

HOA Specifications and User Guidelines for Hot Tubs at The Ponds at Blue River

The purpose of this document is to provide all unit owners with Town codes and HOA specifications and guidelines for installing hot tubs at The Ponds at Blue River.

Permits:

- ❑ A building permit must be pulled from the Town to install or move a hot tub.
- ❑ The hot-tub owner is responsible for assuring that all of the code requirements are met. The installation requires that both a building permit and an electrical permit be pulled. The hot tub building permit must be issued before the electrical permit may be issued. The building permit fees are the responsibility of the owner.

City/County Regulations:

Location:

- ❑ Hot tubs shall not be installed on common use areas.
- ❑ Any exterior alterations that are required to comply with Town codes and all related expenses are the responsibility of the unit owner.
- ❑ The HOA requires that all hot tubs be installed on the concrete pads or patios provided by the HOA. No extensions to the patio are permitted without Board approval.
- ❑ Visit the following link for complete information.
<http://www.co.summit.co.us/documentcenter/view/28>

Conduit:

- ❑ The town requires that all electrical wire must be enclosed in conduit, buried 18 inches underground.
- ❑ The HOA requires that the conduit be buried and only a minimal amount of exposed conduit needed to reach the nearest ground point is permitted.
- ❑ Any electrical wiring or outlets that need to be relocated must comply with town codes. No exposed conduit shall be used to relocate wiring and all outlets and receptacles shall be flush mounted.

Colors:

- ❑ The HOA requires that the colors of the hot tub, cover, conduit and any accessories be neutral earth tones that match or blend with the exterior colors of the unit and complex.

Safety:

- ❑ If a hot tub is installed on a patio such that it is located under the gutters or roofline there is a potential safety hazard from falling snow or ice. The unit owner is solely responsible for any and all damages or liabilities resulting from the placement, operation and use of a hot tub.

Board Approval

- ❑ Prior to commencement of any installation activities related to any hot tub to be installed or modified on any Common Element, the owner of the Unit constructing the hot tub shall apply to the Board for approval. (The Board may delegate approval review to any committee designated with such authority.) Such application shall include drawings of the hot tub installation showing the proposed location, wiring diagram and any other matters requested by the Board or designated committee. It shall also contain copies of applicable permits or applications for permits if the permits have not been obtained at that time.
- ❑ The Board may request any additional information and, once all requested information has been received, the Board shall thereafter approve or deny such application within thirty (30) days of receipt of the last information requested by the Board or applicable committee. If the Board or applicable committee does not act upon any application within thirty (30) days of receipt of last information requested, the application will be deemed approved, provided no approval or deemed approval shall relieve the Unit Owner from complying with Town requirements or from complying with these Specifications and Guidelines.
- ❑ **A \$500 fine will be imposed to anyone who proceeds with a hot tub installation in any way prior to getting full board approval, or in any other way that violates these rules regarding installation.**

Compliance Inspection:

- ❑ The hot tub and installation is subject to a final inspection by the HOA Board to verify compliance with these specifications. Copies of the Town permits and the Certificate of Completion shall be provided to the HOA Board prior to the Board's compliance inspection. Once compliance has been verified, no changes may be made to the hot tub or installation without prior written approval from the HOA Board.
- ❑ Hot tub owner must sign the Hot Tub Release Form and submit it with permits.

Maintenance Issues:

- ❑ The homeowner is responsible for keeping the hot tub locked at all times and maintaining the proper sanitization procedures (chemicals, Ph level, etc) as required by the State of Colorado.

Insurance Requirements:

- ❑ All unit owners who own and/or maintain a hot tub upon the limited common element adjacent to their unit(s) shall maintain an in-force unit owners insurance policy with a minimum of \$1,000,000 (One million) in general liability insurance providing coverage against any claim(s) for damage and/or injury resulting from the installation, maintenance and/or use of the hot tub. The unit owner shall be required to name The Ponds at Blue River HOA as an "Additional Insured" on the policy and a copy of the policy and its declarations page shall be mailed to the business offices of the Ponds HOA. The following language shall be used in naming the Ponds at Blue River HOA as an additional insured:
- ❑ The Ponds at Blue River, Post Office Box 2590, Dillon, CO 80435.

