

Elk Springs Homeowners Association, Inc.

On and Off-Street Parking Policy and Spring Road Restrictions

Pursuant to the authority granted by Article 4.14 (A) and (B) of the *Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, Colorado* (the “Declaration”), the Board of Directors of Elk Springs Homeowners Association, Inc. (the “Association”) adopts the following policy and procedure governing the parking of vehicles in Elk Springs and certain road restrictions. Unless otherwise defined in this Policy and Procedure, initially capitalized or terms defined in the *Declaration* shall have the same meaning herein. This Policy and Procedure may be amended at any time by the Board of Directors of the Elk Springs Homeowners Association, Inc. (the “Board”).

Article 3.7 of the *Declaration* states:

“No unsightliness shall be permitted on the Properties. Without limiting the generality of the foregoing: ... (b) trailers, mobile homes, trucks other than pickups, heavy equipment, boats, tractors, campers not on a truck, unlicensed cars or trucks, snow cats, skidoos, snow removal equipment and garden or maintenance equipment shall be kept at all times, except when in actual use, in an approved structure or screened from view...”

Furthermore, Article 3.9 (C) states:

“No Owner or Occupant shall block, hinder or impede the free flow of vehicular and pedestrian traffic upon public or common roads or in or about the Common Area, including, but not limited to, public rights-of-way or easements.

And Article 3.9 (D) states:

“The Association may enforce parking restrictions provided in the Declaration by the removal of any Owner’s or Occupant’s vehicle, including recreational vehicles, or personal property parked or stored in violation hereof, including the imposition of a fine for such violation. Each Owner shall be personally liable and responsible for any fine imposed by the Association and the cost for the removal of any vehicle or personal property parked or stored in violation hereof by such Owner or Owner’s Occupant.”

It should be noted, however, that in accordance with the Colorado Common Interest Ownership Act, C. R. S. 38-33.3-106.5 (1)(d), et seq. (the “Act”), this policy does not restrict the parking of an Owner’s or Occupant’s vehicle on a street or driveway if the vehicle is required to be available at designated periods at such Owner’s or Occupant’s residence as a condition of the Owner’s or Occupant’s employment and all of the following criteria are met:

- The vehicle has a gross vehicle weight rating of 10,000 pounds or less;

- The Owner or Occupant is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency firefighting, law enforcement, ambulance or emergency medical services;
- The vehicle bears an official emblem or other visible designation of the emergency services provider; and
- Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other Unit Owners or Occupants to use streets within Elk Springs.

In furtherance of the *Declaration's* covenants as outlined above, the following policies shall apply to on and off-street parking in Elk Springs as well as restrictions on the use of HOA roads during certain times of the year. It should be noted that parking of vehicles and use of heavy vehicles in connection with construction-related activities is governed by the Association's *Design Requirements and Guidelines*, as amended from time to time.

On-Street Parking.

There is no designated parking on the HOA roads in the Elk Springs community. However, vehicles not belonging to a Unit Owner or Occupant may be parked on the HOA roads during special occasions (e.g., meetings, parties, driveway repairs/construction, etc.), but only for the duration of the occasion or overnight if parking the vehicle on the Unit's designated parking or turnaround area is not possible. Parking of the vehicles cannot obstruct emergency access or interfere with the reasonable needs of other Unit Owners or Occupants to use roads within Elk Springs. Violations of this policy shall result in vehicles being booted or towed. In the event a vehicle is booted and/or towed the Unit Owner, Occupant or owner of the vehicle shall be responsible for the cost of boot removal and/or tow.

The Unit Owner or Occupant will be noticed in writing and fined \$75 for each violation of the policy.

Off-Street Parking.

Recreational and Work-Related Vehicles:

Trucks other than pickups, heavy equipment, boats, rafts, tractors, campers, campers not on a truck, unlicensed cars or trucks, snow cats, snowmobiles, motor homes, motor coaches, utility trailers, skidoos, snow removal equipment, extended wheelbase vans and garden or maintenance equipment, etc. shall be kept at all times, except when in actual use, in an approved structure or a designated storage area. The designated storage area must be entirely within the building envelope and meet the following criteria:

- Paved in the same manner as the driveway, and

- Screened from view of other Building Occupants and/or Units, Common Areas and HOA roadways with landscaping, earth berms, or a combination of these

Recreational and Work-Related Vehicles may be parked on a Unit’s designated parking or turnaround area or driveway for a period of forty-eight (48) hours for the sole purpose of loading or unloading such vehicles unless the Owner has notified the Property Manager that additional time is needed for such activity. Recreational and Work-Related Vehicles must be parked and stored as outlined above upon completing such loading or unloading. Vehicles parked or stored in violation of this Parking Policy are subject to a fine of \$75/day.

Other Vehicles (licensed automobiles and pick-up trucks):

Vehicles must be parked on the designated parking or turnaround area, which lies within the building envelope. Vehicles parked or stored in violation of this Parking Policy are subject to a fine of \$75/day.

Spring Road Restriction

Depending on weather and thaw conditions, the Association may restrict certain traffic from February 15 to May 1 of each year (“Spring Restriction”) in order to reduce damage to HOA roadways. Traffic in excess of 26,000 pounds gross vehicle weight during the Spring Restriction is not allowed unless the Unit Owner or Occupant notifies the Property Manager of the delivery, the Property Manager is present at the delivery and the Unit Owner or Occupant pays a non-refundable road use fee of \$500.00 per delivery in addition to costs and expenses incurred by the Property Manager. This restriction is waived in connection with an Owner’s move-in or move-out.

The Association may designate the use of certain roads within the subdivision in connection with heavy vehicle traffic.

PRESIDENTS CERTIFICATION:

The undersigned, being the President of the Elk Springs Homeowners Association, Inc. Board of Directors certifies that the foregoing Policy and Procedure for On and Off-Street Parking and Spring Road Restrictions was adopted by the Board of Directors at a duly called and noticed meeting of the Board of Directors held on 18 Nov, 2019 and in witness thereof, the undersigned has subscribed her name.



 President, Elk Springs Homeowners
 Association, Inc. Board of Directors

11-18-19

 Date Adopted