

**AMENDED RESOLUTION OF THE BOARD OF DIRECTORS REGARDING
PARKING RULES AND REGULATIONS**

FOR

SUMMER BAY TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

EFFECTIVE DATE: March 1, 2020

WHEREAS, Section 302(1)(a) of the Colorado Common Interest Ownership Act (C.R.S. 38-33.3-101, et seq.) and Section 6.16 of the Declaration of Covenants, Conditions and Restrictions for Summer Bay Townhomes (“Declaration”), empowers the Board of Directors (“Board”) of Summer Bay Townhomes Homeowners Association, Inc. (“Association”) to adopt such rules and regulations deemed necessary to regulate parking in the Association; and

WHEREAS, the Board has determined it to be in the best interest of the Association and its Members to adopt parking policies, regulations and parking enforcement procedures (the “Rules”) to govern parking on the Common Elements of the Association.

NOW THEREFORE, the Board adopts the following Rules for motor vehicles and parking within the Association.

A. MOTOR VEHICLES AND PARKING

- (i) **Garage Parking.** Garages are restricted to use by the residents of the Unit for parking vehicles and residential storage only. Garages shall be used primarily for parking of cars and trucks used routinely for transportation by an occupant of Unit. Garages may not be used in a manner that would preclude the parking of one car or truck within the garage.
- (ii) **Surface Parking.** All vehicles must be parked within the confines of the marked surface parking spaces, so as not to obstruct or block either the sidewalk or the drive area of the surface lots.
- (iii) **Parking Permits Required 5 p.m. until 6 a.m.** Parking is by permit only throughout Summer Bay Townhomes between the hours of 5 p.m. through 6 a.m., except in designated visitor parking spaces (see section A. iv. in this document) and individual garages. Owners shall be issued one surface lot parking permit per Unit. The parking permit may be used by residents or their guests in any vehicle (other than those vehicles prohibited, see section A. viii. in this document) for parking in a surface parking space. If you lease or sell your Unit, it is your responsibility to advise your

tenants or new owners of the parking rules and regulations prior to their move-in date, and provide them with the unit-assigned parking permit. You are also responsible for transferring your parking permit to the new owner if you sell your Unit. Any vehicles not properly displaying a parking permit from 5 p.m. until 6 a.m. are subject to fines, booting and/or towing at the vehicle owner's expense in accordance with these parking rules and regulations. Parking permits may NOT be duplicated or replicated and may only be used in one vehicle at a time.

- (iv) **Visitor Parking Spaces.** Designated visitor parking spaces are located throughout the community and are clearly marked with signage. Visitors may park in these spaces at all times without a parking permit. These spaces also serve as resident overflow parking with a valid parking permit after 8 p.m. nightly if no regular permitted spaces are available in the same lot. Resident vehicles parking overnight in a visitor parking space must be removed by noon the following day. Resident vehicles that are parked in a designated visitor parking space outside of overflow hours are subject to fines, booting and/or towing at the vehicle owner's expense in accordance with these parking rules and regulations. Vehicles parked in Summer Bay Townhomes surface lots more than any three (3) days in a 7-day period are not considered visitors and must have a valid parking permit.
- (v) **Replacement Permits.** If you lose your parking permit, the owner will be required to contact the HOA management company for a replacement permit at a cost of \$100. If additional requests for replacement permits are made, the Association has the discretion to increase the cost of any additional replacement permits. If this occurs, the original parking permit will be invalid and can no longer be used. In the event any use of an invalid parking permit occurs, the vehicle will be subject booting and/or towing without notice. The owner of the Unit may also be subject to fines.
- (vi) **Enforcement Hours for Parking Rules and Regulations.** The rules requiring display of the appropriate parking permit will be enforced from 5 p.m. through 6 a.m., seven (7) days per week. The limited enforcement hours only apply to parking permits. All other parking rules and regulations will be in effect and strictly enforced at all times.
- (vii) **Recreational Vehicles.** Parking or storing of motor homes, vehicles with tandem axles, trailers of all types, boats, snowmobiles, ATVs, any vehicle not able to fit into a regular parking space spot, or any similar vehicle deemed inappropriate by the Board, in its reasonable discretion, is prohibited unless such parking or storage is within a garage with the door closed, or unless authorized in writing by the Association or allowed by Colorado law as an "emergency vehicle." The

aforementioned types of vehicles may be parked as a temporary expedience for loading and unloading, but extended or overnight parking is prohibited. This restriction does not apply to trucks or commercial vehicles temporarily located within the Community which are necessary for construction or maintenance of the Common Elements, Units or any improvements located in the Community. In no event may any type of allowed recreational or emergency vehicle be parked or stored in such a way as to block access to another parking space or garage, or impede traffic flow.

(viii) **Prohibited Vehicles.** The following vehicles may not be parked anywhere on the Common Area or in the Community:

- a. Abandoned vehicles, defined as vehicles that have not been moved for a period of two weeks or longer;
- b. Inoperable vehicles, defined as any vehicle that cannot travel under its own power and be safely and legally operated on the public streets;
- c. Vehicles not displaying current license plates;
- d. Commercial vehicles, defined as any van or truck rated over one ton or any dual tire vehicle;
- e. Oversized Vehicles, defined as any vehicle rated larger than a 3/4 ton pickup truck, or longer than 210 inches or more than 96 inches wide that cannot fit into the community's parking spaces. Oversized vehicles will also be defined as vehicles, that when parking in a community parking space, cause visibility problems for the other parked vehicles and/or hinder the opening of parked vehicle doors.

