

**COMMERCIAL RULES AND REGULATIONS
OF
STC METROPOLITAN DISTRICT NO. 2**

Adopted by the Board of Directors on July 24, 2024

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SECTION 1 INTRODUCTION AND BASIS FOR REGULATIONS

A. Introduction

These Rules and Regulations have been adopted by the Board of Directors for the District to assist Owners and/or Tenants regarding any uses or restrictions in commercial and other public areas within the boundaries of STC Metropolitan District Number 3.

B. Declaration

The Master Declaration of Covenants, Conditions and Restrictions for Superior Town Center Recorded April 14, 2015 at reception number 03439339 with the Boulder County Clerk and Recorder, as may be amended, (“Declaration”) governs all Properties within the District. Each Owner should review and become familiar with the Declaration. Nothing in these Rules and Regulations supersedes or alters the provisions or requirements of the Declaration and, if there is any conflict or inconsistency between these Rules and Regulations and the Declaration, the Declaration controls. These Rules and Regulations shall apply to all commercial Areas and public areas within the district.

C. Governmental and Other Regulations

Use of Property and Improvements must comply with the applicable Town of Superior Municipal Code or other governmental requirements and regulations. Where the provisions of applicable federal, state, county and/or city standards are more restrictive than the provisions of these Rules and Regulations, such other more restrictive standards shall control.

- a. Licensing. Any business that is required to be licensed by the State of Colorado or any other licensing entity must hold current licenses at all times.
- b. Zoning Ordinance and Declarations. Additional use restrictions may be set forth in Town of Seuperior Zoning, the Declaration, Plat, and other District documents. Each Owner must read and become familiar with all such documents, thus avoiding violations of the standards and requirements set forth therein.

SECTION 2 DEFINITIONS

- A. **Board of Directors** means the body, regardless of name, designated to act on behalf of the District.
- B. **Commercial** means activity or use connected with trade and traffic or commerce.

- C. **Commercial Site** means any Lot zoned and used or intended to be used for commercial or mixed commercial-residential uses and which may be designated as a "Commercial Site" in a Supplemental Declaration applicable to such Lot.
- D. **District** means the STC Metropolitan District No. 2, created pursuant to §32-1-101, *et. seq.*, C.R.S., and/or any other metropolitan district to which the then-District may transfer or assign any or all of the rights and duties of the District.
- E. **Documents** means any documents finally adopted by or for the benefit of the District or the owners' association, whether or not recorded, which control the affairs of the district or any Owners.
- F. **Improvements** means modifications made by either the Owner or Tenant in order to configure the space to accommodate the specific requirements of the business. This includes but is not limited to any changes that change the physical or visual components of the building.
- G. **Owners/Commercial Owners** means the record holder of legal title to the fee simple interest in any Site or portion thereof or the Owner's Tenant. If there is more than one (1) record holder of legal title to a Site, each record hold shall be an Owner. The term Owner includes Declarant to the extent that Declarant is the record holder of legal title to the fee simple interest in any Site.
- H. **Site** means any platted lot, airspace unit, or unplatted parcel of real property that can be separately transferred in compliance with the laws of the Town of Superior, the County of Boulder, and the State of Colorado available for use in whole or in part for commercial purposes.
- I. **Tenant** means a person or business who has a detailed written lease agreement for the rental of a Site owned by an Owner.

SECTION 3 VIOLATIONS AND ENFORCEMENT

- A. **Violations**
Violations, as defined in the Declaration, shall be subject to the remedies specified in the Declaration and the Penalties outlined below.
- B. **Notice of Violations**
If the District determines that a Violation exists, a Notice of Violation will be sent by the District Manager via certified mail, return receipt requested by the within thirty (30) days of the determination that a Violation is likely to or does exist. The Notice shall identify the

particular circumstances or conditions of the Violation and the required action and time period to correct, remedy or remove the Violation. If an Owner disagrees that there is a Violation, in whole or in part, an Owner may submit a written request for a hearing to the District, as applicable, specifying the reasons for the disagreement with the Notice of Violation within the time period identified in the Notice of Violation in which the Violation is expected to be cured. The District will then schedule a hearing and provide notice of the hearing date and time to the Owner (the "Hearing Notice").

