

**Prospector Square Property Owners Association
Parking Rules & Regulations**

SECTION 1- GENERAL

1-1 CITATION.

By this instrument the parking policies of the Prospector Square Property Owners Association, Inc. as applicable to the Prospector Square Subdivision in Park City, Utah, are amended and restated, and to be known as the Prospector Square Subdivision Parking Policy Rules & Regulations (“Parking Rules & Regulations”).

1-2 APPLICATION.

These Parking Rules & Regulations, as amended and restated herein, were adopted by the Board of Directors of the Prospector Square Property Owners Association on the 24th day of September, 2019, pursuant to Section 7.2(c), Article 7 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Prospector Square Subdivision a Planned Commercial Development in Park City, Summit County, Utah, as recorded in the Office of the Summit County Recorder on July 19, 1996 as Entry No. 00458513 in Book 00979, at Pages 00311 through 00351. These Parking Rules & Regulations are applicable to all Parking Lots within the Prospector Square Subdivision. PSPOA encourages all owners to include these rules and regulations with any lease agreement.

1-3 DEFINITIONS.

As used in these Rules & Regulations, the following terms shall have the meanings stated, unless the context clearly requires a different meaning:

a) ASSOCIATION. The Prospector Square Property Owner’s Association as incorporated in the State of Utah by its charter and by-laws as amended and restated, including its property manager and all duly authorized agents and employees.

b) BOARD. The Board of Directors of the Association, acting on behalf of the Association.

c) COMMERCIAL VEHICLE. Any automobile, truck, van or motorcycle that is used on a regular basis in conjunction with the operation of the business of an Occupant Owner or Tenant located in the Prospector Square Subdivision, which is not the personal Motor Vehicle of the Occupant Owner or Tenant.

d) EMPLOYEE. Any individual that is employed by an Occupant Owner or Tenant located in the Prospector Square Subdivision who must Park their Vehicle for Extended Hours in order to fulfill their work obligations.

e) EXTENDED PARKING. Any parking of a Vehicle that occupies a parking stall overnight, defined as Midnight to 6 a.m.

f) INVITEE. A customer, client, guest, business associate, service provider or member of the public to whom the commercial or residential premises at Prospector Square are held open for patronage, use or service. Invitee includes Owners who don’t occupy their property.

g) MOTOR VEHICLE. Any automobile, truck, van, motorcycle, recreational vehicle, or any other similar equipment or means of conveyance of persons or cargo that takes up no more than one parking stall and is not a Commercial Vehicle or Non-Motorized Equipment. (As the context requires, the term “Vehicle” may be used collectively, referring to both Motor Vehicles and Commercial Vehicles.)

h) NON-MOTORIZED EQUIPMENT (“EQUIPMENT”). Any transient or recreational type equipment that is non-motorized and is so designed as to require a Vehicle for mobility, including but not limited to coupled or uncoupled trailers (e.g. watercraft and snowmobile trailers, OHV trailers, travel trailers), and other similar non-motorized equipment belonging to or being used by any Occupant Owner, Tenant, Employee or Invitee to the Prospector Square Subdivision.

i) OCCUPANT OWNER. The owner of property in the Prospector Square Subdivision who/which

occupies that property, either personally or through an entity in which the owner has a substantial ownership interest, for commercial or residential use.

j) **OVERSIZED VEHICLE.** Any Vehicle that occupies more than one (1) parking stall due to its size and/or any Vehicle greater than 9' wide or 18' long.

k) **PARK OR PARKING.** Stopping, standing, or leaving a Motor Vehicle, Commercial Vehicle or Non-Motorized Equipment in a fixed spot or location on a Parking Lot for any length of time, whether attended or unattended.

l) **PARKING LOT.** Any parking area, whether at street surface level or below grade, which is located within the common areas of Prospector Square. Parking Lot shall also have the same meaning as defined in Article 1, Section 1.9 of the Amended and Restated Declaration.

m) **PARKING PERMIT.** A permit to allow Extended Parking in Parking Lots between midnight and 6am, validly issued by the Board in accordance with the terms of these Rules & Regulations. Parking Permits are non-transferrable.

n) **PROSPECTOR SQUARE.** The Prospector Square Subdivision, according to the official plat thereof on file in the office of the Summit County Recorder, and as further defined in the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Prospector Square Subdivision, as both may be amended from time to time.

o) **TENANT.** Any person or entity occupying property within Prospector Square pursuant to a current lease or other tenancy agreement.

p) **RESTRICTED PARKING STALL.** Any Parking stall that the Association determines, in its sole discretion, should be restricted to accommodate time limitations, delivery only or other special uses.

q) **GUEST PERMITS:** At its sole discretion, the Association may adopt a guest permit program.

1-4 PARKING PROVIDED BY ASSOCIATION.

