

**TOLLGATE CROSSING HOMEOWNERS ASSOCIATION  
POLICY REGARDING MARIJUANA-RELATED ACTIVITIES**

Effective: November 1, 2014

**1. Introduction**

The Board of Directors (the "Board") of Tollgate Crossing Homeowners Association (the "Association"), acting pursuant to the powers set forth in the Association's Bylaws, Articles of Incorporation, and the Declaration of Covenants, Conditions and Restrictions for Tollgate Crossing (the "Declaration") (such documents collectively being referred to as the "Association Documents"), and the Colorado Common Interest Ownership Act ("CCIOA"), has enacted the following Policy effective as of the date set forth above. Unless the context otherwise indicates, capitalized words and terms shall have the meanings set forth in the Association Documents and, if not defined in the Association Documents, then as set forth in CCIOA. This Policy supersedes any previously adopted Policy on the same subject matter.

**2. Policy Purposes.**

The purposes of this Policy are to:

- 2.1 Implement reasonable Rules and Regulations governing the use and occupancy of the Lots regarding marijuana-related activities that are not inconsistent with the provisions of the Declaration;
- 2.2 Promote and protect the health and well-being of the community from annoying odors, hazardous activities, unsightliness, weeds, and similar prohibited conditions as provided in the Declaration, while insuring compliance with laws.

**3. Rules and Regulations Regarding Marijuana-Related Activities.**

- 3.1 The cultivation, storage, processing, distribution, and sale of marijuana are commercial activities that are prohibited by Section 3.3 of the Declaration. No Lot may be used for cultivation, storage, processing, distribution or sale of marijuana.
- 3.2 Any external evidence of cultivation, storage, processing, distribution, and sale of marijuana is in violation of Section 3.3 of the Declaration and is prohibited.
- 3.3 The Board has the authority to regulate and control the use of the Common Elements pursuant to Section 7.2 of the Declaration. The Board hereby prohibits the cultivation, storage, processing, distribution, sale, or use of marijuana in any parts of the Common Elements.
- 3.4 Section 3.5 of the Declaration provides that no sound or odor shall be emitted from any Lot or Common Element that is noxious or unreasonably offensive to others. The Board finds that marijuana odor is noxious and unreasonably offensive to many members of the

Association. Therefore, any marijuana odor that is emitted beyond the boundary of any Lot, or in any of the Common Elements, is prohibited.

3.5 Section 3.7 of the Declaration provides that no activity shall be conducted on, and no Improvement shall be constructed on, any Lot that is or might be unsafe or hazardous to any Person or property. The Board finds that marijuana cultivation, storage, processing, distribution, and sale within the Community is an activity that has a high probability of being unsafe or hazardous to persons or property. In particular, electrical and water needs of "grow houses" have in the past created dangers to property owners, and marijuana operations have been associated with higher danger of armed criminal activity. Therefore, any such marijuana-related activities or modification of properties to allow such activities are prohibited.

3.6 Section 3.18 of the Declaration provides that nothing shall be done or kept on any property within the Community in violation of any law, ordinance, rule, or regulation of any governmental authority having jurisdiction over the Community. Any marijuana-related activities, including personal use, must comply with the laws, ordinance, rules, and regulations of all governmental authorities having jurisdiction over the Community.

#### **4. Enforcement.**

4.1 Enforcement of the Rules and Regulations under this Policy may be exercised independently of, or concurrently with, any enforcement actions undertaken by local, county state, or federal authorities.

4.2 Any resident of the Association may initiate a written complaint alleging a violation of the Rules or Regulations, which shall be processed according to the Association's Policy Regarding Enforcement of Covenants and Rules, Including Notice and Hearing Procedures and the Schedule of Fines.

4.3 Any offense of the Owner, his/her Guests, and/or tenants shall all be attributable to the Owner.

4.4 The Board, in consultation with its attorney, may initiate legal action to enforce covenants and rules, enjoin violations, and/or collect fines in the event of serious or continuing violations.

4.5 Any Owner or resident of the Community should request the assistance of appropriate law enforcement agencies for violations that threaten the health and safety of persons or property, or where any attempt at enforcement may result in a breach of the peace or danger to the person bringing the charge. In such an event, the Board expressly requests the assistance of law enforcement agencies, including the City of Aurora police.

**5. Provisions Severable.**

In the event that a Court of competent jurisdiction finds a provision of this Policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

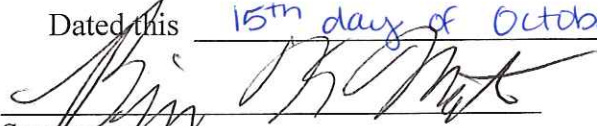
**6. Amendment.**

This Policy may be amended from time to time by the Board.

**CERTIFICATION**

The undersigned, being the duly elected and acting Secretary of TOLLGATE CROSSING HOMEOWNERS ASSOCIATION, INC. (the "Association") certifies that the foregoing Policy Regarding Marijuana-Related Activities was approved by the vote of at least a majority of the Association's Directors at a meeting of the Association's Board of Directors held on October 15, 2014.

Dated this 15<sup>th</sup> day of October, 2014.

  
Secretary