

CHESHAM VILLAGE P.U.D. INC.
Parking Policy

Adopted on 09/17/2020

Reason for the Parking Policy:

1. Chesham Village currently has very limited parking in the Project. There are 83 Units, 34 Visitor Parking Stalls, narrow private streets, and no driveways. Without a detailed and enforced parking policy, contention and disruption will continue to increase in the community. Accordingly, it is in the best interests of all Owners, residents, visitors and the Association to adopt this Parking Policy. Owners, residents and potential purchasers are encouraged to evaluate the viability of residing in Chesham Village with the intent to utilize multiple or large vehicles.

Legal Authority:

1. Article IV, section 4.5 of the Declaration states as follows:

4.5 **Compliance with Covenants and Restrictions and Rules and Regulations.** Each Owner and Owners' guests shall comply with the covenants and restrictions imposed by this Declaration on the use and enjoyment of the Common Area. Further, each Owner and Owners' guests shall fully and faithfully comply with the rules, regulations and restrictions applicable to use of the Common Area, as such rules, regulations and restrictions are from time to time adopted by the Association for the safety, care, maintenance, good order and cleanliness of the Common Area.

2. Pursuant to Article IV, section 4.5 of the Declaration and the Act, the Association is empowered to adopt rules and regulation governing the Project and otherwise engage in the governance set forth in this Parking Policy.
3. The Association has already adopted set of Rules for the Project.
4. Except as otherwise expressly provided in this Parking Policy, the Rules remains in full force and effect without modification. Notwithstanding, this Parking Policy hereby supersedes and replaces all prior rules, policies and/or resolutions related to the subject matter contained herein.
5. In the case of any conflict between the provisions of this Parking Policy and the provisions of the Declaration or Rules, this Parking Policy shall control. In the case of any existing provision with the Declaration or Rules that could be interpreted as prohibiting the modifications set forth in this Parking Policy, such provision is hereby modified in order to accomplish the purpose and intent of this Parking Policy.

Definitions:

1. "Act" shall refer to the Utah Community Association Act, Utah Code 57-8a-101 *et. al.*
2. "Association" shall mean the Chesham Village P.U.D., Inc., a nonprofit corporation organized under the laws of the State of Utah.
3. "Authorized Agent" shall mean such third-party contractors, and their employees and agents, which provide towing services in Chesham Village. Authorized Agent may also refer to professional managers, attorneys and other professional retained by the Association.
4. "Board" shall mean the Board of Directors of the Association.
5. "Declaration" shall mean the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Chesham Village P.U.D. recorded on March 31, 2017 in the Davis County Recorder's Office as Entry No. 3011463.
6. "Overnight" shall mean the hours between 12 a.m. to 6 a.m.
7. "Project" or "Chesham Village" shall mean and refer to all real property and Lots with Chesham Village.
8. "Rules" shall mean the previously adopted Chesham Village P.U.D. Home Owners Association Rules and Regulations.
9. "Vehicle" is defined broadly as any motorized vehicle regardless of type or size. The Board also defines the following sub-categories of vehicles to assist in the interpretation and enforcement of the Declaration and this Parking Policy, supplementing and interpreting those definitions and provisions within Articles 9.4 and 9.12 of the Declaration.
 - a. "Boat" is defined broadly to include all types of watercraft including jet skis.
 - b. "Commercial Vehicles" shall mean "Large Trucks."
 - c. "Large Trucks" means any vehicle over 21 feet in length, 7 feet in height, or 7 feet in width.
 - d. "Recreational Vehicle" as defined in Article 9.4 of the Declaration, as supplemented by this Parking Policy.
 - e. "Trailer" is defined broadly to include utility trailers, travel trailers, camper trailers, fifth wheel trailers, enclosed trailers, toy and equipment trailers, and all other types of trailers.
 - f. "Forty-eight (48) Hour Time Limit" is defined to mean 48 hours for the purpose of unloading and loading Recreational Vehicles.
10. "Visitor" shall mean an individual(s) that is visiting an Owner or resident on a temporary basis and not overnight. Unassigned Visitor Parking Spaces are intended for Visitors. If a guest is staying for a longer period or overnight, a permit should be obtained from the

Association for any extended or overnight parking in the Unassigned Visitor Parking Spaces.

Pursuant to the foregoing, the Board hereby adopts the Parking Policy as follows:

PARKING POLICY

1. The Declaration currently contains the following restrictions and definitions for Vehicles:
 - 9.4 **Recreational Vehicles**. No boats, trailers, motorhomes, large trucks, commercial vehicles, or the like belonging to Owners or other residents of the Property shall be parked within the Development. No motor vehicle of any kind shall be repaired, constructed, or reconstructed upon any Lot, Private Street or other Common Areas, except for emergency repairs to vehicles. Any motor recreational vehicle must be kept in an enclosed garage.
 - 9.12 **Parking**. No parking is allowed on roadways or street within the Project boundaries. This prohibition on parking on roadways and streets is for all vehicles, including but not limited to, automobiles, trucks, buses, tractors, camping vehicles, boats, bus trailers, snowmobiles, mobile homes, two, three or four wheeled motor vehicles, or other wheeled vehicles, shall be permitted to be parked on any private street. Furthermore, the Board of Directors is authorized to adopt and implement reasonable rules and regulations pertaining to parking within the Project boundaries. The Board of Directors may hire at their discretion a third party parking enforcement company to enforce any rules and regulations.
2. Rule 3.20 is hereby deleted in its entirety and replaced by the Section 3.20 below. In addition to Articles 9.4 and 9.12 of the Declaration, the following provisions are applicable to Vehicles and parking in the Project.
 - 3.20 **Storage and Parking of Vehicles**.
 - a. The Project contains signage, consistent with Utah law, for towing and impounding of Vehicles without further notice. Vehicles parked in violation of the Parking Policy may be impounded, towed and stored, at the Vehicle owner's sole expense, **without further notice**. The Association may contact Authorized Agents to enforce the Parking Policy through towing and impounding of Vehicles. The Association and Board shall be indemnified and held harmless from any loss, damage or claim caused by or arising out of the good faith enforcement of this Parking Policy.
 - b. Independent of towing and impounding, the Association may utilize fines and other enforcement mechanisms available through Utah law. In the event of this type of enforcement if sought, the Association shall follow the notice protocols required by the Declaration, Rules or the Act.

- c. No draining of Vehicle fluids allowed in the Project. No dumping of Vehicle fluids in storm drains. If antifreeze, oil, etc. is spilled, it shall be cleaned up immediately and consistent with applicable laws and regulations.
- d. Vehicles with illegal or unreasonably loud mufflers or exhaust systems are prohibited.
- e. No inoperative Vehicles shall be parked or stored in the Project.
- f. No unlicensed or unregistered Vehicles shall be parked or stored in the Project. License and registration information must be visible on Vehicles at all times.
- g. Parking of any Vehicles on the streets within the Project is prohibited.
- h. No Vehicles or Recreational Vehicles may be parked or stationed in such a manner as to block access to any residence or parking space, or so as to create an obstacle or potentially dangerous condition.
- i. Driving at speeds in excess of 15 mph is prohibited.
- j. Driving recklessly is prohibited.
- k. Parking on sidewalks is prohibited.
- l. Driving motor-powered vehicles (mini-bikes, motorcycles, go-karts, mopeds, cars, etc.) on sidewalks or landscaped areas is prohibited.
- m. No overnight parking in Unassigned Visitor Parking Stalls without a parking permit.
- n. **Large Trucks may not be parked or stored anywhere in the Project.**
- o. Parking Passes/Permits. Upon request, Owners and residents shall provide required Vehicle information in order for the Association to issue permits and establish and enforce this Parking Policy. From time to time, the Board may establish the costs for permits and replacement permits. The Board may adopt the necessary procedures and requirements for the display of parking permits.
- p. Visitor Parking. There are currently 34 Visitor Parking Spaces in the Project. The Board may identify eleven (11) of the current Visitor Parking Spaces that shall remain Unassigned Visitor Parking Spaces for Visitors and twenty-three (23) Assigned Visitor Parking Spaces that may be specifically assigned to an Owner or resident through a lottery system.


- i. The lottery system will be conducted annually on or about July 1st unless otherwise determined by the Board.
- ii. The Board may adopt specific rules and procedures with regard to the lottery system.
- iii. A permit obtained through the lottery system shall expire on the earliest of the following events: (1) the end of the annual renewal period; (2) when the Owner or resident sells or vacates the Living Unit; or (3) multiple violations of the Parking Policy.
- iv. No Owner or resident may apply for the lottery system for an Assigned Visitor Parking Space unless that Living Unit qualifies under one of the following categories:
 - 1. Three Vehicle Total. The Owner or resident is already utilizing both spaces within their garage for parking of two (2) Vehicles and they own a third vehicle;
 - 2. Two Vehicle Total. The Owner or resident is already utilizing one space in their garage for parking of one (1) Vehicle and they own a second vehicle between 18-21 feet in length; or
 - 3. One Vehicle Total. They own a single vehicle between 18-21 feet in length.
- v. No Living Unit will be eligible for more than one Visitor Parking Space.
- vi. Visitors who plan to stay longer than two weeks, must obtain special permission from the Board of Trustees.
- vii. **It is the Board's intent to lower the 23 Parking Passes available to Owners and residents over time.**

3. Failure to abide by the Parking Policy will result in enforcement action by the Association, which can include towing and impounding, fines, and other legal action. The Association may consider the appropriate enforcement response, including the response for repeat offenders of the Parking Policy. The Association may seek recovery of all attorney fees and other costs incurred in enforcing this Parking Policy.

NOW, THEREFORE, BE IT FURTHER RESOLVED, a copy of this Parking Policy shall be sent to all Owners and kept within the records of the Association.

Adopted by the Board this 17 of September, 2020.

Chesham Village P.U.D., Inc.

DocuSigned by:

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By: _____

Its: President, Board of Directors