

Water Valley Master Association, Inc.
Parking Rules and Regulations

The Master Declaration of Covenants, Conditions and Restrictions for Water Valley, as amended and supplemented from time to time (the “Declaration”), provides very general and broad restrictions on activities relating to vehicles within the Water Valley Master community (“Water Valley”). Capitalized terms not otherwise defined in this document will have the meanings attributed to them in the Declaration.

Section 7.7 of the Declaration provides, in part:

Section 7.7 Restricted Activities – Residential Units. The following activities are prohibited within Residential Units unless expressly authorized (and in such cases, subject to such conditions as may be imposed) by the Executive Board:

(a) Parking, storing, servicing or repairing commercial vehicles, recreational vehicles, mobile homes, boats, campers, trailers, boats [sic], watercraft, or other oversized vehicles, stored vehicles or inoperable vehicles in places other than enclosed attached garages;

The Board of Directors of Water Valley has been asked to clarify the policies implicit in this provision in order to provide better guidance to residents and to support enforcement of the Governing Documents.

Therefore, the Board has adopted the following Rules and Regulations relating to vehicles and equipment parking and other related activities.

The Board recognizes that Section 7.7(a) of the Declaration uses the term “attached garages” as the only approved location for the described activities, yet some locations within Water Valley are permitted to have detached garages or outbuildings. In addition, several amendments and supplements to the Declaration refer to garages that are detached from residential units. Therefore, these Rules and Regulations are intended to clarify where certain activities are permitted, as further described below.

1. Definitions.

a) “Abandoned or Inoperable Vehicle” shall mean any automobile, truck, motorcycle, van, trailer, house trailer, camper, recreational vehicle or other device for carrying passengers, goods or equipment which has not been driven under its own propulsion for a period of two (2) weeks or longer, or which does not have installed within it an operable propulsion system, or which does not have a current registration and license plate sticker, or which has one or more flat tires.

b) “Approved Facility” means an attached garage, detached garage, outbuilding or other storage facility that is in compliance with the building and design requirements and guidelines applicable to the property, and has been approved by the HOA at the time of construction.

c) "Commercial Vehicles" shall mean (i) all vehicles listed in Table 1, and (ii) vehicles that have at least one (1) of the Other Commercial Vehicle Identifiers listed in Table 2, such tables attached hereto as Exhibit 1.

d) "Emergency" means circumstances that require immediate action necessary to protect or avoid harm to the immediate health, safety or welfare of persons present on property in the community.

e) "Recreational or Maintenance Vehicle" means any type of house trailer, mobile home, camper, boat trailer, hauling trailer, boat or boat accessory, golf cart, all-terrain vehicle, snowmobile, lawn mower, lawn tractor, or lawn, yard or lot maintenance or excavating equipment.

f) "Temporary Necessity" means the preparation for use or storage of a Recreational Vehicle, provided that the Recreational Vehicle does not remain parked outside of an Approved Facility for more than forty-eight (48) consecutive hours total in any seven (7) day calendar period.

g) "Town Regulations" means the ordinances and regulations of the Town of Windsor, as adopted and amended from time to time.

2. **Street Parking and Other Vehicle Related Activities.** Except as limited by these Rules and Regulations and the Town Regulations, parking on the public streets and alleys within Water Valley is permitted. If there is a conflict between these Rules and Regulations and the Town Regulations with respect to vehicle activities on public streets within Water Valley, the Town Regulations will control. These Rules and Regulations apply equally to all sub-associations within Water Valley, although, in accordance with the Declarations, sub-associations are permitted to adopt more restrictive provisions applicable to the areas within their boundaries.

3. **Prohibited Vehicles and Activities.** All Owners, residents and guests parking within the Water Valley community must comply with the following Rules and Regulations:

a) Stationary Vehicles. No Commercial Vehicles, or Recreational or Maintenance Vehicle shall be left on any public right of way within Water Valley for more than forty-eight (48) consecutive hours without being moved to a materially different location.

b) Abandoned or Inoperable Vehicles - Screening. No Abandoned or Inoperable Vehicle of any kind shall be stored or parked on the real property within Water Valley unless fully screened from view in an Approved Facility.

c) Commercial Vehicles. Unless within an Approved Facility or other area specifically designated by the Association, no portion of the real property within Water Valley, including, but not limited to the streets, driveways, alleys, or fire lanes, shall be used as a parking, storage, display, or accommodation area for any type of Commercial Vehicle. Currently, the Association has not created designated parking or storage areas for Commercial Vehicles except for an Approved Facility. Notwithstanding the above, otherwise prohibited Commercial Vehicles are permitted to park temporarily in the community during normal business hours for the purpose of serving any Unit or Lot or the Common Elements; provided, this exclusion does not extend to an Owner/resident who is parking a Commercial Vehicle at his or her home.

d) Recreational or Maintenance Vehicles. Unless within an Approved Facility or within an area specifically designated by the Association, no portion of Water Valley, including, but not limited to, the streets, driveways, alleys, lots, or fire lanes, shall be used as a parking, storage, display, or accommodation area for a Recreational or Maintenance Vehicle, except as a Temporary Necessity or Emergency and in compliance with the notice and posting requirements described in subsection (ii) below.

