

**ROAD REGULATIONS**

**REATA SOUTH METROPOLITAN DISTRICT**

**ADOPTED AUGUST 21, 2007**

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## **ARTICLE I. GENERAL**

**Section 1.1 District Authority and Purpose.** The Reata South Metropolitan District (District) is a Colorado special district, organized and operating pursuant to Article 1, Title 32 of the Colorado Revised Statutes. The purpose of the District is to supply the necessary municipal-type services for the District, including, without limitation, streets, traffic and safety control, drainage, sanitation, water, parks and recreation for the area referred to as “Colorado Golf Club.” In providing services in furtherance of these purposes, the District's Board of Directors (Board) has the authority to adopt Rules and Regulations pursuant to Section 32-1-1001(1) (m), C.R.S.

**Section 1.2 Scope.** These Road Regulations (Regulations) shall govern the use of the internal road system within Colorado Golf Club. All Regulations shall be construed liberally in order to best carry out the purpose of the District and the determinations and intent of the Board. The Board shall have sole discretion in interpreting and applying the Regulations, and may modify or amend such Regulations as it deems warranted.

**Section 1.3 Additional Information.** For more information regarding the District or these Regulations, contact Collins Cockrel & Cole, P.C., General Counsel to the Board of Directors, 390 Union Boulevard, Suite 400, Denver, CO 80228, phone: (303) 986-1551, fax: (303) 986-1755.

## **ARTICLE II. ENFORCEMENT**

**Section 2.1 Enforcement.** These Regulations may be enforced, by District's designated Operations Manager (“Operations Manager”) contracted by District to enforce these Regulations. Operations Manager shall enforce these Regulations in a manner he deems most efficient, exercising his discretion, unless given specific direction by the Board. Generally, the exercise of his enforcement power shall be in accordance with Section 2.2 below, and as specifically provided in other provisions of these Regulations. District Operations Manager may deviate from the general enforcement procedure if he determines it necessary to most effectively and efficiently carry out the purpose and scope of these Regulations.

**Section 2.2 Operations Manager.** Generally, Operations Manager shall be the enforcement authority as regards all matters and activity occurring within District's rights-of-way, and all other District related activity.

**ARTICLE III.  
AUTHORIZED ACCESS**

**Section 3.1 Limited Access.** The roads of Colorado Golf Club are limited access roads. Access shall be limited to authorized vehicles only, as further defined in this Article.

**Section 3.2 Authorized Vehicles/Operators.** Vehicles and operators shall be considered authorized within Colorado Golf Club provided:

1. The vehicle and operator have obtained a “pass” in accordance with the procedures stated below; or
2. The vehicle and operator have express authorization for use of the roads by Operations Manager.

**Section 3.3 Passes Required.** Except as provided below, all vehicles and operators seeking access to District roads are required to visibly display a valid pass issued by the Operations Manager of the District while within District boundaries. The following are exempt from any pass requirements:

1. Officially marked ambulances, fire protection, law enforcement and government vehicles; or
2. Officially marked District vehicles.

**Section 3.4 Types of Passes.** The following types of passes shall be used within Colorado Golf Club as and when such passes may be established by the Operations Manager; in addition, Operations Manager may establish a schedule of fees applicable to the issuance, reissuance, renewal or replacement of any or all of the following types of passes (other than Guest Passes):

1. Owner;
2. Guest;
3. VIP;
4. Company/Employee;
5. Contractor/Construction.

**Section 3.5 Issuance of Passes.** Passes may be obtained at the Guard Station, the Clubhouse or by calling 303-663-8679. Passes are issued by the District or applicable Public Safety Department as authorized by the District Board of Directors in accordance with the following application requirements:

1. Owner - completion of a verified application card.
2. Guest Pass - authorization from Operations Manager or a designated employee of the Public Safety Department. The Guest Pass shall be issued to all non-residents entering the Development, provided that such individuals shall be required to show identification, which shall be recorded by Operations Manager or a designated employee of the Public Safety Department. Any non-resident who does not provide identification as required shall not be admitted into the Development.
3. VIP - completion of an application card signed by an executive of the District or by the Operations Manager. The VIP pass shall set forth the duration of the pass.
4. Construction Traffic/Snow Plow Operator - authorization from Operations Manager or a designated employee of the Public Safety Department, such authorization only to be given after adequate proof of insurance is provided by the contractor.