C. Written Notice to Cure

A Notice of Violation issued for an offense will identify either that the Violation must be corrected immediately, such as parking, trash, lighting, sound or odor violations or that the Violation likely cannot be corrected immediately because it will require further approvals. If the Violation cannot be corrected immediately, the Notice of Violation will identify the time period in which the Owner is expected to cure the violation. The Notice of Violation can allow the time period for correction for up to thirty (30) days if the circumstances warrant it. The time for correction shall be determined in the sole discretion of the District.

D. Penalties

Penalties will be assessed if a Property is not brought into compliance within the assigned timeframe listed on the Notice of Violation or, if applicable, in the written finding issued by the District. Penalties for Violations will be assessed as follows, and any penalties not paid by the due date will be considered delinquent.

E. Fines

Failure by the Owner to cure said violation within the lesser of the time period in the notice or thirty (30) days of written notice shall result in the imposition of the following fines:

1. \$25.00 per day for each violation, up to fourteen (14) days after passage of the deadline to cure each violation;
2. \$50.00 per day for each violation outstanding more than fourteen (14) days but not more than twenty-eight (28) days after passage of the deadline to cure each violation; and
3. \$100.00 per day for each violation outstanding thereafter.

F. Procedure for Hearing

On the date and time of the hearing specified in the Notice of Violation sent pursuant to the Declaration, the District will hear and consider any information and evidence presented by the Owners and/or all other interested parties. No more than five (5) business days following the hearing, the District will make a finding that a Lot is either in compliance or that the Lot is in Violation, or continue the hearing to a date certain for the purpose of obtaining additional information. Upon determining a Violation exists, the District will issue a written finding of Violation, which will include a timeframe for correction, not to exceed forty-five (45) days.

SECTION 4 APPEALS

A. Appeals

If an Owner believes a District determination of a Violation is in error, an appeal may be made to the District General Manager by submitting a written request for an appeal within no more than 30 days from the date of the decision being appealed, stating the specific reasons the violation or denial was in error under the terms of these Guidelines. The General Manager shall then issue a decision within 30 calendar days from the date of receipt of the appeal. If an Owner believes the District Manager's decision is in error, the Owner may appeal that decision within 30 days of the District Manager's written decision. The appeal must request that the matter be scheduled on a Board of Directors agenda in the near future. The Board of Directors may then decide whether or not to overturn the District Manager's decision by a majority of the total number of Directors at a public meeting.

SECTION 5 RULES AND REGULATIONS

A. **Site Use Sites** shall be maintained in a clean and orderly condition. No unsightliness shall be permitted within a site. Without limiting the generality of the foregoing, prior to its collection, all trash, garbage and other waste and recycling materials shall be kept in sanitary containers enclosed and screened from public view and protected from disturbance in such places and areas as shall be approved by the District. No burning of trash, garbage or waste materials shall be permitted within a Site. Normal construction activities shall not be considered to violate the terms conditions of this section.

B. **Restaurants, Coffee Shops & Bars** The rules below are designed to allow restaurants, etc., to operate while not impeding the access or business of neighboring businesses:

- a. Posting of menus- Menus can be posted on the buildings with approval. Free standing menu holders are not permitted.
- b. Patios- Approval is required prior to tables being placed outside, including but not limited to patios. Approval is required for the patio structure, furniture, or umbrellas. Any patios must allow no less than four (4) feet of sidewalk for pedestrian traffic.
- c. Pets- Pets on patios must follow health codes and patrons are required to pick up after pets. This includes rinsing down the sidewalk after both urine and feces.
- d. Live music is permitted in compliance with the city noise ordinances. Speakers can be placed on the exterior of the building with prior approval.