i. Emergencies. Any person who experiences an Emergency that requires parking of a Recreational Vehicle within Water Valley other than in an Approved Facility must remove the Recreational Vehicle within forty-eight (48) hours after the emergency has been cured.

ii. Notice and Posting. An Owner or resident may request a limited exemption from the restrictions described above because of a Temporary Necessity. In order to request an exemption based on a Temporary Necessity, the Owner or resident must notify the Association in advance and obtain a temporary parking permit. The permit must be visibly displayed on the vehicle so it can be seen by enforcement personnel.

e) Vehicle Maintenance and Repair. No maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicle, trailer or boat may be performed anywhere in Water Valley, including in the driveways, streets, alleys, or in fire lanes. Owners/residents may perform such maintenance and repair activities in an Approved Facility upon vehicles that they own, lease, or use, provided that no unreasonably disruptive noise or noxious odor results and that Owners/residents properly dispose of any materials resulting from such activities. This does not prohibit washing, polishing, or detailing vehicles that the resident owns, leases, or uses for personal transportation.

f) Parking in Emergency Access Lanes or Other Restricted Spaces. The parking of any vehicle in any designated fire lane, emergency access lane, or other parking space in violation of posted parking restrictions is expressly prohibited. It is also prohibited to park in any manner that will prevent access to neighborhood USPS group mailboxes by the postal service or residents.

g) No Exemption for Periodic Relocation. Rotation of vehicles owned by the same Owner/resident or periodic movement of a vehicle, either under its own propulsion or by other means, for the purpose of circumventing these Rules and Regulations, will not exempt an Owner/resident or vehicle from the provisions of these Rules and Regulations.

4. **Emergency Service Providers**. There are no restrictions on the parking of a motor vehicle within Water Valley if the vehicle is required to be available at designated periods at the residence as a condition of the resident's employment and all of the following criteria are met:

a) The vehicle has a gross vehicle weight rating of ten thousand (10,000) pounds or less;

b) The resident is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency fire fighting, law enforcement, ambulance, or emergency medical services;

c) The vehicle bears an official emblem or other visible designation of the emergency service provider; and

d) Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other owners or residents to use streets, driveways, alleys, or guest parking spaces.

5. **Compliance with Laws.** In addition to the requirements of these Rules and Regulations, nothing may be done or kept in the community, or any part thereof, which would be a violation of the Town Regulations or any other applicable statute, rule, ordinance, regulation, permit, or other validly imposed requirements of any governmental body.

6. **Amendment.** These Rules and Regulations may be amended or supplemented from time to time by the Board of Directors.

7. **Authority.** These Rules and Regulations have been established pursuant to authority granted to the Board of Directors in the Governing Documents and based on authority within Colorado law.

8. **Deviations.** The Board is authorized to deviate from these Rules and Regulations, or to otherwise modify the procedures contained in these Rules and Regulations, as the Board may determine appropriate under the circumstances.

9. **No Waiver.** Failure by the Association, the Board or any person to enforce any provisions of these Rules and Regulations is not a waiver of the right to do so later.

10. **Conflicts Between Documents.** In the event of a conflict between any these Rules and Regulations and the Declaration, Bylaws or Articles of Incorporation and the Water Valley Master Association, Inc., the provisions of the Declaration, the Bylaws or the Articles apply.

11. **Enforcement.** These Rules and Regulations will be enforced in accordance with the enforcement policies and procedures of Water Valley in affect at the time of the violation.

EXHIBIT 1

**To Vehicle, Parking Rules and Regulations
Provisions Relating to “Commercial Vehicle” Definition**

Table 1	Table 2
<p align="center"><u>Types of Vehicles Considered</u> <u>“Commercial Vehicles”</u> (regardless of vehicle payload capacity)</p> <ol style="list-style-type: none"> 1. Box Vans, Box Trucks 2. Tow Trucks 3. Trucks without a Bed 4. Buses 5. Tractor Cabs 6. Tractor Trailers 7. Vehicles with two or more rear axles 8. Hazardous Material Transport vehicles 9. Taxi Cabs 10. Limousines 11. Farm equipment (Tractors, wagons, implements) 12. Heavy machinery, backhoes, graders, skid steers, or construction equipment) 	<p align="center"><u>Other Commercial Vehicle Identifiers</u></p> <ol style="list-style-type: none"> 1. Any vehicle having a manufacturer’s payload capacity rating greater than one (1) ton 2. Any vehicle that has commercial markings, logos, or signage that exceeds 20% of the vehicle’s vertical surfaces (excluding the roof, tires, wheels, hood and windshield), unless covered with unmarked magnetic sheets the same color as the vehicle body part being covered 3. Vehicles with racks, toppers that extend more than one (1) foot above the height of the cab, or panels designed to carry equipment other than personal, recreational equipment, or equipment for physically impaired 4. Vehicles with scrolling lighted signs and exterior warning lights other than standard manufacturer installed hazard lights