The Association owns and maintains Parking Lots for daily use by Occupant Owners and Tenants of property in Prospector Square, along with their Employees and Invitees. Only Parking activity is allowed on Parking Lots and only in parking stalls designated by lines painted on the pavement. No parking stall may be restricted for a specific use or otherwise reserved by the Association or any Occupant Owner, Tenant, Employee or Invitee, except for Restricted Parking Stalls or handicapped stalls, loading zones, overnight parking stalls or other similar restrictions and reservations as required by applicable law or otherwise deemed appropriate for restriction or reservation by the Association. Any parking by persons at Prospector Square not present in the capacity of an Occupant Owner, Tenant, Employee or Invitee, and for purposes of utilizing public transportation and/or attending events outside Prospector Square is prohibited and is subject to fines and towing.

It is the policy of the Association to maximize the availability of parking in Prospector Square. Provided however, and due to the fixed number of parking stalls and the fluctuating nature of the occupancy of properties in Prospector Square, it is essential that the Association retain discretionary authority to determine policy for the issuance of Parking Permits as current circumstances or specific situations require, and to interpret these Parking Rules & Regulations accordingly, without necessity of formal amendment.

1-5 EXTENDED PARKING.

It is prohibited for any person, including Occupant Owners, Tenants, Employees and Invitees, to Park any Vehicle or Equipment on any Parking Lot between midnight and 6am without displaying a valid Parking Permit for Extended Parking.

Extended Parking is strictly prohibited in any Restricted Parking Stalls. Removing a Parking Permit from a Vehicle or Equipment in order to Park in a Restricted Parking Stall or otherwise attempting to evade this restriction shall constitute a violation of this Subsection 1-5.

1-6 ISSUANCE OF PARKING PERMITS.

a) Authority. The Association shall be responsible to issue, manage and monitor Parking Permits and all related activities. Under no circumstances are any individuals or properties, except lodging properties approved in writing by the Association, authorized to issue, manage and monitor Parking Permits.

b) Vehicles. All Owner Occupants, Tenants, Employees or Invitees that park between midnight and 6am must display a valid Parking Permit on their Vehicle or Equipment. Lodging properties, upon approval by the Association, may issue temporary parking passes for their Tenants and Invitees (but not Employees or Owner Occupants) These passes must contain the expiration date of the permit which shall not be greater than twenty-eight (28) days from issuance and must include the check-out date. Tenants and Invitees staying longer than 28-days must obtain a Parking Permit from the Association. Temporary parking passes issued by lodging establishments must conform to a pre-approved format and contain the following information: Logo of lodging establishment, last name of vehicle owner, cell phone number of owner and check-out date. The Association, at its discretion, may grant a lodging property the authority to issue permits to its overnight Employees if such property has an on-site human resources office. Such Employees will be issued standard Parking Permits with permit numbers and name reported to the Association weekly.

c) Vehicle Permits. Each Occupant Owner and/or each Tenant may request up to three (3) Parking Permits for separate Vehicles to be operated within any Parking Lot by that Occupant Owner or any Tenant. At the Association's discretion, additional Parking Permits for Commercial Vehicles can be approved, subject to additional fees. Parking Permits will not be issued for limos, shuttles or taxis, unless such vehicle is directly associated with a lodging business with its main office located within PSPOA. In the event that a residential property has private parking on-premises, the amount of Parking Permits issued to an Occupant Owner or Tenant shall be reduced by the amount of parking allocated to an Occupant Owner or Tenant in that private parking facility.

d) Oversized Vehicles. Parking an Oversized Vehicle in a Parking Lot is strictly prohibited without a valid Parking Permit and written approval by the Association, which may require additional or modified terms and fees for the Parking Permit, determined in the Association's sole discretion.

e) Vehicles, including RVs and Vans, with sleeping quarters (beds, cots, etc) are discouraged in Prospector Square and owners of such vehicles are encouraged to make other arrangements for storage of such vehicles outside of Prospector Square. When such vehicles are parked in Prospector Square, any curtains or privacy screens must remain open. No overnight sleeping is allowed in Vehicles. Vehicles are prohibited from being used for storage. The Parking Permit for any Vehicle being used for storage and not for transportation will have their Parking Permit revoked and the Owner will be subject to fines and the Vehicle to towing.

f) Non-Motorized Equipment. Parking Non-Motorized Equipment in a Parking Lot is strictly prohibited, except when used for construction purposes on owner's property. In such cases, a valid Parking Permit and written approval by the Association is required. Approval by the Association may require additional or modified terms and fees for the Parking Permit, determined in the Association's sole discretion. Due to parking demand, trailers are discouraged in Prospector Square and at all-times must be attached to a Vehicle.

g) Bicycles are not considered Non-Motorized Equipment and do not need a Parking Permit. Bicycles parked outside are required to obtain a city permit available at:

