



ARCHITECTURAL CONTROL RULES & REGULATIONS

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ARCHITECTURAL CONTROL RULES & REGULATIONS

DESTINATION SERIES

The Declaration of Covenants, Conditions & Restrictions for the Estes Park Homeowners Association

All exterior changes, additions, improvements or installations to any lot must receive written approval by the Architectural Control Committee prior to installation; including, but not limited to, fences, decks, any structure, clearing, excavation, grading, and other site work, exterior alteration or modification including the change of paint color; landscaping, removal of plants, trees, or shrubs.

All such exterior modifications shall be in strict compliance with these Architectural Control Rules & Regulations, the Declaration of Covenants, Conditions & Restrictions, and approved by the Architectural Control Committee prior to commencement.

Article VI, Section 6.2 of the Declaration of Covenants, Conditions and Restrictions – Architectural Control Guidelines states:

The Board of Directors shall have the authority to establish, amend and revoke architectural control guidelines for the Subdivision and the Association, which shall be binding upon all Owners and all others who in any way use, occupy or benefit from the Subdivision, or any part thereof. The architectural control guidelines shall not be inconsistent with any covenant in this Declaration or in the Plat Covenants, if any, and shall not be retroactively applied. There may be different architectural guidelines for different areas within the Subdivisions. The architectural control guidelines may be enforced by the Committee or by the Board of Directors.

Article VI, Section 6.7 of the Declaration of Covenants Conditions and Restrictions - Alterations Without Approval states:

The Committee and/or the Board of Directors shall have the right and authority to require the removal of any improvement which has been made without receiving the approval of the Committee or which is substantially different in appearance, size, color, materials, location or otherwise, from what was approved by the Committee, including injunctive relief, and recovery of damages, reasonable attorney fees, and costs.

The following Architectural Control Rules & Regulations are provided to inform Owners of the community's architectural requirements. These rules are not intended to cover every possible issue that may come before the Architectural Control Committee.

Architectural Approval is in addition to any permits required local government. These rules are in place for the life of the community, but may be amended from time to time by the Board of Directors provided

AIR COOLING UNITS:

Air cooling units or other like utilities that are outside of the residential structure must be located at the side or rear of the home and except as may be permitted by the Committee. No window air conditioning units may be installed on any Lot.

ANIMALS, PETS, & LIVESTOCK:

- A. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, or any portion of any lot, except that of dogs, cats or other usual and common household pets not to exceed a total of three (3) may be permitted on a Lot, provided they are not kept, bred or maintained for any commercial purposes.
- B. All pets shall be confined to their respective Lots or on a leash at all times. The Owners of such permitted pets shall be confined in such a manner to prevent such permitted pets from being a nuisance, including barking which may annoy or disturb other Owners.
- C. Pet Owners who do not observe these considerations will be required by the Board of Directors to remove pets from the community.
- D. It is the Owner's responsibility to clean up after their pet with including lawns, common areas, street & sidewalks.
- E. Dog kennels are prohibited.

ANTENNAS — TELEVISION, RADIO, & SATELLITE DISHES:

To comply with the Federal Telecommunications Act of 1996, and the Federal Communications Commission rules governing Over-the-Air Reception Devised (OTARD), Owners may only install satellite dishes that are one meter or less in diameter. One meter is equal to 39.37 inches, and "diameter" is the distance measured across the widest part of the dish. Only two (2) dishes may be installed on each Lot, unless additional dishes are required to receive additional or unique transmissions that cannot be received by a previously installed dish. The Committee reserves the right to require written verification for the installation of additional dishes upon a Lot.

The OTARD Rule allows Associations to designate a preferential order of placement for dishes in their community. To that end, the Committee desires that satellite dishes be permanently mounted in a location on the lot that is the least visible from the street directly in front of the lot, but which will not result in a substantial degradation of reception. This specific order of location priority is:

- 1. In the rear of the Lot;
- 2. On the side of the Lot;
- 3. The front of the home.

