

**COLORADO SCIENCE AND TECHNOLOGY PARK
METROPOLITAN DISTRICT NO. 1
PARKING RULES AND REGULATIONS**

Article 1 – In General

Section 1.1 – District Authority and Purpose. The Colorado Science and Technology Park Metropolitan District No. 1 is a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”) organized and operating pursuant to the Special District Act, §§ 32-1-101, *et seq.*, C.R.S. The District, along with Colorado Science and Technology Park Metropolitan District No. 2 (“District No. 2”) and Colorado Science and Technology Park Metropolitan District No. 3 (“District No. 3,” and together with District No. 2 and the District, the “Districts”) for the purpose of providing certain public improvements, facilities, and services, to and for the use and benefit of the Districts, their residents, users, property owners, and the public, including, without limitation, the maintenance and operation of certain of the public roadways within the Districts. The District is authorized by its service plan and § 32-1-1004(2)(d) C.R.S. to provide safety protection through traffic and safety controls and devices on streets and highways. The District is also authorized pursuant to § 32-1-1004(7), C.R.S., to furnish security services within its boundaries. The District is authorized via intergovernmental agreement with the City of Aurora (the “City IGA”) to construct, operate, and maintain streetlights and regulate parking, including on City-owned streets within the Fitzsimons Innovation Community General Development Plan, as the same is amended from time to time.

In addition, the District is authorized pursuant to § 18-9-117(1)(f), C.R.S. to adopt such rules or regulations as are reasonably necessary for the administration, protection, and maintenance of the District’s public buildings and property, including, *inter alia*, rules or regulations pertaining to the use of all vehicles as to place, time, and manner of use. The District is also authorized to adopt parking rules and regulations as set forth in the City IGA. Finally, in order to carry on its business, objects, and affairs, the District is authorized by § 32-1-1001(1)(m), C.R.S. to adopt rules and regulations. The purpose of these “Parking Rules and Regulations” is to promote the general public welfare and safety by imposing and enforcing reasonable and necessary parking restrictions on streets regulated by the District.

Section 1.2 – Scope. These Parking Rules and Regulations shall govern the use of all roadways and portions of roadways, including without limitation, all curbs, roll-over curbs, and gutters, as designated on **Exhibit A** attached hereto and incorporated herein by this reference (the “Regulated Roadway(s)”).

Section 1.3 – Interpretation. These Parking Rules and Regulations shall be construed liberally in order to best carry out the purposes of the District, the determinations and intent of the Board of Directors of the District (the “Board”) and in furtherance of the public’s health, safety, and welfare. Except as otherwise set forth herein, the Board shall have sole discretion in interpreting and applying the Parking Rules and Regulations.

Section 1.4 – Amendment to Parking Rules and Regulations. The District may modify, amend, and/or revise these Parking Rules and Regulations through a Board approved action and shall provide notice of such changes by publication on the District’s website.

Section 1.5 – Definitions. In addition to terms defined herein, the following terms when used herein, whether capitalized or not, shall have the meanings set forth below:

- a. “Owner” means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of these Parking Rules and Regulations. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle.
- b. “Park,” “Parked” or “Parking” means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of, and while actually engaging in, loading or unloading property or passengers.
- c. “Parking Attendant” means any person or persons employed, contracted with, or otherwise engaged by the District or District Parking Manager to enforce the Parking Rules and Regulations set forth herein.
- d. “Parking Meter” or “Meter” means any mechanical or electronic device used, placed, installed, or erected at or near the curb adjacent to the parking lane, or otherwise on the Regulated Roadways. A Parking Meter includes, but is not limited to, single space meters, multi-space meters, pay by mobile phone applications, and pay stations.
- e. “Police Officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or other crimes or infractions, including, but not limited to, Adams County Sheriff’s deputies, Aurora Police Department officers, or Park Aurora enforcement officers.
- f. “Stand” or “Standing” means any halting even momentarily of a vehicle, whether occupied or not, except (1) when necessary to avoid conflict with other traffic, (2) in compliance with the directions of a Police Officer, Parking Attendant, or sign, placard, or traffic-control device, or (3) when momentarily, for the purpose of and while actually engaged in receiving or discharging passengers.
- g. “Stop,” “Stopped,” or “Stopping” means the complete cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer, Parking Attendant, or sign, placard, or traffic-control device.
- h. “Vehicle(s)” means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes, without limitation, a motor vehicle, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, trailer, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

Section 1.6 – Enforcement Authority. The District may enforce the Parking Rules and Regulations directly using contractors or employees or may elect to enforce the Parking Rules and Regulations by intergovernmental agreement with another political subdivision of the state of Colorado who shall serve as the enforcement entity.

Section 1.7 – Records. A copy of these Parking Rules and Regulations shall be maintained by management for the District, maintained on the District's website, and shall be made available to anyone submitting a written request for a copy in accordance with the Colorado Open Records Act.

