RESOLUTION
OF THE BOARD OF DIRECTORS OF
WARD TOD METROPOLITAN DISTRICT NO. 1

ADOPTING PARKING RULES AND REGULATIONS

WHEREAS, the Board of Directors (the "**Board**") of Ward TOD Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the "**District**"), has determined that it is in the best interest of the District and the residents and property owners of the District to adopt parking rules and regulations in order to preserve and protect public property owned or operated by the District and to prohibit activities that interfere with the use and enjoyment of such property; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board of the District is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, pursuant to § 32-1-1001(n), C.R.S., the Board is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to fix and impose fees, rates, tolls, charges, and penalties for services or facilities provided by the District; and

WHEREAS, pursuant to § 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the District may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management or supervision, regarding place, time, and manner of vehicle use on public property owned or operated by the District; and

WHEREAS, pursuant to § 18-9-117 (2), C.R.S., such limitations or prohibitions must be prominently posted at all public entrances to such property or such notice must be given by an officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce the limitations, restrictions, or prohibitions; and

WHEREAS, the Board has determined that it is in the best interest of the District and its property owners and taxpayers to adopt parking rules and regulations in order to provide for the preservation of the health, safety, and welfare of residents, property owners, taxpayers, and the general public.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. Adoption of Parking Rules and Regulations. The parking rules and regulations attached hereto as **Exhibit A** and incorporated herein by this reference (the "**Parking Rules and**

Regulations") are hereby adopted pursuant to § 32-1-1001(1)(m) and § 18-9-117, C.R.S.

2. Variances. The Board hereby authorizes the district manager or general counsel to grant written variances for good cause shown.

3. Amendment. The District expressly reserves the right to amend, revise, redact, and/or repeal the Parking Rules and Regulations adopted hereby in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the District. The foregoing shall specifically include, but not be limited to, the right to adopt new parking rules and regulations and/or policies and procedures as may be necessary, in the Board's discretion.

4. Effective Date. The provisions of this resolution shall take effect as of the date of this resolution.

5. Severability. If any term or provision of this resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the resolution or parking rules and regulations, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid, or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

[Signature page follows.]

RESOLVED AND ADOPTED this 19th day of January, 2023.

WARD TOD METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado

Ben Both
Ben Both (Jan 23, 2023 08:07 MST)

Officer of the District

ATTEST:

Chris Ferguson
Chris Ferguson (Jan 20, 2023 15:50 MST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Megan J. Murphy

General Counsel to the District

Signature page to Resolution Adopting Parking Rules and Regulations.

EXHIBIT A
Parking Rules and Regulations
Adopted January 19, 2023

The following Parking Rules and Regulations are hereby approved and adopted by the Board of Directors of Ward TOD Metropolitan District No. 1:

ARTICLE I. AUTHORITY AND APPLICABILITY.

A. Pursuant to § 32-1-1001(1)(m) and § 18-9-117, C.R.S., the District has the authority to place, time, and manner of vehicle use on public property owned or operated by the District as shown on the maintenance map included with this Resolution as **Exhibit A-1**, including alleyways, streets, roadways, sidewalks, parking facilities, streetscaping, landscaping, other public rights of way, and common areas.

ARTICLE II. DEFINITIONS.

Camper Trailer: means any wheeled vehicle, without motive power, which contains living or sleeping quarters and which may occasionally be drawn over the public highways by a Motor Vehicle and may be licensed as a vehicle.

Commercial Vehicles: means commercial vehicles as such term is defined by § 42-4-235, C.R.S, as well as vehicles with visible commercial writing on their exteriors and vehicles primarily used or designed for commercial purposes.

District: means the Ward TOD Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado.

District Manager: means the property manager contracted by the District to manage the day to day operations of the District.

Inoperable Vehicle: means any Vehicle which does not have an operable propulsion system installed therein, is missing parts or equipment necessary to operate the Vehicle or is not currently registered and licensed.

Motor Vehicle: means all forms of any self-propelled vehicle designed primarily for travel on the public highways, including but not limited to (a) passenger automobiles of all types; (b) Commercial Vehicles; and (c) motorcycles.

Motor Home: means any self-propelled vehicle with living or sleeping quarters contained therein, which is more than 22 feet in length or, if the vehicle itself is less than 22 feet in length, is connected to any boat, Trailer, or Camper Trailer which, in combination, exceeds 22 feet in length.

Off-Highway Vehicles: means any off-highway vehicle, as defined in § 42-6-102(11.5), C.R.S., including but not limited to toy vehicles, golf carts, and all-terrain vehicles.

Towing Service: means a company contracted by the District to remove a Vehicle that is parked illegally otherwise in violation of these Parking Rules and Regulations.

Trailer: means any wheeled vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Vehicle: means any Camper Trailer, Commercial Vehicle, Inoperable Vehicle, Motor Vehicle, Motor Home, Off-highway Vehicle, and Trailer.

ARTICLE III. RULES AND REGULATIONS.

A. It shall be unlawful for any person to:

1. Park any Vehicle on any District property designated as "No Parking";

2. Park any Vehicle on any District property for a period exceeding twenty-four (24) hours unless prior permission is obtained in writing from the District Manager;

3. Park any Vehicle upon any District property designated as a fire lane;

4. Park any Vehicle upon any District property in a manner that may obstruct the free movement of traffic; or

5. Park any Vehicle upon any District property for the purpose of repairing the Vehicle, except in circumstances when emergency repairs are necessary to remove the Vehicle from District property.

B. Penalty for Violations:

1. Written Notice. The District shall cause a written notice to be issued on any Vehicle in violation of this Article III. The notice shall contain the following information:

a. The date and time the notice is issued;

b. A description of the Vehicle and the Vehicle's license plate number, if applicable;

c. A description of the violation that has caused the notice to be given;

d. A statement that the Vehicle will be towed without consent or further notice if the violation continues; and

e. The date and time the Vehicle will be towed if it is not moved.

2. Towing. If the violation continues for more than twenty-four (24) hours following the issuance of the notice, the District may cause the Towing Service to remove and impound the Vehicle at the owner's sole cost and expense.

3. Fines for Repeated Violations. In addition to towing, any repeated violations of the Parking Rules and Regulations in a six (6) month period may result in a fine of $100 for the second violation and $250 for the third violation and each subsequent violation thereafter against any associated homeowner or resident of a home within the District's boundaries, if the owner or operator of that Vehicle can be readily identified as such homeowner or resident. The District may collect such penalties, charges, costs and fees by any means authorized by law.

4. Records. The District may maintain a database of all violations and Vehicle descriptions, plate numbers, and disposition. The District will retain these records indefinitely for its sole use.

EXHIBIT A-1
Parking Rules and Regulations
Adopted January 19, 2023
Maintenance Map

