

PARK EAST SQUARE RULES AND REGULATIONS

October 8, 2024

The Association has numerous easements and a common area that require usage guidelines to ensure that all residents are considerate of others' needs in order to promote and preserve harmonious living. They also protect and enhance the value and desirability of the property, as well as comply with the requirements of law and the Association's governing documents.

1. **Carports.** Each townhome has one covered carport space. Carports may only be used for functional, "street-legal" vehicles, e.g., cars, motorcycles, bicycles, and bike child carriers. Inoperable vehicles may not be parked in the carport. An inoperable vehicle is defined by state and local law as one that is wholly or partly dismantled or essential parts are missing, altered or damaged; or, it is stripped down, wrecked, junked, burned, on blocks or jacks such that the vehicle cannot be driven under its own power, which includes missing, altered or damaged engines, transmissions, wheels, broken or missing windows/ windshields, flat or missing tires, and missing fenders, hoods or trunks; and/or does not have current a license plate or validation sticker.
 - a. No more than two (2) motorcycles/motorized scooters are allowed.
 - b. No more than four (4) bicycles are allowed.
 - c. Except for the vehicles specified in this section, no other items may be stored.
 - d. Nothing shall be attached to carport posts as it may block or hinder access to a neighbor's vehicle or damage the post.
 - e. Vehicles shall not extend beyond the exterior of the carport posts nor shall they block or hinder access to a neighbor's vehicle or townhome entrance.
 - f. Cars shall be parked forward-facing in the carports. Backing in leads to more collisions with the carport posts and puts more exhaust in the carport and consequently into the townhomes themselves. Cars backed in have the gas tank closer to the townhomes, which could create an increased fire hazard.
 - g. Vehicles should not be "stored" in carports while an owner's active vehicle takes up a space in the parking lot. Vehicles must be moved every 30 calendar days or they may be considered inoperable and will be investigated.
 - h. Trailers shall not be parked in carports, except on a temporary basis up to 48 hours for loading, unloading, or other related activity.
 - i. Warming up or idling vehicles in the carport is prohibited due to noise and health and safety concerns. Vehicles should be backed out right away and warmed up outside the carport. Vehicles must always be attended to by a licensed operator as it is illegal to leave your vehicle running unattended by state law and is subject to law enforcement.
 - j. See the *Exterior Modifications* Policy for more detail on modifications to and items attached in carports, including individual electric vehicle chargers and security cameras.
2. **Parking.** Common parking spaces in each parking lot are available on an approximate ratio of ½ space for each townhome.
 - a. Parking in the parking lots is restricted to residents, guests, and contractors working at Park East Square.
 - b. The following shall not be parked or stored within the community: trailers (including but not limited to camping, boat, and hauling trailers; boats or other motor craft and accessories; self-contained recreational vehicles; and commercial vehicles. This does not apply to vehicles parked for the Association's construction or maintenance work.
 - i. The above may be temporarily parked in the parking lot for up to 48 hours to allow loading, unloading, and delivery of goods and services.
 - ii. Commercial vehicles are defined as a vehicle with one or more of the following characteristics: commercial vehicle license plates; no passenger seats (e.g., delivery vans), material or equipment extending beyond the front, rear, top, or sides of the vehicle designed to carry equipment and used to provide services; truck bed designed for commercial/industrial use; vans with extended side panels; box or cube trucks and vans;

additional lights not normally found on passenger vehicles (e.g., flashers, popcorns); business signage, advertisements, or logos.

- c. One portable storage unit (e.g., POD) or dumpster for moving or remodeling is permitted for up to one week upon preapproval by the HOA Facilities Manager or the Board. It must fit within a single space and the resident must notify all other residents, either in person or by a flyer on carport doors, before delivery.
- d. Vehicles must fit into a single parking space and may not remain unmoved for more than 10 calendar days.
- e. No parking outside of designated spaces.
- f. Vehicles with expired license plates or validation stickers, that are stripped down, wrecked, junked, wholly or partly dismantled, or otherwise inoperable as defined in Section 1 shall not be left in parking lots.
- g. Parking along Monroe Drive is regulated and enforced by the City of Boulder.

3. **Towing.** Any violation of the parking provisions of this Policy may result in a fine, after notice and an opportunity for a hearing pursuant to the Association's *Policies and Procedures for Covenant and Rule Enforcement (Enforcement Policy)*, and/or towing as provided herein.

