

FOOTHILL ESTATES HOMEOWNERS ASSOCIATION
ARTHITECTURAL AND DESIGN REVIEW COMMITTEE

POLICY ON ALL OFF ROAD VEHICLES

During an Association Meeting held on October 7, 1999, attended by both concerned homeowners (both Berthoud Estates and Foothill Estates) and cyclists, the subject of motorcycles and 4-wheelers and dune buggies came up. The topic specifically dealt with noise, dust and fumes. The Boards were asked for clarification of rights and privileges.

First, understand, the Boards do not wish to ban motorcycle or 4-wheeler and dune buggy activity on private property within the Association boundaries. We also understand that since motorized activity is strictly forbidden on the open space, on the sewage treatment plan and on the walking-equestrian trails, and since most of the motorcycles, 4-wheelers and dune buggies and their drivers are not street legal, that there is no where else for them to ride except on their residences. Many people on the Boards are riders themselves and would like to encourage responsible riding by drivers of all ages on their property.

However, the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE FOOTHILL ESTATES HOMEOWNERS ASSOCIATION**, by which all property owners have agreed to as a purchaser of a lot (Section 4.1), has some guidance in this matter:

Section 7.5: **NUISANCES**: states "No noxious or offensive activity shall be carried on upon The Properties or any part thereof, nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood or detract from its value as attractive residential community."

Section 7.10: **ANIMALS**: though it does not address motor vehicle activity, it does clearly charge the Committee to use criteria such as "...noise, dust, odors and nuisance value: in the pursuit of the"...right of quiet enjoyment by all Members of the Association."

When a single vehicle is ridden on a property with a legal muffler at moderate speed, during the day time, for short periods, often there is not a problem. In general, motorcycles (especially 2 stroke engines) will generate more noise than a 4-wheeler and dune buggy, but the 4-wheeler and dune buggy will generate much more dust. When there are two or more of any of these vehicles engaged in speeding around or racing, the combined noise and dust level of the pack increases dramatically and it becomes a nuisance for surrounding neighbors and therefore, a clear violation. Wetting down tracks and adding extra muffler devices to the existing exhaust systems might mediate the issues some, but, responsible riding, with the desire to not offend neighbors is the best answer. Riding during the day between 8AM and dusk is also desired. The best answer to a rider who wants to rap

it up, is to go the track by Colorado 56 and Interstate 25 and make as much noise and dust as they want and really learn how to handle their motorcycle, 4-wheeler or dune buggy at the edge.

FOOTHILL ESTATES will not evolve into a racing or dirt track center. Therefore, this Committee and Board will enforce the Nuisance clause in the Covenants upon any residence that is out of bounds. Initially, a verbal warning will occur. Letters of Caution by our Property Manager, Castle & Associates can be escalated to fines and legal action to people who ignore this Board's determination.

**Perry Morris, Chairman
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