(ix) **Fire Lanes, Emergency Access Lane and Common Elements in Parking Area.**

The storage of any item or the parking of any vehicle, van, truck, motorcycle, trailer, camper and the like in any fire lane, emergency access lane, or on any portion of the parking area which is not designated as a parking space, is expressly prohibited and shall constitute an emergency for towing purposes. Violation of this Rule may result in fining, booting and/or immediate towing of the vehicle, in addition to all rights and remedies provided by the Declaration, without any prior notice to the owner of the vehicle.

B. TOWING, BOOTING, AND FINES

- (i) **Enforcement.** The Board may enforce these Rules in accordance with any other policies and enforcement provisions adopted by the Board, which may include, without limitation, the right to impose fines, boot and/or tow the vehicle. All

enforcement remedies are cumulative and non-exclusive, and any remedy may be invoked at any time, in any order, without invoking any other remedy.

- (ii.) **Towing/Booting.** Subject to applicable laws and ordinances, any vehicle parked or stored in violation of these Rules may be booted and/or towed by the Association at the sole risk and expense of the owner of the vehicle without notice or hearing except as specifically provided for in this paragraph (B)(ii.). Notice of towing or booting **shall not** be required for vehicles (1) parked or stored in fire lanes or in areas required for access to fire hydrants; (2) parked or stored in “no parking” areas/zones; (3) parked in a handicap zone without handicap placard or plate; (4) not displaying any valid parking permit, or displaying an invalid parking permit (for example, complete absence of a Summer Bay Townhomes parking permit, or using a parking permit that has been invalidated/cancelled/expired) while parked in the surface parking lot; (5) double parked/blocking access; (6) parked on landscaping; (7) parked on sidewalk or blocking sidewalk; (8) blocking driveway; or (9) blocking dumpster. For all other violations, the Association will provide notice to the owner of the vehicle violating these Rules of the intent to boot and/or tow at least forty-eight (48) hours before the vehicle is booted and/or towed. If the Association is unable to determine the owner of the vehicle, notice shall be sufficient with a written notice posted on the vehicle. The Association shall not be liable to the owner of such vehicle for trespass, conversion, or damage to the vehicle or its contents or otherwise, and shall not be guilty of any criminal or civil act, and such towing shall not be grounds for relief of any kind.
- Motor Vehicle Fines. In addition to the Association’s right to boot or tow any vehicle in violation of the Declaration, Bylaws or these Rules concerning motor vehicles and parking, the Owner shall also be subject to a reasonable fine imposed by the Association, after notice and a hearing, as follows: First offense/violation – \$25.00 fine may be assessed against the Owner. Second offense/violation – \$50.00 fine may be assessed against the Owner. Third and further offenses/violations – \$100.00 fine may be assessed against the Owner. Parking in Fire Lane – \$100.00 fine may be assessed against the Owner for each and every offense.
- (iii.) **Habitual Offenders.** An Owner, resident or tenant who accumulates three (3) or more parking violations within a twelve (12) month period will be deemed to be a habitual offender. Without limiting the Board’s ability to boot, tow, fine or suspend membership privileges in accordance with the Declaration, habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, shall all be subject to the maximum fine and suspension of membership privileges as determined by the Board. Further, in the event of a

determination by the Board of a willful, wanton or flagrant disregard for the provisions of these Parking Rules and Regulations, or based on the severity of the violation, the Board may impose such additional fines as are deemed reasonable by the Board without regard to the schedule set forth above.

- (iv.) **Owner Responsible for Fines.** The record Owners of real estate subject to the Declaration shall have the primary obligation to pay fines imposed for their actions and actions of residents of their units, their tenants and guests.

C. EXEMPTIONS AND EXCEPTIONS

- (i.) **No Exemption from Rules.** Rotation of vehicles from visitor parking space to resident parking space, either under its own propulsion or by other means, for the purpose of circumventing these Rules, shall not exempt an Owner/resident or vehicle from the provisions of these Rules.
- (ii.) **Exceptions.** Exceptions to these Rules may be considered by the Board on a case-by-case basis as requested in writing to the HOA manager and Executive Board by an Owner.
- (iii.) **No Waiver.** Failure by the Executive Board of the Association to enforce any of these Rules and Regulations shall in no event be deemed a waiver of the right to do so thereafter.
- (iv.) **No Guaranteed Parking Spaces.** This Policy does not guarantee residents with a surface parking space in the parking lot. Availability of parking spaces is on a first come, first serve basis.

Adopted by the Board this 16 day of July, 2020. Summer Bay Townhomes Homeowners Association, Inc.

By: Wendy Cull HOA President Title

This Resolution was adopted by the Board of Directors of Summer Bay Townhomes Homeowners Association, Inc. on the 16 day of July, 2020 and is attested to by the Secretary of Summer Bay Townhomes Homeowners Association, Inc.

Henry Walden J Secretary