- a. If any vehicle is parked on any portion of the Community in violation of this Section or in violation of any other rule, regulation or restrictions of the Association, a written Notice of Intent to Tow (Notice) shall be given 24 hours before towing. It shall be personally delivered to the townhome owner/resident or vehicle owner, if known or can be reasonably ascertained, and shall be conspicuously posted on the windshield of the subject vehicle.
- b. The Notice shall state a description of the vehicle, the nature of the violation, that the vehicle will be towed and the time it will be towed if it is not moved after 24 hours (or such other reasonable timeframe as may be stated on the Notice), and that continuing to park inappropriately in the same manner may lead to the vehicle being towed without notice. The Notice shall include the name and telephone number of a person to contact regarding the alleged violation.
- c. After receiving two previous notices for parking inappropriately in the same manner, the vehicle may be towed without further notice to the vehicle owner or user, and the owner thereof shall be solely responsible for all towing and storage charges.
- d. If a vehicle is parked in a fire lane, is blocking emergency access, or obstructing the flow of traffic in the parking lot, blocking or obstructing access one or more carports, or otherwise creates a hazardous condition, no notice shall be required and the vehicle may be towed immediately.
- e. Signage also shall be conspicuously placed at parking lot entrances stating that parking in violation of the rules is subject to towing at the owner's expense, the name and telephone number of the person or entity that will do the towing, and any other statutory requirements.
- f. If a vehicle is towed in accordance with this provision, neither the Association nor any officer or agent of the Association shall be liable to any person for towing and storage costs or for any claim of damage as a result of the towing activity. The Association's right to tow is in addition to, and not in limitation of all other rights of the Association, including the right to assess fines. Notwithstanding anything to the contrary in this Section, the Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow.

4. **Pets.** Household pets are allowed at Park East Square. Pet owners have the following responsibilities.

- a. Animals must be kept under control so as not to be offensive or annoying to other residents. Pet owners must ensure their pets do not attack, injure, menace, threaten, or otherwise interfere with the reasonable freedom of movement of others outside the townhome. Pet owners are responsible for personal injury or property damage caused by unruly behavior. Pet owners shall indemnify the Association and hold it harmless against loss or liability arising from their animal.

- b. All dogs must be kept on a leash at all times when on the grounds at Park East Square.
 - c. Pet owners are responsible for cleaning up after their animals immediately; the Association's property maintenance personnel do NOT do this. Owners are expected to provide their own doggy bags but they are also available in dispensers all around the property.
 - d. Excessive barking is regulated by City of Boulder ordinances.
 - e. No pet may be leashed or tied to any stationary object on the common area outside the townhome, including the patio areas.
 - f. Procedure for Complaints. Homeowners that have a complaint of any kind should call the City of Boulder Animal Control department. Complaints about violators not cleaning up after their pets may be brought to the attention of the HOA Facilities Manager who will investigate and follow the Association's *Enforcement Policy*, notifying both the violator (if the violator is a renter) and the townhome owner.
 - g. Failure to Comply. Pet owners that continually violate these rules are subject to Association fines, after notice and an opportunity to be heard, as per the Association's *Enforcement Policy*.
5. **Trash, Recycling, and Composting.** Trash is picked up once a week and recycling every other week. There are two composting dumpsters at the ends of the community for both yard waste and food scraps, which are picked up once a week. In addition, smaller portable cans have been placed in some trash rooms throughout the community. These are labeled for yard waste only – **no food scraps** are allowed.
- a. All trash (garbage and cat litter) needs to be bagged in plastic bags. The odor from unwrapped trash can be quite strong in the summer and very unpleasant for the D townhome resident, whose deck is directly above. It also attracts pests.
 - b. **Do NOT** bag recycling, but **DO** bag trash.
 - c. **Keep lids on trash, recycling, and yard waste cans closed at all times.**
 - d. **Do not discard large items** such as furniture, appliances, lumber, etc., in the trash rooms – our contractor will not take these items. **Do NOT** leave large items on the curb!
 - e. Instruction posters are posted in each trash room to guide residents on the proper disposal of recyclables and compost. Incorrect recycling turns the entire bin into trash that goes to the landfill, thus, defeating the purpose of recycling.
 - f. **Break down ALL cardboard boxes.**
 - g. **Do not place plastic bags, Styrofoam, or food in recycling bins.**
 - h. The Association's trash handler charges extra for anything that does not fit in a bin.
6. **Patio/Deck Areas.** Each townhome has an easement allowing the owner/resident exclusive use of the patio area; however, the patio area is technically owned by the Association. The area is intended for use and enjoyment, **and not for storage per covenants.** See the *Exterior Modifications Policy* for more detail on modifications to and items attached to buildings.
- a. Any items on the patio area shall be kept below the fence line height, (e.g., no tents, sheds, trellises, fence posts, or covered swings), except as stated below. Items shall be kept behind the fence and out of view to the greatest extent possible. In keeping with the covenants, the intent is to maintain a clean, neat, consistent, and aesthetically pleasing appearance. Items cannot obstruct, intrude upon, or interfere with the neighbors' views from their townhomes and the common area.
 - i. Freestanding umbrellas are allowed. Umbrellas should be closed when unattended.
 - ii. Decorative plant stands and poles with plants are allowed. Utility shelving, bookcases or cabinets, appliances, etc., are NOT permitted. They must be in good condition and well maintained during the growing season. Following the growing season, they should be removed and stored if possible.
 - iii. Hummingbird feeders inside the townhome's area are permitted, except over building entrances.
 - iv. Extensions on fence posts are NOT permitted in order to maintain a clean, consistent fence line as intended by the covenants.

