

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

**SECTION 1- GENERAL
Amended and Updated, Nov. 22, 2023**

1-1 VIOLATION.

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 22nd day of November, 2023, 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.

b) BOARD. The Board of Directors of the Association, including the Association’s property management company and other duly authorized agents.

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 11 a.m. 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 an 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 unintended.

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 Parking in Parking Lots between midnight and 6am, validly issued by the Board in accordance with the terms of these Rules & Regulations. 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 Board 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 Board 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 Board. 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, car pooling 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 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 11 p.m. and 6am without displaying a valid Parking Permit for Extended Parking.

Extended and Overnight 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 Board or its designee 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 Board, 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 may issue temporary parking passes for Tenants and Invitees (not Employees or Owner Occupants) of their property. These passes must contain the expiration date of the permit which should not be greater than seven (7) days from issuance. The Board, 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 overnight PSPOA permits with permit numbers and name reported to the Association weekly.

c) Vehicle Permits. For residential units and condominiums, two parking permits up to two bedrooms; three permits for three bedrooms may be issued to each Occupant Owner and/or each of any Tenants for separate Vehicles to be operated within any Parking Lot by that Occupant Owner or any Tenants, up to a maximum three permits. For commercial tenants and owners, one permit is issued per 400 sq. ft., up to a maximum of three permits. At the Board'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. Permits for residential work-at-home use in operating a business out of a residential unit, is subject to Board or its designee approval and is subject to additional fees.

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

e) Vehicles, including RVs and Vans, with sleeping quarters (beds, cots, etc) will not be issued overnight parking permits and other arrangements must be made for storage of such vehicles outside of Prospector Square, unless such vehicle can be shown to fit in a standard stall and is used daily for personal purposes as stated on the application for a permit. No overnight sleeping is allowed. Vehicles are prohibited from being used for storage. Any vehicles being used for storage and not for transportation will have their permit revoked and are subject to fines and 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 Board is required following the Board's Common Area Use Policy. Approval by the Board may require additional or modified terms and fees for the Parking Permit, determined in the Board's sole discretion.

g) Bicycles are not considered Non-Motorized Equipment and are excluded from requiring 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. No overnight parking of bicycles on outside racks

from Nov. 1 through April 15 to facilitate snow removal. No long-term (more than two-weeks) storage of bicycles at the same location. Bicycles must be moved regularly.

h) All Parking Permits shall be prominently displayed on the upper left windshield of the permitted Vehicles and Equipment at all times when located in a Parking Lot or if the specific permit requires a hang-tag, then from the rearview mirror.

i) The Board or its designee will adopt pricing for 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) Propsector Square encourages the use of the Summit County electric bike program. The speed limit of electric bikes within Propsector Square is limited to 15 miles per hour. Propsector Square will abide by current Park City policy regarding electric bikes and scooters.

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 Board or its designee, 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 Board or its designee and park their Vehicle or Equipment in a location designated by the Board. 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 Board or its designee or its authorized representative, 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 Board's discretion and use of Common Space.

The Board has adopted a construction Common Use Policy, with certain parking restrictions and requirements (Please see Addendum 1). Access to Berrett Lane (the interior walkway) for construction or other purposes requires the prior approval of PSPOA's property management company or executive director.

1-9 SNOW REMOVAL AND MOVEMENT OF VEHICLES

Any Vehicle parked at Propsector Square should be moved every 24-hours 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. Any exception must be approved by the board. Violators are subject to tow. Overnight permit holders may also be required to relocate their Motor Vehicle with less than 24-hours notice. Overnight parking is not allowed in time-restricted stalls. Employees/tenants should park away from buildings and are encouraged to park in the center of a lot to facilitate snow removal. Overnight parking is not allowed by residents of units outside of Propsector Square.

1-10. PARK AND RIDE/SKIER PARKING

Not Allowed and subject to immediate tow and/or violation fees assessed. No individual shall park in Prospector Square with the intention of catching a bus or joining others in another vehicle. Only residents of Prospector Square and/or guests of lodging are permitted to take public transportation to mountain resorts and their vehicles must be permitted. Employees of commercial buildings are not allowed to use Prospector Square as a park and ride lot to mountain resorts.

1-11 ENFORCEMENT.

The Board is authorized to enforce these Rules & Regulations as provided herein and by all other lawful means, including without limitation issuing violations, towing or booting a Vehicle or removing Equipment. Any costs associated with such enforcement are the sole responsibility of the Vehicle owner. The Board shall have the discretion to set or approve violation and fee amounts to the full extent permitted by law. The Association shall have no liability for damage to or destruction of any manner of Vehicle or Equipment, nor for any personal property located within or without such vehicle 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.

