

LAGOON TOWN HOMES CONDOMINIUM ASSOCIATION

Policy & Procedures: On-Site Parking

Adopted September 28, 2018

The following procedures have been adopted by Lagoon Townhomes and Condominium Association ("Association") pursuant to the provisions of C.R.S. 38-33.3-209.5 at a regular meeting of the Board of Directors ("Board").

WHEREAS, the Colorado Common Interest Ownership Act, in C.R.S. 38-33.3-209.5, mandates common interest communities adopt protocols regarding disputes between the "Association" and one or more Lagoon Unit Owners ("Owners"), and

WHEREAS, Primary Parking that is available for use by "Owners" and their Permitted Users are those spaces located within the individual Lagoon Unit/building garages, and that both Building 749's Common Garage ("Common Garage") and on-site outside overflow parking is very limited and therefore must be carefully regulated to ensure equal access and proper use by all "Owners" and their Guests, and

WHEREAS, the "Association" has only fifty-five (55) outside overflow parking spaces available for use by "Owners" and their Guests. This equates to less than 1/3rd of an outside parking space for use by each Unit, and

WHEREAS, the "Association" does not currently have any parking spaces designed for use by RV's, trailers, boats, or for the long-term storage of Vehicles of any type ("Vehicles"), and

WHEREAS, the parking of "Vehicles" that block garage driveways or traffic lanes can have major negative impacts on other "Owners" and create unsafe conditions, and

WHEREAS, the improper parking of "Vehicles" can have a major negative impact on the cost and efficiency of winter snow removal operations and weekly trash removal,

NOW, THEREFORE, IT IS RESOLVED that the "Association" does hereby amend prior parking rules and regulations to resolve recurring problems associated with general parking availability, Unit access, renter abuses, and operations and maintenance issues, and hereby adopts the following policy and procedures governing on-site parking:

I. ON-SITE PARKING POLICY

A. VEHICLE REQUIREMENTS:

1. All "Vehicles" shall meet local noise requirements and must have mufflers in good working condition.
2. "Vehicles" must be properly maintained. Fluids leaking from any "Vehicle" onto the driveways, pavement and/or parking areas must be cleaned up

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immediately and may subject the Vehicle to removal from the complex. Any damage to the Property by improperly maintained "Vehicles" will be repaired by the "Association" and billed to the appropriate "Owner(s)."

3. All "Vehicles" must display valid license plates and be in operable condition.
4. All "Vehicles" must clearly display a Lagoon issued Parking Hanging Tag.

B. AUTHORIZED PARKING:

1. Parking on the Property is limited by the Rules of the "Association," the zoning regulations of the City of Frisco, and Lagoon snow removal operations and maintenance requirements.
2. "Vehicles" shall only drive or park in paved locations that are intended for driving and parking.
3. Between the hours of 10:00 P.M. and 8:00 A.M., ONLY "Vehicles" displaying a Lagoon Parking Hanging Tag will be permitted to park in any designated parking area outside a "Unit," including in front of a Unit in accordance with Section B.6 below.
4. Only "Vehicles" displaying a Lagoon issued Parking Hanging Tag are permitted to be parked temporarily overnight in designated parking areas.
5. Short-term, temporary outside parking by Unit Owners, or their Permitted Users, is allowed without a Lagoon Parking Hanging Tag up until 10:00 P.M.
6. Parking in front of an individual Unit garage door, by the "Owner" or their Permitted Users, is allowed only if such "Vehicle" does not block a traffic lane or access to another Unit and displays a Lagoon issued Parking Hanging Tag. [Exception: During the snow season months (September-May), any such "Vehicle" parked in front of an individual Unit shall be moved to a marked parking space or removed by 8:00 A.M. to allow for the clearing and removal of snow as needed.

C. BUILDING 749 COMMON GARAGE AND OUTDOOR PARKING:

Given that each of the Sixteen (16) Units in Building 749 have been assigned to only one (1) indoor designated parking space, and that there are only four (4) indoor designated Guest Parking spaces, in the spirit of equity, these following rules shall apply to all Owners and Permitted Users in Building 749:

1. 749 Assigned Indoor Parking Spaces. One parking space shall be assigned to a specific Unit for use by the Building 749 Owner(s) and Permitted Users.
2. Only one (1) "Vehicle," displaying a valid Lagoon issued Parking Hanging Tag may be parked inside the Common Garage in the indoor parking space designated for the Unit.