Therefore, an owner must install a satellite dish in the rear portion of the lot if acceptable reception can be received from that location. If acceptable reception cannot be obtained in the rear portion of the lot, then the dish may be located along the side of the home if adequate reception can be received from that location. If adequate reception cannot be received from a location along the side of the home, then a dish may be located in the front of a home. However, if a dish is located in the front of a home, the Committee has the right to ask the owner to provide written proof from a reputable dish installation company or expert that the owners dish had to be placed in front of the home to prevent a substantial degradation of reception.

The Owner must follow this preferential placement guideline when he installs a satellite dish on his property. If the Committee determines that the owner did not properly follow the preferred placement order when

installing his satellite dish, the Committee has the right to require the owner to move his dish to another location that is less visible from the street, so long as the relocation of the dish does not substantially impact or degrade the reception of the device. For example, if an owner locates a dish on the front of his home, & the Committee determines that the owner could have installed his dish in a location on the rear or side of the home that would have still allowed adequate reception, then the Committee may require the owner to move the dish, at the owner's expense, to a less visible location.

In addition, the Committee has the right to require the owner to install landscaping, fencing or other screening around his dish to help hide it from direct view of the street, or to cover or paint the dish to make it blend in with its surroundings, so long as none of these changes or screenings impair the reception of the device.

Other antennae, aerials or devices, towers or radio antennae that are not covered by the OTARD rule, such as dishes larger than one (1) meter in diameter & ham or amateur radio antennas are strictly prohibited on any lot within the community. The Committee reserves the right to adopt rules or make changes to the requirements of this provision as allowed by or required by any changes or amendments to the Federal Telecommunications Act of 1996.

BUSINESS USE:

Article XI, Section 11.1 of the Declaration of Covenants, Conditions, and Restrictions – Generally Applicable Restrictions, states:

V. No industry, trade, or other commercial or religious activity, educational or otherwise, whether designed for profit, altruism or otherwise, shall be conducted, practiced or permitted upon any Lot or elsewhere within the Subdivision, except within such rules and regulations as are established by the Board, and except that an Owner or occupant resident may conduct business activities within a Dwelling Unit so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the Dwelling Unit; (b) the business activity conforms to all zoning requirements for the Real Estate; (c) the business activity does not involve persons coming into the Subdivision who do not reside in the Subdivision or involve door-to-door solicitation of residents of the Subdivision; and (d) the business activity is consistent with the residential character of the Subdivision and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Subdivision, as may be determined in the sole discretion of the Board.

Without the prior consent of the Board, no trade or business may be conducted in or from any Lot, except that an Owner or occupant of a Lot may conduct business activities within the Unit so long as:

- A. The business activity conforms to all zoning requirements for the Lot.
- B. The existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the unit.
- C. The business activity does not involve people coming onto the Properties who do not reside in the Properties or door-to-door solicitation of residents of the Properties.
- D. The business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Properties, as may be determined in the sole discretion of the Board.
- E. Childcare Services. No pre-school, babysitting business or such childcare services for more than six (6) children shall be allowed to operate upon any lot. The Homeowner should make consideration for this service not to be a nuisance to adjacent neighbors.

COMMON AREA:

- A. No person shall draw water or other materials from water retention ponds or add water, except for storm water drainage approved by the DECLARANT or by the Committee, or other materials, whether by dumping or otherwise, to the lakes and other water retention ponds without the prior approval of the Board as to quality and quantity of materials.
- B. The Common Areas shall be used and enjoyed only for the purposes for which it is designed and intended and shall be used subject to the Declaration of Covenants & Restrictions.

CONCRETE PATIOS:

- A. For approval of a concrete patio, the following must be submitted to the Architectural Control Committee:
 - Plot plan with dimensions and placement of patio
 - Installer of the concrete patio
- B. Damage to irrigation lines with the installation of a concrete patio will be the Owner's responsibility to repair.

