the hearing to be held by the Board regarding the matter. Such notice may be sent via US Mail or Carrier as provided in Section 3.b above and will be deemed delivered in accordance with the terms of that Section.
- c. At the hearing, the Appellant and District's Manager or other District representative shall be entitled to present all evidence that is relevant and material to the dispute and to examine and cross-examine witnesses. A record of the hearing shall be maintained.
- d. Based on the record established, the Board shall issue a written decision concerning the disposition of the dispute presented to it and shall cause notice of the decision to be delivered to the Appellant by US Mail or Carrier as provided in Section 3.b above within fifteen (15) days after the hearing. The decision issued by the Board shall be final and binding upon the District and the Appellant and shall constitute the final administrative action of the District. Any party to the hearing aggrieved or adversely affected by an order of the Board may appeal such order to the District Court in and for the County of Douglas, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.