



RESOLUTION 03 -2010

King's Deer Fireworks/ Pyrotechnic Displays / Pyrotechnic Ordnance Prohibition

WHEREAS, Section 28 D of the Declarations of Covenants, Conditions, and Restrictions for King's Deer Subdivision, and Section 28 D of the Declaration of Covenants, Conditions, and Restrictions for King's Deer Highlands, (the "Covenants"), provides that the Association may adopt and publish rules and regulations with which each owner and all other occupants shall strictly comply;

WHEREAS, Section 28 A of the Covenants authorizes the Association to enforce the covenants;

WHEREAS, Section 12- General Development Plan- of the Covenants require, " Each Owner and the Association shall comply with the Development Plan including, without limitation, the wildfire mitigation requirement, and the Association shall enforce the Development Plan";

WHEREAS, The King's Deer Bylaws - Section VII.I Powers; sub-section (a) stipulates that the Board of Directors shall have power to, "adopt and publish rules and regulations and to establish penalties for the infraction thereof";

WHEREAS, Section 9. Assessments; sub-section A. Creation of the Obligation for Assessments. of the Covenants stipulates that; "each Owner, for each Lot owned within the Property, by acceptance of a deed therefor or interest therein, whether or not it shall be so expressed in such deed, shall be deemed to covenant and agree to pay to the Association, in the manner, amounts and times prescribed herein, all assessments, charges, fees, fines and other sums which are described in this Declaration";

WHEREAS, Section 13 E. (5) of the Covenants prohibit open fires within King's Deer;

WHEREAS, the natural environment in which King's Deer is located—atop a wind-swept hill, in an area of predominately very low humidity and dry native grasses—requires enhanced attention to mitigating wildfire,

WHEREAS, there are no fire hydrants within King's Deer and all water for suppressing fire must be hauled in by truck;

WHEREAS, local communities and organizations provide free fireworks displays for public enjoyment;

NOW, THEREFORE, THE KING'S DEER HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS HEREBY RESOLVE:, that from this date forward, in the interest of public safety and for purposes of fire mitigation, the "lighting", "setting off" or activation of fireworks, or any other form of pyrotechnic displays or pyrotechnic ordnance shall be prohibited within the King's Deer community and the following standard for enforcement shall be adopted by the Board of Directors of the Association:

Section 1. Residents and or guests violating this Resolution shall be deemed as in violation of the standards of the HOA and the owners of the property shall be notified of such violation in accordance with the published covenant enforcement policy unless the Board grants a waiver or variance otherwise.

Section 2. The owners shall be subject to and held liable for any fines, legal fees, and other sums that may be incurred by the Association as a result of the violation.

Adopted this 21 day of April, 2010 by the King's Deer Homeowners Association Board of Directors.

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President Board of Directors

Secretary Board of Directors