

# Parking Restriction and Enforcement Regulation

Adopted: March 31, 2004

Revised: 11/29/08

1. Title. This regulation shall be known as the "Parking Restriction and Enforcement Regulation."
2. Purpose. The purpose of this regulation is to: (i) set forth enforcement mechanisms, in addition to and not in lieu of any other authorized enforcement mechanisms, by which the Resort Company, the Resort Company's Security Manager, and any authorized agent or employee of either the Resort Company or its Security Manager may enforce the parking regulations that are set forth from time to time in the Beaver Creek Internal Road Regulations; and (ii) to set forth independent parking restrictions and rules for the enforcement of such restrictions. The Resort Company has the power to amend this Regulation from time to time, without notice.
3. Definitions. Unless otherwise stated, all capitalized terms used herein shall have the meanings given to them in the Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, as recorded with the Clerk and Recorder of Eagle County, Colorado, on December 27, 1979, in Book 296, at Page 446, as amended from time to time (the "Declaration") or in the Articles of Incorporation for the Beaver Creek Resort Company. In addition, as used in this regulation, the following terms shall have the following meanings:
  - 3.01 "Beaver Creek Internal Road Regulations" means that certain document titled "Beaver Creek Internal Road Regulations" that is adopted and amended from time to time by the Beaver Creek Metropolitan District, and that was last adopted by the Resort Company on March 3, 1998, and which may be adopted by the Resort Company from time to time after amendment by the Beaver Creek Metropolitan District.
  - 3.02 "District" means the Beaver Creek Metropolitan District, a quasi-municipal corporation of the State of Colorado.
  - 3.03 "Operations Manager" means the Operations Manager of the District or his designee.
  - 3.04 "Security Manager" means the Security Manager of the Resort Company or his designee.
4. Parking Restrictions. No Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall fail to comply with the parking restrictions set forth from time to time in the Beaver Creek Internal Road Regulations. Without limitation of the foregoing requirement, no Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of the Operations Manager or Security Manager, in or upon any of the following areas:
  - 4.01 Any District road, or on the shoulder of any District road, within any District right-of-way within Beaver Creek, except for such areas as may be posted with official signs that permit the parking of vehicles;

- 4.02 Any skiway in Beaver Creek;
  - 4.03 Any area that is within fifteen (15) feet of a fire hydrant;
  - 4.04 Any parking lot in Beaver Creek after 2:00 a.m. and before 5:00 a.m.;
  - 4.05 Any designated bus parking area or bus pick-up or drop-off area;
  - 4.06 Any private driveway without the permission of the owner of the driveway;
  - 4.07 Any driveway entrance to any fire station or vehicle; and
  - 4.08 Any other location if the parked vehicle interferes with the normal, safe flow of traffic.
- 4.5 Commercial Vehicle Parking Restriction. No Owner, Lessee, Subowner, Guest or business licensee shall park a commercial vehicle in or upon any private driveway or other private, unenclosed parking area of a residence or residential complex unless such commercial vehicle is so parked at the residence or residential complex on a temporary basis for the purposes of providing a service to the residence or residential complex or unless such parking has been authorized in writing by the Design Review Board, which written authorization shall state the type of vehicle permitted to be parked and the duration for which that parking is permitted. Any of the foregoing notwithstanding, in no event shall a commercial vehicle be parked in or upon any private driveway or other private, unenclosed parking area of a residence or residential complex on an overnight basis. For purposes of this section, a “commercial vehicle” shall mean and include, but not be limited to, any vehicle with a corporate logo(s), company sign, and/or other corporate or business information displayed thereon, but shall not include emergency service vehicles as described in C.R.S. § 38-33.3-106.5(1)(d).
5. Enforcement, Violations and Penalties. This regulation may be enforced by the Beaver Creek Resort Company, the Beaver Creek Resort Company Security Department, or the Beaver Creek Design Review Board, or any authorized agent of any of the foregoing. Any Owner Lessee, Subowner, Guest or business licensee of the Resort Company who violates any provision of this regulation shall be subject to a fine by the Resort Company, either directly or through the Resort Company Security Department or the Resort Company Design Review Board. Upon the first violation of any provision of this regulation, there may be a fine imposed of up to \$100 for each day during which a violation occurred or continues. Upon a second or subsequent violation of any provision of this regulation, there may be a fine imposed of up to \$200 for each day during which a violation occurred or continues. Upon the third and each subsequent violation of any provision of this regulation, there may be a fine imposed of up to \$300 for each day during which a violation occurred or continues. In lieu of any of the foregoing penalties, the party enforcing Section 4 of this regulation may, for any vehicle found to be parked in violation of Section 4 of this regulation, place a wheel boot, or other similar device designed to immobilize such vehicle, on the vehicle, or may tow or arrange for the