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3. The maximum number of "Vehicles" that can be parked inside the Common Garage is limited to a maximum of two (2) "Vehicles" per Unit, as long as they display a valid Lagoon issued Parking Hanging Tag.
4. 749 Indoor Guest Parking Areas. Due to the limited number of Guest parking spaces inside Building 749's garage, Owner's must utilize their Unit's assigned parking space first, before parking a second Vehicle in any designated Guest Parking space.
5. Indoor designated Guest Parking spaces are utilized on a first-come, first-serve-basis and are not assigned to a specific Unit.
6. No person shall, through custom or alleged past practice, establish a right to a Guest Parking space.
7. It is prohibited to park in a Guest parking space for more than forty-eight (48) consecutive, uninterrupted hours.
8. It is a violation of these guidelines for any person to make use of a Reserved parking space without the consent of the Owner of the Unit to which the parking space is assigned.

D. UNAUTHORIZED PARKING:

Any type of "Vehicle" parked in violation of the Declaration and/or these revised parking rules and procedures shall be subject to immediate towing at the owners expense and a fine will be imposed. It is the responsibility of all Owners to comply with these guidelines and to ensure that their "Permitted Users" do so as well.

1. Parking on any unsurfaced or landscaped areas of the Property.
2. Parking in areas posted as NO PARKING or TOW AWAY ZONES.
3. No "Vehicle," attended or unattended, shall park in the immediate area of a fire hydrant or block fire lanes. Any "Vehicle" blocking a fire lane, or access to a fire hydrant, or otherwise parked in violation of Fire District requirements or posing a threat to the safety of the Property or other "Owners" may, as provided by law, be towed without further notice. "Owners" in violation of these requirements assume the risk and liability for all fines, towing costs, and attorney or other fees incurred. [Exception: See Temporary Parking]
4. Parking "Vehicles" with missing or expired motor Vehicle licenses or registrations.
5. Parking of any "Vehicles" inside "Common Garages" or designated Guest Parking Spaces, or on outside overflow parking areas, that is leaking any engine fluids or hazardous material is prohibited.

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6. Parking any "Vehicles" on Lagoon property between the hours of 10:00 P.M. and 8:00 A.M. without displaying a valid Lagoon issued Parking Hanging Tag.
7. Parking in any manner that obstructs the flow of traffic, snow removal operations or trash collection.
8. Parking in such a manner to obstruct access to another Unit Owner's garage parking space.
9. No "Vehicle" upon blocks, jack stands, or the like will be allowed in a "Common Garage," designated Guest Parking Spaces, or on outside overflow parking areas.
10. Except as specifically authorized by the Board, or for loading/unloading, delivery or emergency, no part of the Property, shall be used for the parking, storage, display, or accommodation area for of any Recreational Vehicle ["RV"], Motor Home, Vehicles with tandem axles, Trailers of all types, Boats, Snowmobiles, All Terrain Vehicles ["ATV's"], Buses, vehicles over one ton capacity classification, or any other type of Equipment, is prohibited unless a special parking permit is first obtained from the Lagoon Staff. [Exception: Over-Night Temporary Parking Tags for such Vehicles or Equipment may, at the discretion of the On-Site Property Manager, be obtained from the Lagoon Office. Any such temporary parking shall in no case exceed 24 hours.]

E. MECHANICAL WORK ON MOTOR VEHICLES:

1. Any violation of this Section shall subject the owner to immediate towing and/or a fine.
2. Mechanical Work of any kind (including, but not limited to changing oil, oil filters, transmission fluids; lubricating of any type of "Vehicles;" making mechanical repairs, or reconstruction) is prohibited outside of an Owner's Unit (parked in any driveway, "Common Garage," or outside over-flow parking areas. [Exception: Emergency situations approved by the Lagoon Property Manager for repairs to enable the movement of the Vehicle.]
- 3.

F. LONG-TERM PARKING/ABANDONED VEHICLES:

1. Owners planning to park their "Vehicles" for extended periods must use their Unit garages or assigned parking space in a Common Garage to do so. Any Motor Vehicle that is parked in a designated Guest Parking space, or on outside overflow parking areas ("Designated Parking Areas") for more than forty-eight (48) hours without being moved will be ticketed/fined.
2. If the "Vehicle" is not moved within the additional forty-eight (48) hours after being ticketed/fined, such "Vehicle" shall be presumed abandoned and the

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Unit Owner shall be fined and the "Vehicle" will be towed at the Owner's expense. "Vehicles" displaying a Lagoon "Decal" or hanging "Guest Tag" WILL NOT be excluded from this rule regarding long-term parking and abandonment.

G. CONSTRUCTION AND REMODELING:

1. Contractors performing construction and remodeling services for "Owners" are permitted to park their "Vehicles" in designated parking areas during normal working hours as long as they do not block driveways or traffic lanes, or impede snow removal operations.