**Section 3.6 Time Restrictions.** Vehicles and operators with a valid pass are restricted to use of roads during the following times:

1. Owner - 24-hour access;
2. Guest - as authorized
3. VIP - as authorized
4. Company/Employee – 6:00 a.m. to 7:00 p.m., unless authorized by Operations Manager. Notwithstanding any other provision hereof, Contractors/Employees shall, between the hours of 11:00 p.m. and 6:00 a.m., stop at the security gate and identify themselves and their destinations prior to accessing Colorado Golf Club;
5. Contractor/Construction Traffic - See Attached Exhibit A;
6. Snow Plow Operator - 5:00 a.m. to 1:00 a.m., except in cases of emergency or as authorized by the Operations Manager;

Failure to comply with these time restriction provisions could result in pass revocation.

**Section 3.7 Passes Nontransferable.** Vehicle and operator passes are issued individually and are nontransferable.

**Section 3.8 Business Related Passes.** All vehicle and operator passes for business related purposes, including Contractor/Employee, Visitor, and VIP are issued for working purposes only, and are to be used to gain access to the working area. Passes issued for business purposes are valid only during time of employment, or time work is being performed. All holders of such passes must return their passes to the Operations Manager or the Public Safety Department upon termination of employment and/or completion of any job, project or contract.

**ARTICLE IV.  
MOVING AND PARKING REGULATIONS**

**Section 4.1 Speed Regulations.** No person shall drive a vehicle on a road within Colorado Golf Club at a speed greater than posted limits, or what is reasonable and prudent under the conditions existing.

Violators may be subject to pass revocation, fine, or other penalties.

**Section 4.2 Careless Driving.** Any person who drives any vehicle anywhere within Colorado Golf Club in a careless and imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets or in any manner to indicate willful or wanton disregard for the safety of person or property is in violation of careless driving, and may be subject to pass revocation, denial of future access, fine or other penalties.

**Section 4.3 Passing, Overtaking a Vehicle on the Left.** No vehicle shall be driven to the left side of the center of any road in Colorado Golf Club for overtaking and passing another vehicle proceeding in the same direction unless:

1. The front vehicle has made notice of the overtaking vehicle's intent by pulling to the right of the road; or
2. The overtaking vehicle's left side of the road is clearly visible and free of oncoming traffic for a sufficient distance to permit the passing to be completely made without any interference with the operation of any vehicle approaching from the opposite direction of the vehicle overtaken.
3. In no event may vehicles cross a double yellow line.

Violators may be subject to pass revocation, denial of future access, fine, or other penalties.

**Section 4.4 Parking.** No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of Operations Manager or in any of the following areas:

1. On any District road or shoulder, or in any District right-of-way in Colorado Golf Club;
2. Within fifteen feet (15) of a fire hydrant;
3. In any designated bus parking areas;
4. In any private driveways without the permission of the owner of the driveway;
5. In any other location if the parked vehicle interferes with the normal, safe flow of traffic.

All District roads and roadways in Colorado Golf Club are snow emergency routes, and it is imperative that all such roads and roadways be plowed, sanded and swept in an expeditious manner. No vehicle shall be parked anywhere within Colorado Golf Club that interferes with or impedes the snow plowing or street sweeping activities of the District.

Vehicles in violation of this section are subject to immediate removal by being towed at the owner's expense or wheel immobilization at owner's expense.

The towing or wheel immobilization of any impermissibly parked vehicle constituting a safety or security hazard, as determined by Operations Manager, shall be enforced by Operations Manager or a designated representative of the District. The Operations Manager shall have the authority to implement fines (in addition to those set forth in Section 4.12) for impermissibly parked vehicles as follows:

Wheel Immobilization		\$50.00 per occurrence
Towing of Vehicle	First Offense	\$100
	Second Offense	\$200
	Third Offense	\$300

The towing of any impermissibly parked vehicle constituting an impediment to the efficient maintenance or operation of District roads during a snow event requiring plowing or sanding, or otherwise as determined by Operations Manager, shall be enforced either by Operations Manager or a designated representative of the Public Safety Department.

**Section 4.5 Obedience to Signage and Devices.** No driver of a vehicle shall disobey or interfere with instructions of any signage or control device within Colorado Golf Club.



**Section 4.6 Pedestrian Rights.** When traffic control devices are not in place or not in operation, the driver of a vehicle shall yield to pedestrians by slowing down or stopping as required. Pedestrians shall have the right-of-way in all crosswalks.

**Section 4.7 Impeding Traffic.** No person shall drive any vehicle within Colorado Golf Club that impedes or retards the normal and reasonable movement of other traffic without pulling off to the side of the road at the first available place and waiting until all impeded traffic has passed. Violation may be subject to pass revocation, fine or other penalties. Snow removal vehicles, during normal course of operation, are exempted from this rule.