C. Sidewalk Maintenance & Use

Owner/tenant is responsible sidewalk cleanliness, including sweeping at least once a day and power washing once a week. Failure to maintain will result in the District performing the work, with the charge being assessed back to the Owner/tenant.

Areas used for sidewalk sales or merchandise placed on common sidewalks must be pre-approved by the District Manager. Sales must allow for pedestrian traffic.

District owned sidewalks that will be occupied by an Owner or Tenant for a time period of more than one (1) week, for uses such as but not limited to patios or outdoor seating, must obtain a use permit from the District prior to such use commencing.

D. Signage

All signs must meet the requirements outlined in the Documents and follow the Town of Superior's Municipal Code.

Any signs on the sidewalk, including but not limited to sandwich boards or menu stands, must be placed where foot traffic is not impeded.

E. Temporary Structures.

Except as otherwise provided in the Declaration Documents, no Person shall construct or allow within the Property the existence of any temporary structures of any sort, including, without limitation, sheds, shacks, tents or trailers, and then only in accordance with Declaration Documents.

F. Waste Removal

The District retains the right to coordinate trash remove for all tenants. All trash receptables, including but not limited to dumpsters, oil bins and trash cans, must be kept in a clean and ordered appearance. Any trash on the ground, including oil, must be cleaned immediately to avoid pests or stains. Any hazardous waste must be disposed of according to applicable regulations.

G. Windows

Broken windows must be promptly repaired. Timeline for repair must be communicated with the District, and signs placed on the window.

SECTION 6 PLAZA USE

A. Hours of Operations

- a. Park hours are from sunrise until sunset.

- b. It is prohibited to enter, use, or occupy Circle Point Park or any portion thereof, during the time such Park, or any portions thereof, are closed to entry, use or occupancy, including seasonal closures, unless approved in writing by the District Manager, or such other person as may be appointed in writing by the Board.

B. Plaza Rules

- a. Glass containers are prohibited.
- b. Littering is prohibited. Use trash receptacles.
- c. Possession and or use of alcoholic beverages in Park areas is prohibited without prior written District approval and a completed/accepted Revokable Park Use Permit allowing alcohol use.
- d. Scooters and skateboards are prohibited.
- e. Vending or sales on District sidewalks or Park property are prohibited without a permit granting approval from the District.
- f. Fires and fireworks are prohibited, specifically;
 - i. To use, ignite, or fire any fireworks or explosives, onto or within the Park.
- g. Animals.
 - i. Dogs and cats are to remain on leash and under control at all times.
 - ii. Pet owners are required to pick up after pets and dispose of waste in designated refuse receptacles.
- h. To engage in disorderly conduct (as defined in Section 18-9-106 (1), C.R.S.) within the Park is prohibited.
- i. Any machine or device for the purpose of amplification of human voice, music or any other sound is prohibited without an approved permit from the District explicitly allowing such use.
- j. To engage in any activity within the Park that unreasonably endangers the health, safety, and welfare of any person, animal or property is prohibited.
- k. Destruction, damage, or removal of any vegetation; or defacement of District property is prohibited.
- l. Tents, booths, stands, awnings, canopies, inflatables, or other structures are prohibited without the express written consent of District.
- m. Propane and charcoal grill use is prohibited in the Park unless through an approved/permitted event and by a licensed caterer.
- n. No smoking allowed the park.
- o. Overnight camping is prohibited.

District parks and facilities are patrolled by local law enforcement agencies and all other applicable rules and regulations to include state statutes county regulations or city ordinances will be enforced at the discretion of authorized law enforcement.

SECTION 7 POSTING OF REGULATIONS

- A.** Rules and Regulations creating limitations or prohibitions on public property that apply to the general public shall be prominently posted at all public entrances in compliance with C.R.S. Section 18-9-117(2) and any violation thereof shall be Unlawful Conduct on Public Property. Any such violations shall be enforced by and at the discretion of local law enforcement and the Violation and Enforcement and Appeals sections of these Rules and Regulations, shall not apply.