

**RESOLUTION OF THE BOARD OF DIRECTORS  
REGARDING PARKING RULES AND REGULATIONS  
FOR  
SUMMER BAY TOWNHOMES  
HOMEOWNERS ASSOCIATION, INC.**

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.

**MOTOR VEHICLES AND PARKING**

**(A) Parking.**

(i) Garage Parking. Garages are restricted to use by the residents of the Unit for parking vehicles and limited 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) Parking Tags Required. Owners shall be issued two parking tags per Unit. One parking tag may be used for parking in an exterior parking space, and the other may be used for a guest visiting the resident. To receive a parking tag, you will need to provide proof of residence in the form of a driver’s license with a Summer Bay address, a copy of a lease, or other satisfactory evidence of ownership or occupancy, and complete a vehicle registration form provided by the Association’s manager. If you lease out your Unit, it is your responsibility to advise your tenants of the parking rules and regulations prior to their move-in date. Vehicles not properly displaying a parking tag are subject to fines, booting and/or towing at the vehicle owner’s expense in accordance with these parking rules and regulations.

(iii) Recreational Vehicles. Parking or storing of motor homes, vehicles with tandem axles, trailers of all types, boats, snowmobiles, ATV’s, 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 foregoing types of vehicles may be parked as a temporary expedience for loading and unloading, but 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.

(iv) 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 rear dual tire vehicle; and
- e. Oversized Vehicles, defined as any vehicle rated larger than a <sup>3</sup>/<sub>4</sub>-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.

(v) 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, boot and 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 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). Except for vehicles parked or stored in fire lanes or in areas required for access to fire hydrants not displaying a permit and no parking areas, in which case no notice is required before booting and/or towing, 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 if a written notice is 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 booting or towing shall not be grounds for relief of any kind.

(iii) Motor Vehicle Fines. In addition to the Association's right to boot and/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:

- A. First offense/violation – \$50.00 fine may be assessed against the Owner.
- B. Second offense/violation – \$75.00 fine may be assessed against the Owner.
- C. Third offense/violation – \$100.00 fine may be assessed against the Owner.
- D. Parking in Fire Lane – \$100.00 fine may be assessed against the Owner for each and every offense.

(iv.) Habitual Offenders. An Owner, resident or tenant who accumulates three (3) or more violations within a twelve (12) month period will be deemed to be a habitual offender. Without limiting the Board's ability to boot and/or 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 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.

(v.) 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 owned by the same Owner, resident or tenant or periodic movement of a vehicle, 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.

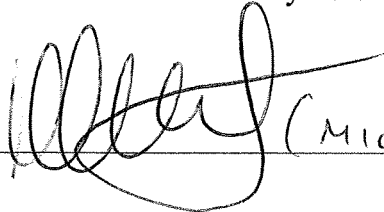
(ii.) Exceptions. Exceptions to these Rules may be considered by the Board on a case-by-case basis as requested in writing to the Executive Board by an Owner, resident or tenant.

(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. Enacting this policy does not guarantee residents with a parking space in the parking lot.

Adopted by the Board this 14 day of February, 2018.

Summer Bay Townhomes Homeowners Association, Inc.

By:  (Michael Joseph) HOA President  
Title

This Resolution was adopted by the Board of Directors of Summer Bay Townhomes Homeowners Association, Inc. on the \_\_\_ day of \_\_\_\_\_, 2018 and is attested to by the Secretary of Summer Bay Townhomes Homeowners Association, Inc.

  
Secretary