**Section 4.8 Restricted Use of Snowmobiles, Skis, Toboggans, Skates and Similar Devices.** No person shall use any roadway or pathway within Colorado Golf Club for traveling on snowmobiles, skis, toboggans, coasting sleds, skates or similar devices, except as authorized on the appropriately signed roadways or pathways.

**Section 4.9 Restricted Use of Roads For Weather Or Construction.** The Operations Manager may, in his sole discretion, restrict the use of District Roads by construction vehicles and any other slow moving vehicles whenever a special event, festival, convention or other similar activity presents the possibility of significant traffic congestion within the District.

**Section 4.10 Obedience of Authorized Personnel.** No person shall willfully fail or refuse to comply with any lawful order or direction of any authorized personnel in connection with control or regulation of traffic ordinances. Violation may result in pass revocation, fine or other penalty.

**Section 4.11 Off-Road Driving.** No off-road driving is allowed in Colorado Golf Club. Violation may result in pass revocation, fine or other penalties.

**Section 4.12 Penalties.** Any violator of any regulation under this Article 4, in addition to any speed violations as posted within the District, shall be cited by Operations Manager, and shall be subject to one or more of the following penalties at the discretion of District's Board of Directors:

1. Fines up to
  - \$ 50 for the first violation
  - \$100 for the second violation
  - \$200 for all subsequent violations
2. Revocation of existing passes.

## **ARTICLE V. CONSTRUCTION ACTIVITY**

**Section 5.1 Site Plan.** Prior to any construction activity occurring within Colorado Golf Club that will require use of any road or roadway by trucks or other heavy equipment, the Contractor and/or Owner must submit a site plan to Operations Manager for approval.

**Section 5.2 Deliveries and Parking.** No deliveries, laydown of materials, nor parking on any Colorado Golf Club roads or roadways shall be permitted without prior written approval of Operations Manager. From October 15 through May 1, construction parking must be a minimum of five feet (5') from the edge of existing asphalt or gravel shoulder to allow for adequate snow removal. Parking must not interfere with the District's ability to perform necessary road maintenance functions (e.g. repairs/maintenance, including paving, overlays, shoulder and storm drain work, road striping, etc.). Additional construction parking requirements are established by the Design Review Board's Construction Activities and Compliance Deposit Regulation (the "Construction Regulation"). To the extent that provisions of this Regulation and the Construction Regulation conflict, the more restrictive regulation shall apply. All portable toilets must be placed outside of the District's roadway, maintenance and/or access easements.

**Section 5.3 Snow Removal from Site.** The contractor assumes all responsibility for snow plowing/removal on the construction site. Such snow removal must not interfere with the District's snow plowing operations, adjacent properties or the smooth, safe flow of traffic on roads or roadways in Colorado Golf Club. Snow may not be pushed onto or into the dedicated right-of-way or easements, nor stored on adjacent property without specific written permission of the property owner.

**Section 5.4 Work Within District Roads.** The contractor agrees to coordinate all utility and other work within the Colorado Golf Club roads, roadways and all District rights-of-way with Operations Manager.

**Section 5.5 Road Cuts.** All cuts or excavations of roads or roadways shall be in conformance with District requirements. No road cuts shall be permitted between October 15 and May 15, except for emergency situations when prior written approval of Operations Manager is obtained.

**Section 5.6 Penalties.** Any violator of any regulation under this Article 5, shall be cited by Operations Manager, and shall be subject to one or more of the following penalties at the discretion of District's Board of Directors:

1. Fines up to
  - \$ 50 for the first violation
  - \$100 for the second violation
  - \$200 for all subsequent violations
2. Revocation of existing passes.

**ARTICLE VI.**  
**SNOW PLOW OPERATORS RULES AND REGULATIONS**

**Section 6.1 General.** The Board also desires to provide for the orderly and efficient activity in connection with the removal of snow from the roadways within the District. The District desires to prevent problems resulting from methods and activities of snowplow operators within Colorado Golf Club. The public interest is best served by requiring the licensing of persons, businesses or corporations who use vehicles or equipment to plow, remove, or strip snow or ice within Colorado Golf Club.

**Section 6.2 Permit Required.** Any person, business or corporation that participates in the plowing, removal or stripping of snow or ice from private property anywhere within Colorado Golf Club must first obtain a permit by and through the Operations Manager or through information requested from the District as provided in Section 1.3 above.

