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THE BOARD OF DIRECTORS OF
KINSTON METROPOLITAN DISTRICT NO. 1
THIRD AMENDMENT TO RESOLUTION REGARDING DISTRICT FACILITIES

WHEREAS, Kinston Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District's Board of Directors (the "Board") has authority to adopt, amend, and enforce rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying on the business, objects, and affairs of the Board and of the District; and

WHEREAS, pursuant to Colorado law and the District's Service Plan, the District has the power to provide for parks and recreational facilities and programs and is empowered to regulate the use of and access to property it owns pursuant to § 32-1-1001(1)(f), C.R.S.; and

WHEREAS, the District currently owns, operates and maintains, and will own, operate and maintain in the future, certain parks and recreation facilities located within the boundaries of Kinston Metropolitan District Nos. 1 – 10 (the "Districts") for the use and benefit of the Districts' residents, taxpayers, and the public (the "Park and Recreation Facilities"); and

WHEREAS, to preserve and protect District property, prevent and assure accountability for damage, and to provide for the safety of visitors, the Board adopted, on June 8, 2023, a Resolution Regarding District Facilities (the "Resolution"), which included, Park Use Rules (attached thereto as Exhibit A), Facility Rules for events held by the public (attached thereto as Exhibit B), an Application for First Amendment Demonstration Permits (attached thereto as Exhibit C), and an Application for Event License (attached thereto as Exhibit D); and

WHEREAS, on September 14, 2023, the Board adopted a First Amendment to the Resolution Regarding District Facilities (the "First Amendment"), pursuant to which the Board amended the Application for First Amendment Demonstration Permits (attached thereto as Exhibit A) and the Park Use Rules (attached thereto as Exhibit B); and

WHEREAS, on May 14, 2026, the Board adopted a Second Amendment to the Resolution Regarding District Facilities (the "Second Amendment") pursuant to which the Board adopted procedures for the enforcement of the Park Use Rules and Facilities Rules; and

WHEREAS, in an effort to further protect property and promote safety and order at the Park and Recreation Facilities, the District desires to adopt this Third Amendment to the Resolution Regarding District Facilities (the "Third Amendment").

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT RESOLVES AS FOLLOWS:

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1. Definitions. The definitions of the following terms shall apply to the Park and Recreational Facilities Use Rules set forth in Paragraph 2 of this Third Amendment and attached hereto as **Exhibit A** and incorporated herein by this reference.

a. **Park** shall mean any District owned area of land dedicated, designated, established, or primarily used for public outdoor activities, leisure, and/or enjoyment. Parks shall include, without limitation, open space, green space, trails and pathways, natural areas, picnic areas, barbeques, playgrounds, hammocks, benches and other seating areas, water features, sculptures, parking areas serving the Park, and shelters, pavilions and restrooms located in and intended to serve the Park area.

b. **Recreational Facility** shall mean a District owned or controlled facility, building, structure, improvement, or developed amenity intended for recreational use by the public. Recreational Facilities includes, without limitation, community centers, clubhouses, swimming pools, fitness centers, tennis or pickleball courts, basketball courts, baseball/softball diamonds, soccer or other sports fields, and parking areas serving the Recreational Facilities. Some Recreational Facilities may be located within a Park.

2. Rules for Public Use of Parks and Recreational Facilities. The Park Use Rules are hereby renamed as the "Parks and Recreational Facilities Use Rules," and are amended and restated as set forth in **Exhibit A** attached hereto and incorporated herein by this reference. The Parks and Recreational Facilities Use Rules attached hereto replace, in its entirety, the Park Use Rules attached as Exhibit B to the First Amendment.

3. Signage. The District Manager is directed to ensure all appropriate signage is installed in accordance with the Park Rules and Recreational Facility Use Rules.

4. Notification of City Police. The District Manager shall provide a copy of this Third Amendment to the City of Loveland Police Department and request that the Parks are regularly patrolled by the City of Loveland Police Department.

5. Effective Date. This Third Amendment shall take effect on the date and at the time of its adoption. Except as otherwise provided herein, the terms, conditions and exhibits set forth in the Resolution, the First Amendment and the Second Amendment remain in full force and effect. In the event the terms and provisions of this Third Amendment conflict with any terms and provisions set forth in the Resolution, the First Amendment and the Second Amendment, the terms and provisions set forth in this Third Amendment shall control.

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ADOPTED AND APPROVED THIS 8th DAY OF OCTOBER 2026.

KINSTON METROPOLITAN DISTRICT NO. 1

Signed by:
Jeff Breidenbach
80609C346664486...

