

**RESOLUTION OF TRAILMARK HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICY FOR RESTRICTIONS ON PERMANENT OUTDOOR
LIGHTING**

SUBJECT: Adoption of a Policy with restrictions on Owners and Tenants installing permanent outdoor lighting to their homes.

PURPOSES: The goal of the design standards is to balance Owners' enjoyment and improvement of their properties while avoiding adverse effects on neighbors, wildlife and the natural environment from the use of permanent outdoor lighting.

AUTHORITY: The Declaration, Articles of Incorporation, and Bylaws of the Association and Colorado law

EFFECTIVE DATE: MARCH 12th, 2024

RESOLUTION: TrailMark Homeowners Association, Inc., ("Association") hereby adopts the following Policy for restrictions on use and installation of permanent lighting:

1. **Scope.** Article 8, Section 8.12 of the Declaration allows the Board of Directors the power to adopt rules and regulations for the Community. In addition, Article 4, Section 4.1 of the Declaration requires that any improvements to be installed on the exterior of any Property must be approved in writing by the Design Review Committee ("DRC") after submission of the Owner for the project.
2. **Permanent Lights Defined.** Permanent lights are defined as lighting that consists of bulbs or lights permanently mounted on a home's trim, roofline, soffit, or fascia, whether face-mounted, accent-mounted, or under-mounted, and whether used for holiday lighting, string lighting, wall-wash lighting, accent lighting, security lighting, or any other purpose.
3. **Permanent Lighting Prohibited.** Permanent lights, as defined above, are prohibited in the Community. Permanent lights result in a nuisance to neighbors, wildlife and the natural environment. Article 3, Section 3.4 prohibits noxious or offensive activity in the Community, including, without limitation, anything done to become a nuisance or cause an unreasonable embarrassment, disturbance, or annoyance to others. Permanent lights use results in a disturbance and annoyance to others and is therefore prohibited.
4. **DRC Approval Required.** As outlined in Article 4, Section 4.1, any outdoor lighting other than temporarily installed holiday lighting, regardless of type or use, requires DRC written approval prior to installation. DRC approval for any outdoor lighting is conditional. If, at any time, outdoor lighting, even if previously approved by the DRC or Board of Directors, becomes a nuisance to neighbors or otherwise detracts from the Community's consistent


quality or design expression, the DRC and/or the Board of Directors may rescind approval, in whole or in part, and require removal or modification of the outdoor lighting.

5. **Definitions.** Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
6. **Supplement to Law.** The provisions of this Policy shall be in addition to and in supplement of the terms and provisions found in the Declaration and the law of the State of Colorado governing the Association.
7. **Survival.** In the event 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.
8. **Deviations.** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
9. **Amendment.** This Policy may be amended from time to time by the Board.

PRESIDENT'S CERTIFICATION:

The undersigned, being the President of TrailMark Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Policy was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on the 12th of MARCH, 2024, and in witness thereof, the undersigned has subscribed his/her name.

**TRAILMARK HOMEOWNERS
ASSOCIATION, INC.,** a Colorado
nonprofit corporation

By: 
President