

Elkhorn Ranch Metropolitan District No. 1

Open Space Rules and Regulations

Approved February 29, 2024

Introduction

Elkhorn Ranch Metropolitan District No. 1 (the “District”) owns and operates a natural open space within its boundaries that is available for recreational activities (the “Open Space”). Improper or irresponsible use of the Open Space may result in erosion of the Open Space or damage to the wildlife and flora located within the Open Space.

The following rules and regulations are in effect on the Open Space for the enjoyment, preservation and protection of this unique resource. Please take the time to read all posted guidelines that may be posted at particular entry and exit points within the Open Space as well as these rules and regulations (collectively, the “Rules”). The District may deviate from these Rules if it is determined by the District, in its sole discretion, to be necessary and appropriate. Under all circumstances, it is the intent of the District to see that the Open Space is used to its full potential while maintaining the Open Space as a safe and quality natural environment. The Open Space is not intended to be utilized for commercial gain, but rather to provide community-oriented recreational opportunities to the public. All visitors and users of the Open Space are responsible for knowing and obeying the Rules. Violations of the Rules may result in expulsion from the Open Space, summons and/or penalties or fines. The District works in cooperation with the Elbert County Sheriff’s Office in enforcing the Rules.

For any questions or concerns, please contact the District’s legal counsel, Law Office of Michael E. Davis, LLC, at specialdistricts@mdavislawoffice.com.

1. Penalties for Violations

- a. A first violation of these Rules shall subject the violator to a penalty of \$1,000, plus the recovery of costs and attorney's fees incurred by the District for the enforcement of these Rules in connection with such violation.
- b. A second violation of these Rules shall subject the violator to a penalty of \$2,500, plus the recovery of costs and attorney's fees incurred by the District for the enforcement of these Rules in connection with such violation.
- c. A third violation of these Rules, and each violation thereafter, shall subject the violator to a penalty of \$5,000, plus the recovery of costs and attorney's fees incurred by the District for the enforcement of these Rules in connection with such violation.

In addition to the above penalties, violators shall also be liable for the cost of remediation and repair of any damage to the Open Space that results from the violation.

2. Resource Protection

- a. It shall be a violation of these Rules for any unauthorized person to remove, move, destroy, mutilate, collect or deface any natural or man-made object within the Open Space, including, but not limited to, trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, tables, benches and trash containers.
- b. It shall be a violation of these Rules to plant trees or any other type of landscape material, or establish or construct trails or other facilities for public or private use without the prior written permission of the District.

3. Wildlife

- a. It shall be a violation of these Rules for any person to feed, hunt, trap, pursue, molest, disturb or kill any wildlife, or for any person to allow any domestic animal to do the same, at any time within the Open Space, except where and when such activities are permitted by action of the District. This provision shall not apply to any county, state, local or federal government personnel authorized by applicable law to carry out a wildlife management program.
- b. It shall be a violation of these Rules for any unauthorized person to relocate or release any animal within the Open Space.

4. Projectiles, Weapons and Explosives

It shall be a violation of these Rules to carry or discharge on or into the Open Space firearms, projectile weapons or explosives of any kind including, without limitation, fireworks, BB guns, pellet guns, rockets, air guns, paintball guns, blow guns, crossbows, longbows and slingshots. Peace officers on official duty and other governmental agents engaged in official wildlife management operations are excepted

from this general prohibition. Exceptions may be permitted only with written permission from the District.

5. Domestic Animals/Livestock

- a. Any dog or other domestic animal within the Open Space shall be restrained by a leash, cord, rope or chain and under the physical control of a person, except as otherwise provided for in this Section 4 or posted with approval from the District. Any owner/keeper accompanying a dog or other domestic animal in an off-leash area, if any, must have the ability to restrain his or her animal when requested by an authorized agent of the District.
- b. It shall be a violation of these Rules for any owner/keeper to allow his or her domestic animal(s) within the Open Space to engage in disorderly conduct or any activity that interferes with the health, safety or welfare of users, livestock, other domestic animals or neighbors in the area, or which creates a nuisance, including unwanted physical contact or threatening behavior, with any other user, domestic animal(s) or livestock.
- c. All people who bring one or more dogs into the Open Space shall pick up, carry out and properly dispose of the dog's/dogs' excrement.
- d. Dogs may be prohibited from entering specific areas within the Open Space by action of the District.
- e. Horses must be under the physical control of a responsible person at all times within the Open Space.
- f. Domestic animals or livestock may be tied by a lead or a rope sufficient to restrain the animal(s), but shall be neither left tied and unattended, nor tied in any manner that damages vegetation or structures within the Open Space, or which interferes with or disturbs the public's use of established trails or picnic areas.
- g. Livestock shall not be allowed to graze within the Open Space.
- h. Exceptions to the rules enumerated in this Section 4 are permitted for the use of a dog or service animal so long as such use is in all respects in compliance with the regulations contained in Title 28 of the Code of Federal Regulations § 35.136, as amended. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability. Provision of emotional support, well-being, comfort or companionship do not qualify as "work" or "tasks" that may be provided by one or more service animal(s).

6. Camping

Overnight camping is not permitted in the Open Space.