Jeff Breidenbach, President

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EXHIBIT A

Parks and Recreational Facilities Use Rules

As Amended on October 8, 2026

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Parks and Recreational Facilities Use Rules

1. Applicability of Rules. In addition to existing local, state and federal laws, these Park and Recreational Facilities Use Rules shall apply to all Parks and Recreational Facilities located within the boundaries of Kinston Metropolitan District Nos. 1-10 (the "Districts"). All Parks and Recreational Facilities shall be used solely for such Parks and Recreational Facilities intended purpose.

2. Injury to Property and Plants. No person shall abuse, deface, damage, remove, destroy, or vandalize any property, sculptures and related fixtures, or other features constructed and installed within any Park or Recreation Facility, nor shall any person injure or gather trees, shrubs, plants, or other growing items within any Park or Recreation Facility.

3. Signs and Notices. No person shall deface or injure any District signs or notices placed in any Park and Recreation Facility.

4. Trash and Dumping of Trash/Refuse. All litter, trash, recycling and debris must be properly disposed in trash receptacles located within the Parks and Recreational Facilities. Dumping of refuse generated offsite is strictly prohibited. Any trash or debris that cannot be placed inside a trash receptacle must be removed from the Parks and Recreational Facilities by the user(s).

5. Wading and Swimming. Any wading or swimming in any fountain or man-made water feature located within a Park or Recreation Facility will be subject to such rules, regulations, and restrictions posted on signs located adjacent to the water feature(s). Wading or swimming in any natural ponds, streams, drainage swales or similar is strictly prohibited.

6. Pets. All pets in the Parks must be on a leash and under the control of the owner at all times. All pet waste must be immediately removed in appropriate pick-up bags by the owner. Only certified service dogs shall be allowed in any Recreational Facility building.

7. Sales, Solicitations, and Advertising. No person shall sell or offer for sale any goods or services in any Park, nor shall any person advertise, solicit for any purpose, or display any sign within any portion of any Park and Recreation Facility unless a permit is obtained from Kinston Metropolitan District No. 1 (the "District") for such activities as set forth in Rule 22 below.

8. Fireworks, Fires or Open Flames, Model Rockets. The discharge or use of projectiles or fireworks is strictly prohibited. Open flames, grills (excluding any barbeque grills installed by the District in the Parks), and candles are prohibited, unless otherwise authorized by the District for permitted events as set forth in Rule 22 below.

9. Weapons and Firearms. The use, display, or brandishing of firearms and/or deadly weapons within any Park and Recreation Facility is prohibited except as otherwise permitted by applicable local and state law. Possession and carrying of any weapon or firearm is regulated by local and state laws and ordinances.

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10. Alcoholic Beverages. Unless properly permitted by state law and approved by the District for permitted events as set forth in Rule 22 below, no person shall consume or sell alcoholic beverages in any Park or Recreation Facility.

11. Vehicles and Traffic. Unless approved by the District for permitted events as set forth in Rule 22 below or operated by the Districts and appropriate law enforcement agencies, no motorized vehicles including, but not limited to, golf carts, automobiles, motorized scooters, motorized skateboards, hoverboards, motorized bicycles, mopeds, and motorcycles (including e-motorcycles that do not have moving pedals) shall be allowed in any Park and Recreation Facility. Bicycles and non-motorized scooters shall be permitted only in specifically designated areas and shall be operated at all times with reasonable care for the safety of others.

12. Glass. Glass is not permitted in any form in any Park or Recreational Facility.

13. Possession of Illegal Drugs or Paraphernalia; Public Consumption of Marijuana Products. In addition to existing state and federal laws, the possession of any illegal drug, substance or drug paraphernalia is strictly prohibited. The public consumption of any marijuana product within the Parks and Recreation Facilities is strictly prohibited.

14. Amplification and Noise. Amplified sound is prohibited, unless otherwise approved by the District for permitted events as set forth in Rule 22 below.

15. Disposables. Balloons, birdseed, rice, and confetti are prohibited.

16. Disruption of District Business. Disruption of any District business, event, or other sponsored activity is prohibited.

17. Structures. Structures such as air castles, inflatables, pools, or water slides are prohibited on or within any Park or Recreational Facility unless otherwise approved by the District for permitted events as set forth in Rule 22 below.

18. Enforcement. The District Manager will advise City of Loveland Police Department of the Parks and Recreational Facilities Use Rules. The District Manager shall take steps to enforce the rules in accordance with the Second Amendment to the Resolution Regarding District Facilities, and promptly contact the City of Loveland Police Department when the health, welfare and safety of the public is at issue. The District may hire security patrols to patrol the Parks and Recreational Facilities, which security patrols shall be in addition to any police patrols provided by the City of Loveland Police Department.