towing of the vehicle to a secure location. For any vehicle immobilized or towed pursuant to this section, the following penalties shall apply:

- 5.01 Upon the first instance of wheel booting, the wheel boot shall be removed only upon payment to the enforcing party of the sum of \$100; upon the second instance of wheel booting of the same vehicle or of any other vehicle parked by an individual whose vehicle has once previously been wheel booted, the wheel boot shall be removed only upon payment to the enforcing party of the sum of \$200; upon the third instance of wheel booting of the same vehicle or of any other vehicle parked by an individual whose vehicle has twice previously been wheel booted, the wheel boot shall be removed only upon payment to the enforcing party of the sum of \$300. In addition, upon the third instance of wheel booting of the same vehicle or of any other vehicle parked by an individual whose vehicle has twice previously been wheel booted, the Resort Company may, if the individual is a business licensee of the Resort Company, revoke or suspend the business license of such individual or of such entity that employs the individual, and may, if the individual is a business licensee of the Resort Company or a Guest, revoke or suspend the pass privilege described in the Beaver Creek Internal Road Regulations, all pursuant to the terms of Article IV, Section 1(d) of the Bylaws of the Resort Company; and
- 5.02 Upon the first instance of towing, the vehicle shall be released only upon payment to the enforcing party of the sum of \$200; upon the second instance of towing of the same vehicle or of any other vehicle parked by an individual whose vehicle has once previously been towed, the vehicle shall be released only upon payment to the enforcing party of the sum of \$400; upon the third instance of towing of the same vehicle or of any other vehicle parked by an individual whose vehicle has twice previously been towed, the vehicle shall be released only upon payment to the enforcing party of the sum of \$600. In addition, upon the third instance of towing of the same vehicle or of any other vehicle parked by an individual whose vehicle has twice previously been towed, the Resort Company may, if the individual is a business licensee of the Resort Company, revoke or suspend the business license of such individual or of such entity that employs the individual, and may, if the individual is a business licensee of the Resort Company or a Guest, revoke or suspend the pass privilege described in the Beaver Creek Internal Road Regulations, all pursuant to the terms of Article IV, Section 1(d) of the Bylaws of the Resort Company.

It is the intent of the Resort Company that each of the enforcement mechanisms and penalties described in this regulation shall be in addition to and not in lieu of any other enforcement mechanisms and penalties that may be available to the Resort Company. Without limitation of the foregoing, the Resort Company may seek an injunction to restrain a person from any further violation of this regulation, such remedy being in addition to all other remedies available at law, equity or otherwise.

6. Exception to Parking Restrictions. Notwithstanding any other provision of this regulation or the Beaver Creek Internal Road Regulations, the stopping, standing or parking of a vehicle at a location where such stopping, standing or parking would otherwise be prohibited by this regulation or by the Beaver Creek Internal Road Regulations shall not constitute a violation of this regulation if the Security Manager or Operations Manager has provided advance written authorization for such stopping, standing or parking. Such

advance written authorization may only be provided by the Security Manager or Operations Manager if the purpose of the request for authorization is to accommodate a social or special event of limited duration and the Security Manager or Operations Manager determines that the stopping, standing or parking requested does not pose an unreasonable impediment to the operation or safety of the road or road right-of-way in question.