- v. Hydroponic gardens, water fountains, and features are prohibited due to the large consumption of Association water. Small decorative fountains that recycle water are permitted.
- vi. The Board reserves the right, at its sole discretion, to determine what items do not meet the intent of the covenants and rules and may require their removal in accordance with the Association's *Enforcement Policy*.
- b. Hazardous objects and materials, including combustible, flammable or noxious materials or substances, are prohibited. Items with open flames (e.g., lanterns, Tiki torches, fire pits) or heating elements (e.g., patio heaters) are prohibited.
 - i. In support of the City of Boulder's Fire Code on open burning, covered gas grills, charcoal grills, hibachis, smokers, or any other open-flame cooking devices are allowed as long as they do not jeopardize the availability or unreasonably increase premiums for the Association's insurance. They must be moved 10 feet away from combustible surfaces (walls, wood decks, fences, patio roofs and columns, balconies) while in use. Propane tanks should be turned off when not in use. Electric grills are permitted and should have an extension cord that is the adequate size. Do not leave grills unattended when in use.
 - ii. Nothing shall be attached to, lean against, or block gas lines or meters.
- c. Excessive leaves and clutter up against the siding and bottom trim of the building shall be removed. Cleaning and weeding in the patio area are the responsibility of the resident - the Association does not go into patio areas to clean or to weed. Failure to maintain the area may result in enforcement action and/or assessment of costs if the Association is required to clean up the area.
- d. Patio and deck areas shall be well-kept, neat, attractive, and organized. Excessive items cluttering up the patio area making it difficult to keep clean shall not be permitted. Clutter and debris attract leaves, pests, and are a fire hazard as well as being unsightly. For example, freestanding deck boxes are a method of keeping things neat.
- e. Fixed clotheslines are not allowed. Retractable clotheslines shall be confined to patio areas only and must remain retracted when not in use.
 - i. Freestanding drying racks below fence or railing line are an alternative.
- f. Objects, including flower pots and planters shall not be placed or attached to or on top of the D townhome railings due to safety and water damage concerns. Instead, they may be placed on balcony decks.
- g. A vertical shade is permitted subject to prior approval by the Board. It must be retracted when not in use. The owner is responsible for any exterior damage to the building. Sails and awnings are prohibited, except for awnings marketed specifically for the purpose of reducing energy consumption. Such awnings require approval of an application prior to installation (refer to the *Exterior Modifications Policy*).
- h. In order to control pests, no animal feeders, including pet feeders, shall be attached to building exteriors or left in the patio area. Hummingbird feeders are the exception. In addition, food or objects that attract pests are prohibited in patio areas and on fences. The owner is responsible for pest control and any damage, which may involve other townhomes in the building.

7. **String and Ornamental Landscape Lights.** String lights are allowed to create pleasing light using low lighting levels within patio and deck areas. Owners and residents must be considerate of light trespass into neighboring patios and windows (e.g., timers that shut off lights by 11:00 p.m.). Ornamental landscaping lights are also allowed within the townhome's area but shall not be placed on the common area. The following applies to all string lights and is in accordance with applicable City of Boulder ordinances.

- a. String lights must be a single strand of white or clear bulbs, except as described below for multicolored holiday string lights. They must be strung in a neat and orderly manner. They may be strung along the inside top of a fence/railing or frame a patio/deck window or door. They shall not be suspended horizontally between the building and fences/railings or plants inside or outside the patio area.