Section 1.8 – Service of Notices. Where no other method of delivery is set forth in the Parking Rules and Regulations, any notice or other communication required or permitted by these Parking Rules and Regulations or by law to be served on, given to, or delivered shall be in writing and shall be deemed duly served, given, or delivered when (1) personally delivered to the party to whom it is addressed, which shall include affixing the Notice of Violation (as defined in Section 3.4(a)) to the vehicle being cited, or (2) mailed via the United States Postal Service by certified mail, return receipt requested, or by any mail delivery service offered by an entity other than the United States Postal Service that is equivalent to or superior to certified mail, return receipt requested. If personally delivered, the notice shall be deemed received on the date of delivery, and any notice mailed shall be deemed received on the date provided as the date of delivery by the United States Postal Service or other mail delivery service.

Section 1.9 – Severability. If any article, section, paragraph, sentence, clause, or phrase of these Parking Rules and Regulations is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of these Parking Rules and Regulations. The District hereby declares that it would have passed these Parking Rules and Regulations and each part or parts hereof irrespective of the fact that any one part or parts be declared invalid.

Article 2 – Parking Rules and Regulations

Section 2.1 – Traffic-Control Devices. Every person shall obey the instruction of any applicable sign, placard, or traffic-control device on Regulated Roadways unless otherwise directed by a Police Officer or Parking Attendant.

Section 2.2 – No Parking Zones. Except as provided herein, no person shall Stop, Stand, or Park a Vehicle at any time, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer, Parking Attendant, or an applicable, sign, placard, or traffic-control device, in any of the following areas:

- a. In any area designated by signage or otherwise as a “No Parking” zone.
- b. Paragraphs (a) through (e) of this Section shall not prohibit the Parking of bicycles or electrical assisted bicycles in compliance with Section 42-4-1412(11), Colorado Revised Statutes, as may be amended from time to time.

Section 2.3 – Time Limited Parking Spaces. No person shall Park a Vehicle for a period of time that exceeds the maximum amount of time designated by sign for that particular parking space.

The District may monitor parking times by Parking Meters, marking tires, scanning license plates, or any other mechanism approved by the Board or District Parking Manager for such purpose. A Vehicle shall be considered in violation of this section if that Vehicle has not been moved at least one hundred (100) feet from that parking area during the stated period of time or if the Vehicle is moved to within one hundred (100) feet of that parking area within 24 hours.

Section 2.4 – Reserved or Permitted Spaces. No person shall Park a Vehicle in any parking space designated as reserved or requiring a permit unless such person properly displays a handicap placard or license plate or, in the case of a reserved or permitted parking space, prominently displays the necessary permit or evidence that the space is reserved for such Vehicle.

Section 2.5 – Failure to Make Payment. No person shall Park any Vehicle in any parking-metered space without paying in a manner as indicated by the sign accompanying such Parking Meter.

Article 3 – Enforcement

Section 3.1 – Violation. Any person who violates any provision of these Parking Rules and Regulations or disobeys any Police Officer, Parking Attendant, or sign, placard, or traffic-control device on Regulated Roadways shall be considered in violation of these Parking Rules and Regulations.

Section 3.2 – Owner Responsible. The Owner of a Vehicle is responsible for compliance with these Parking Rules and Regulations and for payment of any fines for parking violations regardless of whether the Owner or another individual is operating, Stopping, or Parking the Vehicle.

Section 3.3 – Vehicles Found in Violation. The District reserves the right to request the City of Aurora, in the City's sole discretion, have any Vehicle Parked on Regulated Roadways or otherwise encumbering a Regulated Roadway, designated emergency access lane, or other public way or place in violation of these Parking Rules and Regulations be removed, towed, or immobilized (including booting) at the Owner's cost and expense and for which the City of Aurora may impose its own fines, fees, or penalties.

Section 3.4 – Parking Citations or Fines. The District reserves the right to assess fines or parking violations against the Owner of a Vehicle in violation of these Parking Rules and Regulations. The Parking Attendant or Police Officer may, but is not obligated to, impose a fine for Vehicles violating these Parking Rules and Regulations in accordance with the following:

- a. *Notices* – The Owner of a Vehicle shall be given notice of fines by written "Notice of Violation," which Notice of Violation may be posted on the Vehicle itself. The Notice of Violation shall: (1) state the date and time that the notice of violation was issued; (2) the name or other identifying information of the Parking Attendant issuing the notice of citation; (3) notify the Owner of the violation(s) of these Parking Rules and Regulations for which the Vehicle is being cited; (4) the amount of the fine being imposed; (5) information regarding payment of fines; and (6) information regarding appeal of violations.

- b. *1st Violation* – The 1st violation cited per a Notice of Violation shall carry a fine of \$30.00.
- c. *Additional Violations* – Any additional violations, beyond the 1st violation, cited per a Notice of Violation shall carry additional fines of \$30.00 each.
- d. *Unpaid Violations* – The amount of any unpaid fine doubles one time after twenty (20) calendar days.