1-12 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 fees 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.

1-13 DISCRETION OF BOARD.

Notwithstanding any other provision to the contrary contained herein, the Board shall have wide discretion to issue or revoke Parking Permits and to otherwise interpret, apply and enforce these Parking Rules & Regulations as it deems appropriate for the benefit and well-being of the Association and its members.

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 placard or permit 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.

- f) Parking Lot C has no overnight parking, 11 p.m. to 6 a.m.

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 Board 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 Board and pursuant to an issued Parking Permit.
- f) Storage of any Vehicle or Equipment

2-4 EMPLOYEE, OWNER, VENDOR & TENANT PARKING:

All employees, tenants, vendors and owners must park in center stalls or stalls furthest from the building to facilitate customer parking and snow removal. Stalls will be posted. Most, if not all stalls, next to buildings will be time-restricted (two-hour and 15-minute) stalls.

2-5 CONDITION OF UNATTENDED VEHICLES.

Any vehicle parked in any Parking Lot must be maintained and presentable. Vehicles must be in operating condition and free of leaks, have no flat tires or otherwise present an unsightly appearance. Vehicles must be properly licensed and plated. It shall be prohibited for any person to Park any

Vehicle on a Parking Lot without stopping the engine, locking the ignition, and removing the key from the ignition.

2-6 VEHICLE WEIGHT LIMIT ON PARKING LOTS B & D AND 3-AXLE TRUCKS.

The use of the surface of Parking Lot D is limited to Vehicles 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 2-6. 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 2-6. 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 Board is authorized to enforce the policy set forth in this Section 2-6 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 should be limited to the public roads and street-side parking of Prospector Avenue and Sidewinder Drive.

2-7 REGISTRATION AND LICENSING.

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

2-8 UNDERGROUND PARKING

Covered parking in Prospector Square is subject to fees and restrictions, approved by the Board and instituted by its designee. Specialized parking passes will be required and the PSPOA overnight permit is invalid in these locations.

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 Board or its designee and will meet all State of Utah requirements.

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

At the request of an Owner or on its own initiative, the Board 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 Board. The Board shall enforce such Parking stall restrictions as deemed appropriate.

ADDENDUM 1:

COMMON AREA USE: CONSTRUCTION STAGING

Parking Lots, Sidewalks, Landscaping and Grass Areas

Requirements:

- The contractor and the lot owner must meet all city building permit and planning requirements
- Plans should be submitted to PSPOA before final application, including site plan that includes any use of common area for utilities and restoration of landscaping, asphalt, sidewalks and concrete. Plan shall include a statement on how repair to common area will be completed.
- PSPOA to be named Secondary Insured for the use of any common area
- Snow removal around site is responsibility of contractor and/or building area
- No use of PSPOA dumpsters for construction debris will be allowed. If the owner currently pays garbage fees to PSPOA, those fees remain in place during construction. If garbage usage commences after construction is completed, fees begin at that point in time.
- All Common Area Paving, Landscaping, Irrigation Lines, Electrical Lines & Concrete to be returned to its original state or better with a one-year warranty
- Contractor Dumpsters must be placed on plywood to protect asphalt/concrete surfaces.
- Agreement will be signed by both the owner and contractor
- Due to the uniqueness of each application, Individual agreements will be drawn for each application.
- Applicant will pay for all connections to utilities, including water, sewer, electrical and fiber.

Fees:

- Application, \$500, plus \$2,500 refundable security deposit to be refunded within 30-days of receiving an occupancy permit.
- If application requires legal review by PSPOA counsel, any legal fees above \$250 will be charged back to the applicant
- During construction, if parking stalls are needed for more than seven-days, they can be leased at:
 - First three, free; Additional stalls \$80/month (Payable quarterly).

Expectations:

- If any landscaping or irrigation is performed on common area, use of PSPOA preferred irrigation specialist is required
- If said improvements also lead to the enhancement of common area (i.e. the replacement of substantial amount of asphalt), the PSPOA board of directors reserves the right to waive certain fees.
- Square footage calculation for member dues will commence at the start of a quarter when a building permit is pulled per CC&Rs.

Encroachments and Easements policy

Any required easements and encroachments require the following:

- The applicant must meet city requirements and is encouraged to have a preliminary review by the city when the application process commences.

- Any legal paperwork drawn up by requesting owner will be paid for by owner. Owner is encouraged to use their legal counsel. PSPOA reserves the right to have PSPOA legal counsel review before final submittal to city and/or county authorities, to be reimbursed by owner requesting such encroachment.
- If the square footage of the building increases due to an encroachment, that square footage will be added to any member dues calculations.