<https://www.parkcity.org/departments/police/sports-equipment-registration/bicycle-registration-form>

Bicycles without permits are subject to disposal.

h) All Parking Permits shall be prominently displayed on the lower left windshield of the permitted Vehicles and Equipment at all times when located in a Parking Lot.

i) The Association will adopt pricing for Parking Permits requiring fees, which is subject to change at any time.

j) Any stall designated as an electric vehicle charging station will be for the sole use of electric vehicles.

k) Prospector Square encourages the use of the Summit County electric bike program. The speed limit of electric bikes within Prospector Square is limited to 15 miles per hour. Prospector Square will adopt the current

Park City Municipal policy regarding electric bikes and scooters.

l) Lost Parking Permits. There shall be a fee, set annually by the Association, for lost or destroyed Parking Permits needing replacement.

m) Parking Permit holders are solely responsible for updating their contact and permit information with the Association, as well as recovering Parking Permits from Employees, Tenants, or Invitees whose qualification for and use of a Parking Permit will no longer be valid. Failure to keep contact and permit information current with the Association or failure to recover a Parking Permit from Employees, Tenants or Invitees will result in a fine according to a schedule determined by the Association.

1-7 PARKING FOR MORE THAN 7 CONSECUTIVE DAYS ON PARKING LOTS.

It shall be improper to Park any Vehicle or Equipment with a Parking Permit on any Parking Lots for more than seven (7) consecutive days, without prior permission from the Association, which must be expressly indicated on the authorizing Parking Permit. Vehicle or Equipment owners that need to Park for more than seven (7) consecutive days, for travel or other reasons, must obtain written permission from the Association and park their Vehicle or Equipment in a location designated by the Association. Moving a Vehicle or Equipment from one parking stall to another or otherwise attempting to evade this restriction shall constitute a violation of this Subsection 1-7. Vehicles and Equipment may be required to move more often or at certain times subject to the Association's needs such as snow removal, asphalt work, etc.

1-8 USE OF PARKING LOTS FOR CONSTRUCTION VEHICLES AND STAGING.

Any Parking or use of Parking Lots in connection with construction, remodel, staging of construction vehicles, dumpsters or equipment or improvement activities or other special use by an Owner or Tenant, or their agent or representative, must be approved in writing in advance by the Association, which writing shall indicate, at a minimum, the specific duration, type, location and cost of any such use. Use of parking stalls for such purposes is subject to staging fees at the Association's discretion.

1-9 SNOW REMOVAL AND MOVEMENT OF VEHICLES

Any Vehicle parked at Prospector Square should be moved regularly from Dec. 1 to April 1 to accommodate snow removal. Parking lots are subject to overnight closure to enhance snow removal. At least 24-hours notice will be given by signage, emails or other means before such closure. During the remainder of the year, vehicles must be moved every seven days (see Section 1-7 above). Any exception must be approved by the Association. Violators are subject to tow. Parking Permit holders may also be required to relocate their Vehicles with less than 24-hours notice.

1-10 ENFORCEMENT.

The Association is authorized to enforce these Rules & Regulations as provided herein and by all other lawful means, including without limitation ticketing, towing or booting a Vehicle or removing Equipment. The Association shall have full discretion in managing Parking at Prospector Square and in interpreting these Parking Rules and Regulations. Any costs associated with such enforcement are the sole responsibility of the Vehicle owner. The Association shall have the discretion to set or approve ticket or fine amounts to the full extent permitted by law. The Association shall have no liability for damage to or destruction in any manner of Vehicles or Equipment, nor for any personal property located within or without such Vehicles or Equipment, which may result from the enforcement of these Parking Rules and Regulations. The agents, representatives and independent contractors of the Association with the authority to enforce these Rules & Regulations shall have the discretion to take collection or other enforcement action in accordance with their own policies or as

otherwise permissible under applicable law. The Association shall not be responsible for any consequential damage occurring as result of such enforcement action by contractors.

1-11 VEHICLE OWNER RESPONSIBLE FOR VIOLATION.

The registered owner of any Vehicle or Equipment which is Parked in Prospector Square is deemed to be in control of the Parking of that Vehicle or placement of that Equipment in any Parking Lot, whether personally or vicariously through the registered owner's agent or other permittee. By allowing a Vehicle to be Parked or Equipment to be placed in a Parking Lot in Prospector Square, the owner thereof is deemed to have subjected themselves to these Parking Rules & Regulations and is deemed to be responsible for the violation thereof. It shall not be a defense to liability for the payment of any ticket or fine assessed, permit revocation, or other enforcement remedy taken, including attorney fees, that the owner of the Vehicle or Equipment in violation did not personally commit that violation or did not have knowledge of the Parking Rules & Regulations.