- ❑ The Additional Insured endorsement to the unit owner policy shall provide a minimum of thirty (30) days notice to the Ponds at Blue River HOA prior to the policy's cancellation or lapse.
- ❑ Prior to commencement of installation, the unit owner shall be required to sign a letter holding the Ponds at Blue River HOA harmless against any and all liability associated with the installation, maintenance and/or use of the hot tub.

SUMMARY:

- 1.0 No hot tub shall be installed or moved without the prior written approval of the HOA Board.
- 2.0 All hot tub installations must have the proper town permits and comply with all town codes.
- 3.0 All hot tubs shall be located on the concrete patios provided by the HOA.
- 4.0 All conduits must be buried with only a minimal amount exposed to reach the nearest ground point.
- 5.0 The unit owner is solely responsible for any alterations required to comply with the town codes and HOA rules and any such alterations shall be completed with the installation of the hot tub.
- 6.0 The unit owner shall be solely responsible for any and all damages and liabilities resulting from the operation and use of a hot tub.
- 7.0 Owners who install or have already installed a hot tub without HOA Board approval or/and without meeting town and county code requirements will be issued a violation notice and will have 20 days from notice to contact the HOA Compliance Committee to make arrangements to become compliant. In addition, the Town/County inspectors will be notified and owners will face additional penalties.
- 8.0 The hot tub and installation is subject to a compliance inspection by the HOA Board upon completion.
- 9.0 The unit owner shall be responsible for the maintaining of the sanitization of the water according to the standards set by the State of Colorado.
- 10.0 The unit owner shall be required to carry a minimum of \$1,000,000 (One Million) of general liability insurance naming the Ponds at Blue River HOA as an Additional Insured.
- 11.0 Failure of a unit owner to comply with these specifications and user guidelines may result in the Ponds at Blue River HOA initiating such action(s) as may be appropriate and necessary to remedy the non-compliance, including, but not limited to making needed alterations and/or removing the hot tub. Costs incurred by the Ponds at Blue River HOA in remediation and/or correcting any non-compliance, including but not limited to attorney's fees and costs, shall become the financial obligation of the unit owner. Any costs and expense incurred by the Ponds at Blue River HOA in enforcing the terms of these Specifications and Guidelines may be collected in the same manner as unpaid dues as set forth in the Declaration. The Ponds HOA may also utilize the remedy of specific performance.

NOTICE:

ALL STATEMENTS HEREIN REGARDING CITY OR COUNTY REQUIREMENTS ARE INTENDED TO PROVIDE OWNERS WITH A SUMMARY OF SOME OF THE REQUIREMENTS EXISTING AT THE TIME THESE SPECIFICATIONS AND GUIDELINES WERE ADOPTED. OWNERS SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL CITY AND COUNTY CODES AND REGULATIONS. IN NO EVENT WILL THE PONDS HOA OR ITS BOARD MEMBERS (OR THE MEMBERS OF ANY COMMITTEE DESIGNATED BY THE BOARD) BE LIABLE FOR ANY INACCURACIES WITH REGARD TO THESE SPECIFICATIONS AND GUIDELINES AS THEY RELATE TO CITY OR COUNTY REQUIREMENTS. FURTHER, NO INSPECTION BY THE BOARD OR ANY DESIGNATED COMMITTEE SHALL CREATE ANY LIABILITY ON THE PART OF THE BOARD, ITS MEMBERS OR THE MEMBERS OF ANY DESIGNATED COMMITTEE WITH REGARD TO THE INSTALLATION OR USE OF THE HOT TUB. FURTHER, NO REVIEW OF HOT TUB SPECIFICATIONS BY THE BOARD OR ANY DESIGNATED COMMITTEE SHALL CREATE ANY LIABILITY ON THE PART OF THE BOARD, ITS MEMBERS OR THE MEMBERS OF ANY DESIGNATED COMMITTEE WITH REGARD TO THE PLANS, SPECIFICATIONS, INSTALLATION OR USE OF SUCH HOT TUB.