19. Parks and Recreation Facilities Hours. Except as otherwise Provided in Rule 21 below and as may be posted or modified by the District for approved Events or other coordinated activities, the Parks and Recreation Facilities shall be open daily to the general public from sunrise to sundown. It is unlawful for any person to use any Park or Recreational Facility after sundown and before sunrise, except as otherwise provided in this Rule 19 and Rule 21. Any person found in any Park or Recreational Facility after hours without a permit issued by the District as set forth

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in Rule 22 below, shall be considered a trespasser on District property and may be subject to action by the City of Loveland Police.

20. Camping / Overnight Use of Park and Recreational Facilities. Camping in any Park or Recreational Facility is strictly prohibited. For purposes of these Rules, camping means the use of any Park or Recreational Facility for the purpose of unauthorized overnight occupancy, or to reside or dwell in any Park or Recreational Facility with shelter overnight including in tents and sleeping bags, or to use any part of a Park or Recreational Facility, including hammocks and other recreational improvements, for the purpose of overnight occupancy. No tents or other shelters shall be installed on or within any Parks and Recreational Facilities. Camping includes using a vehicle for overnight occupancy where the vehicle is parked in District owned parking areas and alleyways. Camping does not include napping during the day or picnicking during the hours the Parks and Recreation Facilities are open.

21. Park Loitering and After-Hours Use. No person shall loiter, remain, or congregate in any park for the purpose of idling, lingering, or remaining without a legitimate recreational, exercise, or other lawful purpose. Nothing in this section shall prohibit a person from actively using the park for lawful recreational or exercise activities, including walking, running, jogging, or walking a dog, including during hours when a Park is otherwise closed, provided that the person:

a. I**s** actively engaged in such activity and does not remain in the park for the purpose of loitering or congregating;

b. Complies with all applicable laws, rules, posted restrictions, and safety requirements;

c. Does not enter or remain in any area specifically closed to public access or otherwise restricted by posted notice; and

d. Does not engage in conduct that threatens public safety, damages park property, or unreasonably interferes with the use or operation of a Park.

For purposes of this section, a person's presence in a Park, standing alone, shall not constitute loitering. The fact that a person is present in a Park outside posted operating hours shall not, by itself, constitute a violation of this section when the person is actively engaged in lawful walking, running, jogging, dog walking, or another permitted recreational or exercise activity.

22. Permits/Licenses & Facility Rules. Permits and/or licenses are required for private events, for events involving protests, marches, and/or other forms of protected speech activity held in or at the Parks and Recreation Facilities, and as otherwise required pursuant to these Parks and Recreational Facilities Use Rules. All events must be held in compliance with these Parks and Recreational Facilities Use Rules and the Facility Use Rules, as may be amended from time to time. For events involving protests, marches, and/or any other form of protected speech related activity, the Application for First Amendment Demonstration Permit, which can be obtained from the District Manager, must be submitted in advance of any applicable event in accordance with these Rules, as may be amended from time to time. For any other event, an Application for Event License, which can be obtained from the District Manager, must be submitted in advance of such

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event, in accordance with these Rules, as may be amended from time to time. All other permits required by these Parks and Recreational Facilities Use Rules shall be requested from the District Manager. The permit and/or license may require a non-refundable application fee and a refundable damage deposit. Permits/licenses are not transferrable and must be in the possession of the license/permit holder during the event. Event organizers are required to obtain all applicable permits (e.g., noise, alcohol, street closure) from applicable jurisdictions (e.g., the City of Loveland) and must comply with all applicable state and local statutes, ordinances, rules and regulations. The permit/license holder is responsible for the actions of event attendees.

a. **Security Deposit**. A refundable damage deposit is required for all events. The damage deposit will be returned following completion of the event if the property used is cleaned and restored to the condition it was in prior to the event. If the property used is not properly cleaned or restored, the damage deposit or a portion thereof shall be applied to the costs of clean-up, and the permit/license holder will be billed the actual costs of clean-up. Any unused portion of the damage deposit will be refunded.

b. **Parking Control**. The permit/license holder is responsible for parking control measures as may be required by the event size, City of Loveland and event permit/license agreement.

c. **Insurance**. The District may require commercial general liability insurance and other insurance coverage for any event held at a Park or Recreation Facility. The permit/license holder is responsible for obtaining the required insurance.

d. **Security**. The District may require security services for events including, but not limited to, large events, events involving provision of alcohol, or events creating significant risk of injury to person or property to ensure public safety. The permit/license holder is responsible for obtaining the required security services.