H. TEMPORARY PARKING:

1. The length of time that is reasonably required to load or unload a "Vehicle" is ONLY permitted between the hours of 8 a.m. and 6 p.m.
2. Temporary parking of attended "Vehicles" in the fire lane is permitted if there is not sufficient space to park the "Vehicle" in an outside over-flow parking area. However, you cannot park any "Vehicle" in such a manner as to block access by other "Owners" and therefore preventing ingress and egress to other "Units." [Exception: State and local emergency Vehicles responding to a medical or police emergency at any time.]
 - a. "Attended" Vehicle is defined as any Vehicle that is being actively loaded or unloaded.
 - b. "Actively loaded or unloaded" shall mean that the garage door or entry door to the building of the responsible Unit is open and that a responsible adult is making a trip to load or unload the "Vehicle" not less than every five (5) minutes.
3. Notwithstanding all of the other aforementioned provisions, anytime an "Attended Vehicle" is being parked in the fire lane as permitted by the Rules, a responsible adult with a key to the "Vehicle," and the ability to drive it, must be immediately available to move the "Vehicle" in the event of an emergency.

I. OVERFLOW PARKING:

1. All outdoor paved and painted parking spaces on the Lagoon property are designated as overflow parking areas for the sole use of Owners and their Permitted Users, except for any designated restricted use areas, which are posted.
2. There are currently 3 off-property areas designated as overnight parking in Frisco: (1) Just North of Main Street on 7th Avenue (2) At the corner of 4th Avenue and Granite. (3) Parking area at the West end of Main Street by I-70.

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J. RENTAL RESTRICTIONS:

Per Section 4.6 of the Lagoon Declarations, an "Owner" shall refrain from leasing or renting their Unit, if it will result in insufficient legal parking.

K. REPORTING PARKING VIOLATIONS:

1. "Vehicles" parking in fire lanes or blocking fire hydrants should be reported directly to the Frisco Police Department or Fire Marshall. For the Frisco Police Department, call (970) 668-3579, during normal working hours and the Dispatch Non-Emergency number, (970) 668-8600, after hours. For the Fire Marshall, call (972) 292-6320.
2. "Vehicles" parking along any public thoroughfare should be reported directly to the Frisco Police Department. Call (970) 668-3579, during normal working hours and the Dispatch Non-Emergency number, (970) 668-8600, after hours.
3. Lagoon Parking violations should be reported to the Wilderdest Property Management Office at (970) 513-5600, between 9 a.m. and 5 p.m., Monday through Friday. These types of violations include but are not limited to: Reserved, Guest or Open parking space violations, recreational Vehicle violations, commercial Vehicle violations, abandoned/junk Vehicle violations, Vehicles with expired license plates, or no Lagoon issued Hanging Parking Tag.

The caller should provide the following information:

- a) Vehicle's make, model, color, license plate number,
- b) Vehicle's location and nature of the violation,
- c) Date and time of the violation,
- d) Any other related information, and
- e) Caller's name, address, and phone number.

It would be helpful if you could provide a photograph of the offending vehicle, its license plate, and the location of the vehicle.

NOTE: The caller information is required if the HOA office needs to contact the caller for any follow-up information. This information is not passed on to the owner of the "Vehicle."

L. ENFORCEMENT:

1. The "Board" reserves the right to have such "Vehicle" towed at either the Unit Owner's or "Vehicle" Owner's expense and to take any action required to recover Lagoon's expenses and impose fines as provided for in Sections 8 and 9 of Lagoon's Enforcement Policy.
2. Refer to Lagoon's Enforcement Policy, Sections 1 - 13.

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II. PARKING PERMIT PROCEDURE:

A. OWNER PARKING PERMITS.

1. A maximum of three Lagoon Hanging Parking Tags will be issued to Unit Owners.
2. There will be a \$25.00 fee for replacement of any lost tags.
3. Lagoon Hanging Parking Tags are to be displayed on the rear view mirror of the "Vehicle" when parked in any outside space or designated Guest Parking Space, including Building 749's Common Garage.
4. "Owners," including their Permitted Users, cannot have more than three Lagoon Hanging Parking Tags per Unit in their possession.

IV. PREVIOUS POLICY & PROCEDURES: These Policy and Procedures supersede any prior published Policy and Procedures referring to Parking Rules, including but not limited to those dated June 5, 2010.

V. CONFLICTING DOCUMENTS: In the case of any conflict between the Articles of Incorporation, the Bylaws, or the Amended Declaration of Covenants, Rules, Regulations, and listed "Policies & Procedures," such provisions of the Articles, Bylaws, and the Declarations shall take precedence and supersede any provisions of these "Policies & Procedures."

Lagoon Town Homes Condominium Association

By: _____
President

This Policy Regarding Parking Rules and Procedures was adopted by the Board of

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Directors on the ____ day of _____, 2017, and is attested to by the Secretary of Lagoon Town Homes Condominium Association.

By: _____
Secretary