- i. Lights shall not exceed 50 lumens per bulb (7-watt C7 incandescent bulb [night light bulb size]) or a string of lights that does not exceed 8.4-watt C3 (holiday light bulb size).
 - ii. No blinking, flashing, revolving, or flickering lights are permitted.
 - b. Multicolored holiday string lights are allowed on patio and deck areas and building exteriors between November 15th and January 30th of the following year only and must be removed for the remainder of the year, in compliance with the City of Boulder outdoor lighting ordinance.
 - c. Ornamental landscape light fixtures must be low voltage (12 volts or less) or low wattage (less than 100 lumens).
8. **Storage.** Each townhome has an assigned storage closet. Carports, patios or decks, hallways, and stairways or stairwells are not to be used for storage per the covenants. Combustible, flammable, or noxious liquids and materials shall not be stored in closets or under stairways (e.g., fire wood, wooden furniture or shelving). No items shall be attached to the stair railings, gas lines, utility boxes, piping, or any other building feature e.g., carport columns. Each storage closet has a single light bulb, electricity for which is paid for by the Association. No additional light bulbs, extension cords, or any other electrical device may be connected to this light socket.
- a. D townhome residents shall ensure access to irrigation clocks and utilities (see above) in the stairwell is clear and nothing extends into the hallway or blocks the stairway. They are also reminded that the stairway is the only egress from the D townhome and must comply with City of Boulder fire and safety regulations.
9. **Garden Areas.** These are areas adjacent to the townhome. The original landscaping consists of 1-3 shrubs, usually junipers, and rocks, and is maintained by the Association maintenance personnel.
- a. If a garden has been modified from the original, owners are responsible for the watering, weeding, pruning, trimming, leaf pickup, removal of dead or diseased materials, and other maintenance of the garden. Gardens must be kept free of clutter, debris, and unsightly materials. Failure to maintain the modified garden may result in enforcement action, assessment of costs if the Association is required to clean up, and/or the Association resuming control of the area.
 - b. If an owner no longer wishes to maintain a modified garden area, they shall notify the Association.
 - c. Installation of new gardens, plants or trees, landscaping materials, or changes to existing areas must be preapproved by the Board, including the list of living and non-living materials and any request to extend beyond the patio area into the Common Area. (See *Exterior Modifications Policy* for application process).
 - d. Decorative items in garden areas should be limited; excessive items cluttering up the garden area is not permitted. The Board reserves the right, at its sole discretion, to determine what items do not meet the intent of the covenants and rules and may require their removal in accordance with the Association's *Enforcement Policy*.
10. **Common Area.** Common area consists of any space outside the townhome. The lawn is maintained for use by all residents from dawn to dusk and are generally mowed once a week. All residents should use common sense and be sensitive to neighbors. The Association may remove any items at the owner's expense if left on the common area for more than 24 hours.
- a. No animal or bird feeders or discarded food scraps are allowed outside of the townhome, including deck and patio areas, due to potential pest problems. Hummingbird feeders are allowed.
 - b. Small lawn furniture that can be easily moved by a single person is permitted for temporary usage on the common area during warm months (e.g., table not to exceed 24" wide and 3" high, stackable plastic chairs). Furniture must be moved to permit mowing and other maintenance activities, including watering. Permanent furniture is not allowed. Sidewalks and building entrances shall not be blocked at any time.

- c. A portable canopy shade (open sides) is allowed on a temporary basis and must be removed each day. It shall not exceed 10 feet by 10 feet, and must be safely anchored with weights (no stakes or pegs).
- d. No tents or any other structures are allowed on the common areas.
- e. No swings, hammocks, slacklines, or ropes shall be attached to trees.
- f. Use of airborne objects is limited to the large open lawn on the eastern portion of the common area during daylight hours due to concerns with safety, property damage, and privacy and nuisance issues. These objects include, but are not limited to, unmanned aircraft (e.g., model airplanes and drones), balls, and frisbees.
 - i. If using a volleyball or badminton net, be aware of underground utility lines and take the net down immediately after use each day.
 - ii. Operators of unmanned aircraft are responsible for complying with any federal, state, and local regulation, law, and certification requirements.
 - iii. Owners shall be assessed the costs to repair any property damage. Residents should report incidents to local law enforcement. Violations may also be subject to enforcement action in accordance with the Association's *Enforcement Policy*.
- g. Please use walkways as much as possible and do not ride bikes over the grass.
- h. No water games or toys using a continual stream of water (such as "slip N' slide") are allowed because they can damage the lawn and they use considerable Association water.
 - i. A small child's inflatable pool, not to exceed four feet in diameter and 10 inches depth, is permitted if it is not left unattended and is removed each day. The resident accepts all risk and liability for the pool.