DECKS:

- A. Deck design and materials require approval from the Architectural Control Committee must be received prior construction.
- B. The deck shall be constructed of Trex or comparable composite material.
- C. Railing on deck shall not exceed 48" in height.
- D. Local building permits may be required.
- E. Decks shall be constructed of quality materials and professional installation.

DOCKS:

Article I, Section 1.5 of the Declaration of Covenants, Conditions, and Restrictions – Definitions, states:

9. All expenses of purchasing, installing, and maintaining any common dock, if any, within the Common Areas, including pathways to such common docks, however, the expenses of such common docks within Limited Common Area shall be an expense only of the Lots or Dwelling Units benefited.

- A. Docks must be pre-approved by the Architectural Control Committee and follow construction and dimension standards.
- B. Docks and the maintenance of, are the sole responsibility of the closest attached Lot.
- C. Use of wood in the construction of the dock is prohibited.
- D. Dock frame must be fabricated from aluminum or steel.
- E. The dock must float and be anchored using a minimum of four (4) mounting points, augers are permitted.
- F. Decking must be composite, while skirting can be either composite or aluminum.
- G. Lighting or illumination of docks must comply with the Outdoor Lighting rule.
- H. Dock boxes are permitted but must be securely bolted to the dock.
- I. Items such as chairs, cushions, tables, etc. must always be secured and prevented from entering the water.
- J. The Architectural Control Committee does not consider docks to be a permanent structure and reserves the right to suspend approval.
- K. The Architectural Control Committee maintains discretion regarding maintenance and presentation of dock. Failure to comply with the safety or maintenance of dock may result in removal of the dock.

DRIVEWAY WIDENING:

- A. Any widening of a driveway must be done with concrete and match the aesthetics of the current driveway.

EASEMENTS:

Any improvements, installations, additions or changes to the drainage easement must be approved by the Architectural Control Committee. The Owner assumes risk and any improvement, installation or addition will not be replaced and/or repaired due to necessary work performed in an easement. A waiver is required as acknowledgment of this risk to the Owner.

ELECTRIC BUG KILLERS:

Electric bug killers, “zappers”, and other similar devices shall not be installed at a location which will result in the operation thereof becoming a nuisance or annoyance to other Owners and shall only be operated when outside activities require the use, therefore not continuously.

ENERGY CONSERVATION EQUIPMENT & SOLAR PANELS:

No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the Committee.

- A. For approval of a solar energy system, the following must be submitted to the Architectural Control Committee:
 - The site plan for the solar energy system to be installed, including:
 - Property boundaries
 - The color of the solar energy system
 - The name of the vendor and installer of the solar energy system
 - Solar panels must be of nice quality and ONLY placed on the backside of the home.

FENCING — CONSTRUCTION & MAINTENANCE:

- A. All fencing shall be constructed of quality materials and of a high-quality professional installation, non-compliance will result in modifications or professional reinstallation at the Owner's expense.
- B. Fencing shall be properly braced, and posts shall be placed into the ground with concrete at such depth to ensure the fence will be secure and will not move.
- C. All fence bracing shall be on the inside of the fence.
- D. All fences must be maintained and repaired in a reasonable fashion.
- E. Any warped or cracked white vinyl fence boards must be replaced as needed.
- F. Damage to irrigation lines with the installation of the fence will be the Owner's responsibility to repair.

FENCING — INVISIBLE:

Requests for invisible fencing will be subject to the Architectural Control Committee's approval of the proposed fence location prior to installation.

- A. All control boxes and other equipment shall be hidden from view.
- B. Invisible fences are subject to the same easement restriction.
- C. Damage to irrigation lines with the installation of an invisible fence will be the Owner's responsibility to repair.

FENCING REQUIREMENTS:

A. Privacy Fences

- 72" Privacy Fences designed to block all views must be constructed of white vinyl.
- 48" Privacy Fences designed to contain the yard must be constructed of black faux wrought iron or black wrought iron.
- Any type of chain link or split rail fencing will be denied.