SECTION 2 - STANDARD PARKING REGULATIONS

2-1 PARKING PROHIBITED IN CERTAIN PLACES.

It shall be a violation for any person to Park a Vehicle or Equipment, in any of the following places on a Parking Lot:

- a) On or across a sidewalk;
- b) At any place marked in any manner as a no-parking zone;
- c) In a manner that obstructs snow removal;
- d) In any stall designated "Handicapped", or otherwise reserved for the mobility disabled under the qualifications of the Americans with Disabilities Act, when not displaying proper distinguishing license plates or other government approved placards or permits indicating that an occupant or user of said Vehicle or Equipment is mobility disabled under the qualifications of the Americans with Disabilities Act or other similar law; or
- e) In any Restricted Parking Stall in violation of the applicable restriction or designation for that stall.

2-2 PARKING MAY NOT OBSTRUCT TRAFFIC.

It shall be prohibited to Park a Vehicle or Equipment on a Parking Lot in any manner that obstructs the street, refuse containers, sidewalks, driveways or loading zones and impedes the free movement of vehicular or pedestrian traffic, removal of refuse or delivery of goods in Prospector Square.

2-3 PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be prohibited to Park a Vehicle or Equipment on any Parking Lot for the following purposes:

- a) Displaying the Vehicle or Equipment for sale;
- b) Servicing, cleaning and/or repairing the Vehicle or Equipment, except to the extent necessary in an emergency to move a disabled such Vehicle or Equipment;
- c) Displaying of advertising;
- d) Selling food or other merchandise, or soliciting orders for food or merchandise, except as specifically approved by the Association and in compliance with applicable ordinances or laws; or
- e) Camping or use of a vehicle as either temporary or permanent living quarters, abode or place of habitation either overnight or day by day, except as specifically approved by the Association and pursuant to an issued Parking Permit.

f) Storage of any Vehicle or Equipment, including using such Vehicle or Equipment as a source of storage.

2-4 CONDITION OF UNATTENDED VEHICLES.

Any Vehicle or Equipment parked in any Parking Lot must be in operating condition and free of leaks, have no flat tires or otherwise present an unsightly appearance. It shall be prohibited for any person to Park any Vehicle or Equipment on a Parking Lot without stopping the engine, locking the ignition, and removing the key from the ignition.

2-5 VEHICLE WEIGHT LIMIT ON PARKING LOT D AND 3-AXLE TRUCKS.

The use of the surface of Parking Lot D is limited to Vehicles and Equipment with a total gross Vehicle weight not exceeding five (5) tons. Notwithstanding any other provision to the contrary contained herein, violation of this policy may result in a fine of not less than One Hundred (\$100) Dollars per violation, with each day not in compliance constituting a separate violation, together with liability for the cost of repairing any damage to the Lot D parking structures and associated equipment, as well as liability arising from personal injury or death resulting from the violation of this Section 2-5. Such liability for fine, damage or injury may be assessed or asserted against a member of the Association, or Owner of property in Prospector Square, and/or the Tenant of such Owner who knowingly allows its Employees, agents, contractors, subtenants, or Invitees to violate this Section 2-5. The Association may place signs referring to the weight limits and/or this provision at the entrances to Parking Lot D in accordance with Section 3-1 hereof. In addition to any other means of enforcement permitted herein, the Association is authorized to enforce the policy set forth in this Section 2-5 by any lawful means available, including, without limitation, the use of height restricting devices or equipment.

Additionally, 3-axle trucks are prohibited in any Parking Lot and use of such Vehicles or Equipment should be limited to the public roads and street-side parking of Prospector Avenue and Sidewinder Drive.

2-6 REGISTRATION AND LICENSING.

All Vehicles and Equipment must bear and display current license and registration identifications. If not so properly identified, the Association may notify the appropriate authorities or otherwise cause the removal of such unlicensed or unregistered Vehicle or Equipment.

SECTION 3 - PARKING SIGNS

3-1 SIGNS.

The location, type, and design of all Parking control signs shall be determined by and subject to the control of the Association.

3-2 SIGNAGE FOR TIME OR OTHER RESTRICTED PARKING STALLS.

At the request of an Owner or on its own initiative, the Association may designate a reasonable number of parking stalls directly in front of any building as a Restricted Parking Stall for the purpose of time limitations, delivery only or other use(s). Signage indicating any applicable restriction shall be installed directly in front of the designated parking stall(s). If no common area is available to install signage, the Owner benefitted by the Restricted Parking Stall(s) shall allow the permanent installation of such signage on that Owner's property or building. The expense for the design, materials and installation of any special restriction sign shall be paid by the Owner of the property benefitted by that signage, unless otherwise determined by the Association. The Association shall enforce such Parking stall restrictions as deemed appropriate.