Section 3.5 – Payment of Fines. Unless otherwise provided by these Parking Rules and Regulation or by law, all fines, penalties, and costs for the violation of these Parking Rules and Regulations shall be paid in full to the District within twenty (20) calendar days of receipt of a Notice of Violation. Any unpaid fine, penalty, and cost outstanding after twenty (20) calendar days doubles one time and remains payable by the Owner of the Vehicle until paid in full. Nothing herein shall impact the City of Aurora’s ability to impose its own fees, fines, and penalties for parking violations not enforced by the District in accordance with the City IGA.

Section 3.6 – Other Remedies Provided at Law. In addition to the rights and remedies set forth in these Parking Rules and Regulations, the District may exercise any other rights or remedies it may be entitled to under law or in equity to enforce these Parking Rules and Regulations. The Owner of the Vehicle shall be responsible for any expense the District incurs in connection with the Owner’s untimely payment of fines, penalties, and costs in connection with violations of these Parking Rules and Regulations, including but, not limited to legal, engineering, administrative, collection, court, and accounting fees and costs.

Article 4 – Appeals

Section 4.1 – Hearing and Appeal Procedure. If the Owner or operator of a Vehicle wishes to dispute any fines or penalties imposed, such Owner or operator may appeal such fines or penalties by following the procedure set forth below (such Owner or operator filing an appeal is referred to in the remainder of this Article 4 as the “Appellant”). The hearing and appeal procedures established below shall apply to all disputes concerning the interpretation, application, or enforcement of the Parking Rules and Regulations, as they now exist or may hereafter be amended. In the event a proper and timely request for an appeal is not made as provided herein, the right to an appeal shall be deemed forever waived.

The following items are not valid reasons to dispute a citation:

1. Lack of knowledge of the Parking Rules and Regulations
2. Appointment conflicts or tardiness going or returning from appointments
3. Inability to find a legal parking space
4. Failure to have appropriate or sufficient amount of payment
5. Broken or malfunctioning parking pay station
6. Short-term in violation area
7. Non-receipt of the citation(s)
8. Failure to observe posted signs

Section 4.2 – Appeal to District Parking Manager. Within twenty (20) calendar days of the date specified on the Notice of Violation, the Appellant must first file a written request for an appeal with the District’s parking management company, currently the Fitzsimons Redevelopment Authority, but which position may be held by other entities or individuals in the future (the “District Parking Manager”), in such form as provided by the District Parking Manager and posted on the District’s website. Within thirty (30) calendar days of receiving the request from the Appellant, and after a full and complete review of the record, the District Parking Manager (or its third-party parking vendor) shall issue a written determination regarding the application of the fines and penalties.

Section 4.3 – Hearing Before Board of Directors. If the Appellant wishes to appeal the written determination of the District’s Parking Manager, the Appellant must file a written request with the District Board for a hearing within twenty (20) calendar days of the date the written determination of the District Parking Manager was mailed. The request for a hearing shall be filed with the District Manager, currently CliftonLarsonAllen, LLP, but which position may be held by other entities or individuals in the future (the “District Manager”), and set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant’s reasons for the appeal and a copy of the District Parking Manager’s written determination. The Board shall hold a formal hearing on the appeal no later than the next regularly scheduled meeting that is held no earlier than ten (10) calendar days after the filing of the Appellant’s request for a hearing or may call a special meeting to hear the same, in the Board’s sole discretion.

Section 4.4 – Notice. A notice shall be served on the Appellant, specifying the time and place of the hearing to be held by the Board regarding the appeal and directing the Appellant to present evidence of why the determination regarding the application of the fines and penalties is not correct. The notice of the hearing shall be served personally, by certified mail return receipt requested, or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested, at least ten (10) calendar days before the hearing. Service may be made on any agent or officer of a corporation. When an Appellant is represented by an attorney and the District is aware thereof, notice of any action, finding, determination, decision, or order affecting the Appellant shall also be served upon the attorney.

Section 4.5 – Conduct of Hearing. At the hearing, the District Parking Manager (or its third-party parking vendor) and the Appellant shall be entitled to present all evidence that is relevant and material to the dispute and to examine and cross-examine witnesses. The Board may establish rules and procedures governing the hearing. A record of the hearing shall be maintained.

Section 4.6 – Written Determination. Based on the record established, the Board shall issue a written decision concerning the disposition of the dispute presented to it and shall cause notice of the decision to be hand delivered or sent by certified mail to the Appellant within fifteen (15) calendar days after the hearing.

Section 4.7 – Board of Directors Determination Final. The decision issued by the Board shall be final and binding upon the District and the Appellant and shall constitute the final administrative action of the District. Any party to the hearing aggrieved or adversely affected by an order of the

Board may appeal such order to the District Court in and for the County of Adams, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Exhibit A
Regulated Roadways