B. Fence Gates must be 60" in width to accommodate mowers.

C. Corner lots:

- Corner lots are considered as having two front yards. Generally, fences on corner lots will not extend beyond the side building setback line or front building setback lines.
- Perimeter fences must be in line with fences on adjacent lots and tie to adjacent fences.

D. Lake lots:

- To avoid obstructing lake views, no permanently installed fencing on any lake front lot will be permitted.
- Temporary (removable) fencing, not to exceed 48" in height, will be permitted, provided it can be removed for mowing and maintenance.

E. Fences installed in any easements are subject to special review of the fence location. Fences approved and installed in easement are at the Owner's risk and will not be replaced and/or repaired due to necessary work performed in an easement. A waiver is required as acknowledgment of this risk to the Owner.

F. Approval of fence installation may require a permit from the city or county. It is up to the Owner to understand their local jurisdiction rules and regulations.

G. Fences are to start and finish at back corners of the dwelling unit, any exception must be approved by the HOA. All fences will start and finish at the rear of the furthest outside sidewall. Special consideration may be given at the service door to the garage. Fencing can extend up to the outside corner of a garage protrusion that is a minimum of 72" (6-foot garage extension, 3-car front load garage) if applicable.

H. Adjoining fences are allowed if they grant permission for any neighbor to adjoin that fence.

I. All fence and wall heights are measured from grade level.

J. For approval of fencing, the following must be submitted to the Architectural Control Committee:

- Plot plan with dimensions, placement of structure, and location of gates.
- Photograph or brochure picture with clarification of style.
- Made of white vinyl (72") or black wrought iron (48")
- Vendor and installer of fence.
- Easement waiver and city or county permit (if required).

FIREARMS:

The discharge of firearms within the neighborhood is strictly prohibited. The term "firearms" includes bows and arrows, slingshots, B-B guns, pellet guns, and other firearms of all types, regardless of size.

Firearms enforcement is under the restriction and governance of the local authorities. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

FIREWORKS:

The discharge of fireworks within the community is prohibited except for dates on which they are permitted by the local municipality. Fireworks restrictions are under the governance of the local authorities. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

FLAGPOLES:

- A. Flag poles 15 or 20 feet in height may be approved based on requested placement location.
- B. Poles must be placed within 35' of the structure of the home.
- C. US Flags only.

HEATING PLANT:

Every Dwelling Unit must contain a heating plant installed in compliance with the applicable codes and capable of providing adequate heat for year-round human habitation of the Dwelling Unit.

IN-GROUND POOLS, HOT TUBS, JACUZZIS, & SPAS:

- A. Above ground pools are prohibited.
- B. Hot tubs, Jacuzzis and Spas may be allowed at the Board's discretion provided they are screened from view.
- C. Wading pools under 24" in height are permitted providing the wading pool is not visible from the street and are not permitted to stay out overnight.
- D. A detailed design plan must be provided to the Committee for its review and approval prior to the commencement of any in-ground pool construction.
- E. In-ground pools must comply with state and local government laws and regulations. An approval from local government will be required.
- F. No alteration to the existing grade of any lot may be made without the prior approval of the Architectural Control Committee. Any proposed grade changes must be shown on the proposed plans.
- G. In-ground pool applications will not be considered unless accompanied by an application for an acceptable fence design and minimum height of 72". Fence will not be required if pool has automatic cover.
- H. Committee may require added landscaping to screen pool from adjacent neighbors.
- I. Requests for pool houses, storage sheds or mini barns will be **denied**.
- J. The design and installation are expected to be professional in appearance and to be maintained in reasonable condition.

LANDSCAPING:

- A. All landscaping plans are subject to the Architectural Control Committee approval in accordance with the rules and procedures.
- B. The Committee may, in its discretion, modify such plans to promote the integrity and aesthetic appearance of Lot.
- C. No tree(s) shall be removed or planted without approval by the Committee.
- D. No Owner shall be allowed to plant trees, landscape or do any gardening in any of the Common Areas, except with express permission from the Committee. This includes trees planted between the sidewalk and the street.
- E. Vegetable gardens may be approved by the Committee provided:
 - Planted in a raised bed constructed of landscape timbers or cedar not to exceed 12" in height.
 - Located so as not to be visible from the street.
 - Maintained with the same requirements as a landscape bed.