**Section 6.3 Permit Requirements for Application.**

1. Application for such permits shall be on forms provided by the Operations Manager, or by contacting the District at the address provided in Section 1.3 above.
2. The following information shall be provided by applicants for the permit required:
  - a. Name, home address, business address, state driver's license number and telephone number;
  - b. Make, model, serial number and state license number of any vehicle or machine to be used for snow plowing; and
  - c. A complete list of the driveways, parking lots or properties which the applicant services

**Section 6.4 Permit/Period of Validity.** All permits shall be valid for a period of one winter season which shall be defined as beginning on November of each year and ending on May 31 of the succeeding year, and shall not be valid for subsequent year.

**Section 6.5 Insurance.** Every person issued a permit shall be required to maintain the following types and amounts of insurance at all times:

a. Worker's compensation in amounts required by state law, public liability and public property damage insurance with minimum limits of not less than \$150,000 combined single limit bodily injury and property damage for each occurrence; \$1,000,000.00 general liability in the aggregate.

b. At the time the application for a license is made and before a permit can be issued, the applicant shall have its insurance company file with the Operations Manager a certificate of insurance stating that the insurance policies required by these Snowplow Operators - Rules and Regulations have been issued to the applicant, listing the minimum limits of each, effective policy numbers, the name of the company, the effective date of the policies and the expiration date. The District shall be named as an additional insured on the applicant's comprehensive general liability insurance and snow plow vehicle liability insurance.

**Section 6.6 Identification number.** The permittee shall be issued a vehicle identification number provided by the District for each snow removal vehicle or machine. The identification number shall be placed on a visible portion of the exterior of the vehicle.

**Section 6.7 Snow Removal Operations - Requirement.**

1. Snow shall not be pushed, deposited or left on any public street, sidewalk, park or greenbelt area unless previously approved by the District. Such request and approval must be in writing.

2. Snow shall not be deposited in such away as to impede the vision of anyone driving a motor vehicle on a public or private street or right-of-way.

3. Vehicles must have a flashing yellow light on the roof of the vehicle when engaged in plowing snow.

**Section 6.8 Suspension or Revocation of Permit.**

1. In addition to any other penalty herein provided, the permit issued hereunder may be suspended or revoked by the District or its authorized designated representative for cause at any time. Such cause shall exist whenever any permittee fails or refuses to comply with the provision of these Snowplow Operator - Rules and Regulations which may now or hereafter be in force.

2. In the event a permit is suspended or revoked, the permittee may, within three days of such suspension or revocation, request in writing, delivered to the District, a hearing before a Board of Appeals consisting of two (2) individuals from the

following: the Colorado Golf Club Homeowners Association and the District. Such hearing shall be held not sooner than three days from the request for hearing. The permittee shall be given an opportunity to be heard at said hearing and to show cause why the permit should not be suspended or revoked. If, after such hearing, it is determined that the permittee has failed or refused to comply with the rules, regulations and provisions outlined above, without showing good cause, the permit shall either be suspended for a period not to exceed ninety days or revoked. Application for a new permit may not occur until a subsequent year.

3. The District or its authorized designated representative may suspend any permit issued hereunder pending the outcome of the hearing to be held pursuant to Section 6.8.2.

4. Administrative remedies of the permittee are deemed to not be exhausted unless the decision of revocation or suspension is first appealed pursuant to Section 6.8.2.

**Section 6.9 Penalties.** Any violator of any regulation under this Article VI, shall be cited by Operations Manager, and may be subject to fines or other penalties in addition to suspension or revocation of permits, as outlined in Section 5.6 above in addition to suspension or revocation of permits as provided in Section 6.8.

**EXHIBIT A**  
**CONSTRUCTION TRAFFIC RESTRICTIONS**

Monday through Friday:

No construction related traffic may enter through the gate until 8:00am.  
All construction activity must end and all traffic must be out through the gate by 6:00pm.

Saturday:

No construction related traffic may enter through the gate until 9:00am.  
All construction activity must end and all traffic must be out through the gate by 5:00pm.

Sunday and Holidays:

No construction traffic whatsoever will be allowed through the gate.

**Scope of Restrictions**

These restrictions will apply to all parties.

**Exceptions:**

For general construction activity, there will be no exceptions.

Holidays are defined as: New Year's Day, President's Day, Easter, Memorial Day (Observed), Independence Day, Labor Day, Thanksgiving, and Christmas. In the event that a holiday, other than Easter, falls on a Sunday, then the observance will be on the following day, and the restrictions will apply to that day.