7. Fires

- a. Ground fires are a violation of these Rules. Fires may be built ONLY in established picnic areas, if any, and then only in personal grills or stoves. Exceptions may be granted only with prior written permission from the District. All fires shall be built in a safe manner and attended at all times. All fires shall be properly and fully extinguished.
- b. Fires may be prohibited entirely by order of the District, the Elbert County Sheriff's Office, the Rattlesnake Fire Protection District, or other appropriate governmental authority with proper jurisdiction by the posting of special notices or public notification through the press.

8. Bicycles

No person shall ride a bicycle within the Open Space except on trails where such use is designated. Unless otherwise stated, the definition of "bicycle" shall mean "all human-powered wheeled vehicles." Strollers and wheelchairs are exempt from this definition.

9. Right-of-Way

Users within the Open Space must also yield the right-of-way according to the following regulation: All trail users within the Open Space are required to yield to other trail users in the following manner:

1. All users yield to equestrians
2. Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill

Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing verbal or non-verbal communication, and passing safely.

10. Vehicles

- a. The use of motorized vehicles, including without limitation, recreational vehicles, motorized cycles or scooters, or all-terrain vehicles (ATVs), shall be prohibited from the Open Space, including without limitation all designated equestrian or pedestrian trails and/or easements. Governmental, peace officer and emergency vehicles on official business are explicitly exempt from the restrictions contained in this Section 9(a).
- b. Individuals with mobility disabilities are permitted to use wheelchairs and/or manually powered mobility aids on any trail open to pedestrian use so long as they are used in a manner that is safe for the user. Individuals with mobility disabilities may use other power-driven mobility devices ("Devices") on all trails open for pedestrian use unless a particular trail has been designated as being unsafe for use by Devices based upon the assessment factors found in Title 28 of the Code of Federal Regulations § 35.137(b)(s), as amended. District or other governmental personnel who have been granted authority for enforcement under these Rules shall have the discretion to temporarily designate additional trail segments or areas within the Open Space as inappropriate for use of certain classes of Devices based upon current conditions that may affect the

safety for the Device user or other members of the public and/or harm to the immediate environment or natural resources, such as weather, trail conditions and volume of pedestrian traffic. Use of Devices within the Open Space must be in a safe manner and is at the risk of the Device user. Devices may not be used off-trail in any Open Space area.

- c. Vehicles must be parked only in designated areas and/or in compliance with all posted parking signs.
- d. Unauthorized vehicles may not be left parked and unattended at any time from sunset to sunrise except with permission from the District.
- e. Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to C.R.S. § 42-3-121, as amended, or otherwise authorized by C.R.S. § 42-4-1208(4), as amended, shall be displayed at all times while the vehicle is parked in such a space.
- f. It shall be a violation of these Rules to park any vehicle in a manner that impedes the safe flow of vehicular, equestrian or pedestrian traffic.

11. Advertising and Signs Prohibited

The posting of signs, advertisements and flyers or placement of brochures in the Open Space, its adjacent area or on vehicles parked within the parking facilities is prohibited without the express prior permission of the District.

12. Littering and Dumping

- a. It shall be a violation of these Rules to deposit or dispose of trash, garbage, rubbish, litter, debris or other objects within the Open Space, except as shall be removed or deposited in a designated trash receptacle.
- b. Under no circumstances shall any hazardous materials be deposited or disposed of within the Open Space.

13. Glass Containers

It shall be a violation of these Rules for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within the Open Space, except as may be required for prescribed medical treatment or for food preparation at a designated area.

14. Alcoholic Beverages

The carrying or drinking of alcoholic beverages, including, without limitation, beer, wine, liquor or fermented malt beverages (collectively, "Alcohol"), is not allowed within the Open Space. No person shall carry or have any open containers of Alcohol within the Open Space, except where authorized in writing by the District. Any person consuming Alcohol within the Open Space or carrying open containers of Alcohol within the Open Space does so at his or her own risk.

15. Commercial Activity

It shall be a violation of these Rules for any person, acting individually or on behalf of a business or organization, to use the Open Space for any commercial purpose (including without limitation, races or events, filming movies or commercials; guiding service; equipment demonstrations; riding activities of a commercial horse stable, riding school or livery, etc.). Individuals engaging in recreational activities or personal video or still camera photography are exempt from this prohibition.

16. Disorderly Conduct

It shall be a violation of these Rules for any person to engage in disorderly conduct or any activity within the Open Space that interferes with the health, safety and welfare of users or neighbors in the area, or which creates a nuisance (including, explicitly, amplified sound).

17. Trail Use

The District may adopt use restrictions on specific trails or open space within the Open Space when such restrictions are necessary for resource protection, erosion control or safety-related issues. Such restrictions shall be disseminated to the public in a reasonable manner, including without limitation the posting of notices on the property.

18. Enforcement

Pursuant to C.R.S. § 29-1-203, C.R.S. §§ 32-1-1001(1)(h) and (i) and C.R.S. § 32-1-1004(7), as amended, the District may cooperate with the Elbert County Sheriff's Office for the enforcement of these Rules, as may be amended from time to time. To the extent that the District may find it desirable to vest specific enforcement authority in designated Elbert County Sheriff's Office personnel, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted for the Open Space. Any person who violates any of these Rules may be expelled from the Open Space and may be subject to additional penalties, including, without limitation, summons or fines, or as otherwise provided by applicable law.