LEASING OR RENTING:

Any Owner who leases a Dwelling Unit shall lease the entire Dwelling Unit & shall have a written lease, for a period of at least six months, which shall provide that the lease is subject to the provisions of this Declaration

any failure of the lessee to comply with the terms of this Declaration shall be a default under the lease. Such owners shall provide the Association with the names of renter(s) and upon demand from the Association will provide a copy of such lease.

The approved amendment to Article XI, Section 11.1 of the Declaration of Covenants, Conditions, and Restrictions – Generally Applicable Restrictions, states:

S. Five-Year Waiting Period; Hardship Exceptions and Waiver. *For a period of at least five (5) consecutive years after an Owner's acquisition of a Dwelling Unit, the Owner must own the Dwelling Unit before he or she can lease such Dwelling Unit (the "Waiting Period"). After such time, the Dwelling Unit can be leased if all other conditions of this Section S are satisfied. The Owner may request the Board to waive the Waiting Period and approve a proposed lease if the Owner establishes to the Board's satisfaction that the Waiting Period will cause undue hardship.*

Please refer to the Amendment document for complete language and restrictions regarding the rental of a property within the Estes Park Neighborhood.

MAILBOXES:

- A. Each Owner shall maintain their mailbox in good condition.
- B. As necessary the Owner shall replace their mailbox with the same type, size, color and lettering/numbering as the original installation unless a change in design and color is approved by the Committee.

MAINTENANCE OF LOTS & IMPROVEMENTS:

It shall be the responsibility of each lot Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on their lot. No waste shall be accumulated in any Dwelling or on any Lot. Each Owner shall:

- A. Prevent the unsightly growth of weeds.
- B. Remove all debris or rubbish.
- C. Prevent the existence of any condition that reasonably tends to detract from or diminish the aesthetic appearance of the property.
- D. No trash bins stored in front of homes or in view of the road, they must be stored out of sight. If you choose to store them on the side of your home, they must be concealed from view with either fencing or plants. Either option, requires Architectural review. Please see Section L , Fencing Requirements, page [3].
- E. Prevent debris & foreign material from entering drainage areas.
- F. Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly.
- G. Woodpiles must be out of view from the sidewalk.

NUISANCES:

No noxious, unlawful or otherwise offensive activity shall be carried out on any Lot, nor shall anything be done thereon which may be or may become a serious annoyance or nuisance to the neighborhood, including without limiting the generality of the foregoing, noise by the use of any musical instruments, radio, television, loudspeakers, or other equipment or machines, or loud persons.

No Lot shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any portion of the Lot that will emit foul or obnoxious odors.

OUTSIDE LIGHTING:

All exterior lights must be approved by the Architectural Control Committee. Generally, requests for installation of outside lighting will be approved based on the following conditions:

- A. No more than double floodlights will be installed without specific approval from the Architectural Control Committee not to exceed 150 watts or 90 watts Halogen bulbs.
- B. Landscape lighting shall be low-voltage type lighting and must be directed down.
- C. "Up" directed lighting and fixtures must be specifically approved by the Committee.
- D. All exterior light (i.e. landscape, security, etc.) must fall within property limits. Lighting that is directed offsite shall be prohibited. Decorative back patio lighting shall be turned off at night after use.
- E. All exterior lighting approved for installation must be maintained, light bulbs in operable condition to ensure uniform illumination on each Lot.
- F. For the safety and security of the neighborhood, all garage coach lights must be in operation and the color of the light bulbs must be white.

