



RECEPTION#: 644695, R: \$28.00, D: \$0.00

DOC CODE: AMEND DEC

Pg 1 of 4, 01/24/2018 at 03:24:08 PM

Janice K. Vos Caudill, Pitkin County, CO

AMENDMENT TO THE DECLARATION OF ANNIE MITCHELL HOMESTEAD CONDOMINIUM ASSOCIATION, INC.

Motor Vehicles and Parking within the Association

WHEREAS, the Annie Mitchell Homestead Condominium Association, Inc. (the "Association") is a Colorado nonprofit corporation, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Condominium Declaration of Annie Mitchell Homestead Condominium Association, Inc. ("Declaration"), at Sections 4.2 and 4.8 provides the Association with the power to enforce the deed restrictions and covenants contained within the Declaration previously recorded at Reception number 504394; and,

WHEREAS, the following rules, regulations and enforcement procedures for motor vehicles and parking within the Association provide clarification of and are in addition to Section 7.17 Parking in the Declaration.

NOW THEREFORE, the Board adopts the following amended rules, regulations and enforcement procedures for motor vehicles and parking within the Association;

MOTOR VEHICLES AND PARKING

7.16. Limited Common Elements: The limited common elements shall include, without limitation, one assigned parking space in the parking garage, and one assigned storage space...

7.17. Parking: Outdoor overflow parking is limited to personal vehicle parking only. This area shall not be used for recreational vehicles, boats, campers, or for other similar purposes.

Amended as follows:

7.16. Delete ", without limitation, one assigned parking space in the parking garage, and"

7.17. Parking: Outdoor overflow parking is limited to personal vehicle parking only. This area shall not be used for recreational vehicles, boats, campers, or for other similar purposes except as regulated by the Association.

7.17.1. Definition of a vehicle:

7.17.1.1. For the purposes of determining the applicability of this section, a vehicle is defined as a self-propelled contrivance capable of transporting a person or persons or any material.

7.17.2. All vehicles on the property of the Association are subject to governance under this Section 7.17.

7.17.3. Without limiting any of the aforesaid provisions of this Section 7.17, the Association shall have the right, at any time from time to time, to promulgate, enact, adopt, amend, repeal, reenact and enforce restrictions, requirements or other regulations having to do with parking of vehicles.

7.17.4. Parking of recreational vehicles, snowmobiles, boats, trailers, motor homes, buses, campers, dirt bikes and other similar vehicles or recreational devices may be regulated by the Association through Rules adopted by the Board from time to time. These Rules, however, shall not restrict trucks or other commercial vehicles which are necessary for onsite construction, maintenance, repair or replacement of any property in the Community, or any Improvements located thereon; nor shall such restriction prohibit vehicles that may be otherwise parked as a temporary expedient for loading, delivery or emergency.

7.17.5. In the event the Association shall determine that a vehicle is parked or stored in violation of this Section 7.17, then a written notice describing said vehicle shall be personally delivered to the owner thereof (if such owner can be reasonably ascertained) or shall be conspicuously placed upon the vehicle. If the vehicle is not removed within a reasonable time thereafter, as determined by the Association in its discretion from time to time, the Association shall have the right to boot and/or remove the vehicle at the sole expense of the owner thereof.

7.17.6. The Executive Board, acting on behalf of the Association, shall assign to each Unit one (1) garage space, which shall be classified as a General Common Element and not a Limited Common Element, for the use by the occupants of such Unit. The Association shall maintain accurate records of the assignment of such garage spaces to Units.

7.17.7. All other parking spaces located in the Association, which are not designated as assigned garage spaces, shall also be designated as General Common Elements which the Executive Board may regulate the use of through the adoption of Rules which may be amended from time to time.

7.17.7.1. Subject to Section 7.17.11.1, owners may park additional vehicles outside the garage in any available space without charge.

7.17.7.1.1. The Association is not responsible for providing or ensuring an exterior parking space is available.

7.17.8. The public roadway within the Association shall not be used for vehicular parking nor shall any designated fire lanes or any other designated no parking areas.

7.17.9. Owner Parking:

7.17.9.1. Owners shall regularly park at least one vehicle entirely in a covered garage parking space assigned to their Unit. Regular, continued use of the garage parking is required to allow for use of any outside spaces in any form by an owner or guest.

7.17.9.2. Owners shall not store personal property in their assigned parking space which prevents the parking of vehicles entirely in that space.

7.17.9.3. Every vehicle owned or regularly used by Owners or their regular guests must display an Association parking permit. Failure to display a parking permit may result in fining and/or towing, as applicable. Motorcycles are exempt from displaying a parking permit but must still register with the Association.

7.17.9.4. A copy of the vehicle's current Colorado registration in the name of the Owner must be provided at the time of registration for an Association parking permit. If a homeowner has extenuating circumstances that precludes providing vehicle registration in the name of the owner, a written request will need to be made to the HOA Board of Directors for review. A request for exemption from this requirement does not guarantee issuance of an Association parking permit.