11. External Signage and Flags. No signs are allowed on turf in the common area. Commercial (advertising) signs are not permitted anywhere in the community.

- a. One sign and one flag at a time are permitted within the townhome's area subject to the following, which are in accordance with state and local law. Multiple signs and multiple flags are not permitted.
 - i. Signs.
 - A. A sign cannot be attached to building exteriors (siding and carports) but may be attached to fences, displayed on the interior of a window or patio door, or placed in the gravel areas.
 - B. A sign must have professional lettering.
 - C. A sign shall not exceed 24 inches wide by 18 inches high.
 - ii. Flags.
 - A. A flag may be displayed from a flagpole attached to the trim or railing, attached to the fence, or displayed on the interior of a window or patio door. It shall not be attached to the building siding or carports.
 - B. A flag shall not exceed 2 feet by 3 feet (24 inches by 36 inches) in size.
 - C. A flagpole shall be proportionate in length to the size of the flag.
- b. The sign or flag shall be maintained in good condition (not damaged, soiled, weathered, faded, torn). In addition, the American flag must be displayed in compliance with the U.S. Flag Code.
- c. Residents are urged to be respectful of neighbors and guests when choosing the content of the sign or flag. Threatening, obscene, discriminatory, or otherwise illegal language and graphics are prohibited.

12. Swimming Pool. The pool is typically open from late May until early September during posted hours, which are set by the Board. The Board has the discretion to temporarily vary these rules during emergencies (e.g., public health outbreaks, maintenance) and such variances will be posted. Please help keep the pool and pool area clean!

- a. **Pool use outside posted hours is prohibited. Violators are subject to fines** and other remedies available to the Association.
- b. Each household has one key for the pool; replacement keys cost \$25. The only exception is if a townhome was purchased within the past year.

- c. Loaning of the key to non-residents is not allowed.
- d. All keys given to residents will be stamped with "do not duplicate".
- e. Usage is for members/residents and only two (2) guests are permitted at any given time.
- f. Swim at your own risk - there is no lifeguard on duty.
- g. No person under the age of 18 allowed in the pool or pool area alone.
- h. No person shall use the pool while under the influence of alcohol or drugs.
- i. Children under 16 must be accompanied by an adult.
- j. No glass objects allowed in the pool or pool area.
- k. No running or horseplay.
- l. No pets allowed.
- m. Keep the gate closed at all times.
- n. No smoking, including vaping, in the pool area (includes restrooms) or within 25 feet of the outside of the gate.

13. **Quiet Hours.** Park East Square is a townhome community and residents all live in close proximity to each other. Please be sensitive about disturbing neighbors. The City of Boulder has ordinances that cover neighborhood noise and sound levels. If neighbors are being too loud or boisterous, please try reasoning with them first before calling the police.

14. **Miscellaneous Use Restrictions.** No townhome may be used for any purpose other than as a residential dwelling, except as set forth in law and the Association's Declaration.

- a. In addition to the Association's Declaration, the following applies to home-based businesses: external advertising of any kind is prohibited; the business shall not be visible externally; and it shall not employ any person other than the owner or resident of the townhome.
- b. The following other uses may disturb neighbors; therefore, they are prohibited.
 - i. Yard/garage sales.
 - ii. No solicitors or handbills are allowed in the community.

15. **Responsibility.** Owners and residents are responsible for knowing and following the above rules and regulations. In addition, landlords of rentals are required to ensure that all renters are made aware of all policies, rules, and covenants governing Park East Square (Declaration Article X, Section 8, as amended).

16. **Procedure for Complaints.** Owners/residents are expected to work with each other first to resolve an issue as expeditiously and at the lowest level possible. Complaints may be registered with the Community Association Manager who will follow the Association's *Enforcement Policy* to investigate and resolve.

17. **Failure to Comply.** Residents who continually violate Park East Square rules may be subject to fines, after notice and an opportunity to be heard, as per the Association's *Enforcement Policy*. Episodic or repetitive violations of rules, specifically two or more of the same violations in a six-month period, are not considered cured and are subject to the Association's *Enforcement Policy*.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Park East Square Homeowners Association, Inc. certifies that the foregoing Rules and Regulations were adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on October 8, 2024. In witness thereof, the undersigned has subscribed their name.

Park East Square Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: 
Its: President