OUTSIDE LIGHTING & DECORATIONS - SEASONAL

Seasonal outdoor lighting and decorations are approved during the following time periods:

Halloween

- A. Halloween lighting and decorations are approved for use from October 1st to November 10th.
- B. After November 10th, all Halloween decorations and lighting must be removed

Thanksgiving/Christmas

- A. Thanksgiving/Christmas lighting and decorations are approved from November 1st to January 15th.
- B. After January 15th, all Thanksgiving/Christmas decorations and lighting must be removed.

PLAY EQUIPMENT:

Play equipment is prohibited in Destination series neighborhoods.

Article XI, Section 11.1 of the Declaration of Covenants, Conditions, and Restrictions – Generally Applicable Restrictions, states:

V. No sheds, doghouses, basketball goals, trampolines, sandboxes, above ground pools, or playsets shall be permitted.

PORCHES, SCREENED IN PORCHES, ROOM, & GARAGE ADDITIONS:

Detailed construction plans must be submitted and approved by the Architectural Committee prior to the commencement of construction. Requests for screened-in porches, garage and room additions will be approved subject to the following guidelines.

- A. The additions shall be constructed of quality materials.
- B. The roofline shall follow the natural roofline of the home.
- C. Roof shingles, siding, and trim shall match the materials and colors of the primary residence.

PRIVATE WATER SYSTEMS:

Private water systems are not permitted.

PROHIBITION OF USED STRUCTURES:

All structures built or placed on any Lot shall be constructed with substantially all new materials, and no-used structures shall be relocated or placed on any such Lot.

RETAINING WALLS:

- A. Any proposed retaining wall must be materially (i.e. stone, brick, etc.) and architecturally compatible with the exterior finishes of the residence and shall be approved by the Architectural Control Committee prior to installation.
- B. Retaining walls, which divert ground water into adjoining Lot, or which otherwise substantially change the existing drainage pattern, will not be approved.
- C. Retaining walls may require city or county surveying and approval.

SCHEDULE FOR APPROVAL:

- A. The request shall be on the request for Architectural Change Form. Approval must be received prior to commencement of installation.
- B. The Architectural Control Committee will render a decision generally within 10-14 days of receipt of a complete submittal of the request for approval.

SIDEWALKS:

The Lot owner is responsible for sidewalk maintenance. In the event any Owner or parties with whom Owner contracts for work on the Owner's Lot, causes damage to a sidewalk or street curb such Owner shall be responsible for repairing said damage.

SIGHT DISTANCE AT INTERSECTIONS:

- A. Lots located at street intersections shall be landscaped to permit safe sight across the street corners.
- B. No fence, wall, hedge, trees, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

SIGNS:

All signs are subject to local and state regulations.

- A. All signs except one standard size framed real estate "for sale" signs on an individual lot are prohibited,
- B. Signs advertising property for rent, for goods, services or home occupations are strictly specifically prohibited.
- C. One political sign per candidate or legislation is permitted provided timing and size limitations are followed.

STORM DOORS:

If storm doors are installed, they must be painted to match the exterior of the home. No unfinished aluminum storm doors will be allowed.

STREET SIGNS:

The City or County shall be responsible for the placement, replacement, care & maintenance of all street signs and markers located in the Community. These signs are subject to approval by local municipality and jurisdictions.

UNLICENSED MOTORIZED VEHICLES:

Golf carts are permitted in the neighborhood when operated by licensed drivers. All other motor scooters, minibikes, ATV and/or any other unlicensed motorized vehicles are prohibited in the community, common areas and streets are not permitted.

VEHICLE PARKING:

- A. Vehicles should be parked in the garages or driveways and should not impede the right of way of sidewalks. Sidewalks must remain passable and unobstructed by vehicles.
- B. On days of heavy snow, residents are asked to park all vehicles in garages or driveways and off the street to allow for proper street plowing.
- C. Stored, inoperable or unlicensed vehicles shall be permitted only in enclosed garages.
- D. No recreational vehicle, motor home, camper, boat, commercial vehicle, truck which exceeds 1 ton weight load, or trailer, shall be parked overnight or longer on any Lot in open public view on community street.