7.17.10. Visitor Parking:

7.17.10.1. Any visitor/guest parked in an outdoor space for more than four (4) hours is required to display the Owner's guest placard. Owners are responsible for notifying their guests of the Association's parking restrictions.

7.17.10.2. If an owner's assigned garage space is available, their visitor may park in that owner's assigned space.

7.17.10.3. No guest shall park in one or more outdoor spaces for more than a total of Ten (10) days in a three month period.

7.17.10.3.1. If it is anticipated that a visitor/guest will exceed Ten (10) days in a three month period, the Owner who is hosting the guest shall notify the Association to request permission to exceed the allotted parking time per period, and the guest may be required to rent a space for the additional time.

7.17.11. Fire Lanes and Emergency Access:

7.17.11.1. The parking of any vehicle, van, truck, motorcycle, trailer, camper and the like in any fire lane or emergency access lane, is expressly prohibited and shall constitute an emergency for towing purposes. Violation of this rule may result in immediate fining and/or towing of the vehicle.

7.17.12. Prohibited Vehicles and Activities:

7.17.12.1. Recreational Vehicles: Parking of all vehicles must be entirely within a parking space.

7.17.12.2. Abandoned or Inoperable Vehicles: No abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked in the Association. An "abandoned or inoperable vehicle" is defined as any automobile, truck, motorcycle, or other similar vehicle that does not have a current registration and license plate sticker, or which has not been driven under its own propulsion for a period of seventy- two (72) hours or longer, or which does not have an operable propulsion system installed within it. Vehicles parked by Owners while on vacation or during a period of illness, shall not be deemed abandoned. Violation of this rule may result in fining and

towing, as applicable.

7.17.12.3. Vehicle Maintenance and Repair: No non-routine maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind on any vehicle, trailer or boat may be performed or conducted anywhere in the Association, including on the streets or in fire lanes. However, this rule shall not prevent the washing and polishing of any vehicle in the Association.

7.17.12.4. Charging of Electric Vehicles: Any electric vehicle that is charged from any electrical source originating from the storage Unit or other common element electrical outlet of an Owner must have a mechanism in place to track electricity usage. The owner must reimburse the HOA for electric costs incurred due to charging from a common element electric outlet. If the owner fails to track the cost the HOA will bill a reasonable charge to the owner. Furthermore, an Owner wishing to charge an electric vehicle within the Association by using a charging station, shall after first obtaining written permission from the Association, have a charging station installed at the parking space designated for their Unit at the sole expense of the Owner. The Owner shall comply with all written requirements of the Association relative to the type and installation of the charging station and shall indemnify and hold the Association harmless from any and all liability relating in any manner whatsoever to the charging station.

7.17.13. Booting, Towing, and Fines:

7.17.13.1. 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 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.

7.17.13.2. Subject to applicable laws and ordinances, any vehicle parked or stored in violation of these rules may be booted or towed by the Association at the sole risk and expense of the owner of the vehicle or the Association owner associated with the vehicle. The Association shall not be liable to the owner or guest of an owner of such vehicle for trespass, conversion, damage to the vehicle or its contents or otherwise, and shall not be guilty of any criminal or civil act, and such towing shall not be grounds for relief of any kind.

7.17.13.3. In addition to any booting or towing expenses which the vehicle owner may incur, the Owner shall also be subject to fine assessments imposed by the Association as follows, to supersede the Enforcement Policy without the right to prior notice or a hearing:

- 7.17.13.3.1. First offense/violation: \$35.00 fine
- 7.17.13.3.2. Second offense/violation: \$65.00 fine
- 7.17.13.3.3. Third offense/violation: \$85.00 fine

7.17.14. Habitual Offenders:

7.17.14.1. Anyone 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 fine in accordance with these Rules and Regulations, habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, shall all be subject to the maximum fine 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.

7.17.15. Owner Responsible for Fines:

7.17.15.1. Owners are responsible for notifying their guests of the Association's parking restrictions. The record Owners of real estate to the Declaration shall have the primary obligation to pay fines imposed for their actions and actions of themselves, their tenants, and guests.

7.17.16. Exemptions and Exceptions:

7.17.16.1. Rotation of vehicles 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 or vehicle from the provisions of these Rules.

7.17.16.2. Exemption of Parking Fees. An Owner who is an active member of the Aspen Volunteer Fire Department, the Aspen Police Department or the Pitkin County Sheriff's Department with a current emergency vehicle tag shall be exempt from paying for one (1) additional parking space for use of their vehicle in conjunction with their duties. An annual letter from the appropriate


agency must be submitted to the Association to receive the parking fee exemption. This spot may be specifically assigned by the Association.

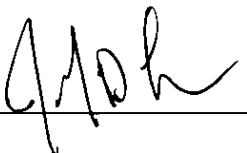
7.17.17. No Waiver:

7.17.17.1. 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.

The undersigned hereby certify that the foregoing Resolution was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association held on the 16 day of January, 2018.

ANNIE MITCHELL HOMESTEAD CONDOMINIUM ASSOCIATION, INC.

By: 
President

Attested: 
Member