

**POLICY OF BROOKWILLOW VILLAGE HOMEOWNERS ASSOCIATION, INC.
REGARDING TOWING**

SUBJECT: Adoption of a policy addressing towing of vehicles in the Brookwillow Village Homeowners Association, Inc. community (“Community”).

PURPOSE: To adopt a standard policy addressing towing of improperly parked vehicles in the community (“Policy”).

AUTHORITY: The Association’s Declaration, Bylaws, Articles of Incorporation, Rules and Regulations and Colorado law.

EFFECTIVE DATE: _____

WHEREAS, Paragraph IX of the Declaration for Brookwillow Village Homeowners Association, Inc. (“Declaration”) provides that parking in the Community shall be regulated by Brookwillow Village Homeowners Association, Inc. (“Association”); and

WHEREAS, C.R.S. §40-10.1-405(3) and §40-10.1-405(4)(f) provide the statutory framework for towing companies to follow when towing vehicles, and the Association must therefore comply with same to the extent it is impacted; and

WHEREAS, the Board believes it is in the best interests of the Association to adopt a policy governing the towing of improperly parked vehicles in the Community.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

I. Parking and Towing.

- A. Vehicles parked in the community on a Common Element road, alley, or other Common Element parking area must comply with the parking requirements provided in the Declaration and any parking rules and regulations adopted by the Board of Directors (collectively “Parking Regulations”).
- B. Except as set forth in Paragraph I(E) below, which allows for immediate towing, in the event a vehicle is parked in violation of the Parking Regulations, the Association will post written notice (“Notice”) on the windshield of the vehicle at least 24 prior to towing, which notice will contain the following information:

1. The vehicle will be towed without consent if it remains parked inappropriately;
 2. Description of the parking violation;
 3. The vehicle will be towed if it is not moved; and
 4. If the vehicle continues to violate the Parking Regulations in the same manner, this may lead to immediate towing without notice.
- C. For each individual tow, the Association, its authorized agent, employee, or management company/manager shall, in conjunction with the above Notice, provide to the tow company, within 24 hours immediately preceding the tow, the legally required and signed approval form created in accordance with C.R.S. §40-10.1-405(3)(d)(I). The form was created by the Public Utilities Commission and is attached as an exhibit to this Policy. Such form shall not be automated or preapproved.
- D. If the violation continues past the time for correction stated on the Notice, the vehicle may be towed in accordance with the Notice, without further notice to the vehicle owner or user, and the owner thereof shall be solely responsible for all towing and storage charges; provided, however, that the Association shall not tow a vehicle for the sole reason that the vehicle's rear license plate shows that the vehicle's registration has expired.
- E. Immediate Towing A vehicle will be subject to immediate towing, without notice, if:
1. The vehicle is parked in a designated fire lane;
 2. The vehicle is parked in a handicap parking space without displaying an appropriate placard or license plate;
 3. The vehicle is blocking a driveway or roadway enough to effectively obstruct access;
 4. The vehicle has received two or more previous notices for violating the Parking Regulations in the same manner;
 5. The vehicle is parked in a space designated for use of a particular resident.
 6. The vehicle is being repossessed by a creditor with a lien or security interest in the vehicle;
 7. The removal is expressly ordered or authorized by a court order, an administrative order, or a peace officer or by operation of law; or
 8. The vehicle is parked without authorization in a parking lot marked for the exclusive use of residents or invited guests.

II. General.

- A. No Liability. If a vehicle is towed in accordance with this Policy, 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.
- B. Renters. Owners who rent their Units are required to provide their tenants with a copy of this Policy and the Parking Regulations.
- C. Other Remedies. Notwithstanding anything to the contrary in this Policy, the Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow. The Association's right to tow is in addition to and not in limitation of all other rights of the Association.
- D. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
- E. Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
- F. Amendment. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Brookwillow Village Homeowners Association, Inc., a Colorado nonprofit corporation, certifies the foregoing Policy was adopted by the Board of Directors on _____ and in witness thereof, the undersigned has subscribed their name.

**Brookwillow Village Homeowners
Association, Inc.,** a Colorado nonprofit
corporation

By: _____
Its: President



COLORADO

**Department of
Regulatory Agencies**

Public Utilities Commission

PROPERTY OWNER TOW AUTHORIZATION FORM

TOW INFORMATION

DATE: _____ TIME: _____

PROPERTY ADDRESS OF TOW:

INAPPROPRIATE PARKING/REASON FOR TOW:

VEHICLE INFORMATION

MAKE: _____ MODEL: _____ COLOR: _____

LICENSE PLATE / STATE: _____ VIN: _____

PROPERTY OWNER INFORMATION

NAME (PRINTED): _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

PROPERTY OWNER SIGNATURE: _____

(FOR RESIDENTIAL PPIs ONLY) I certify that 24-Hour notice was provided prior to the tow, if applicable.

I certify that I meet the definition of a property owner, for purposes of tow authorization*

*Pursuant to PUC Rule 6501(u), "property owner" means (I) the owner or lessee of the private property or public property; (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property. In addition, a person, pursuant to §§ 40-10.1-405(3)(a)(IV)(B) and (C), C.R.S., (e.g., an HOA board member) may be considered a property owner, for purposes of authorizing a nonconsensual tow. Please note that state law requires a Residential PPI (i.e., a nonconsensual tow from residential private property, including from a common parking area) to be authorized by the owner or lessee of the private property, their direct employees, or direct employees of a retained property management company.

Towing Carrier Use Only:

Company Name: _____ **Storage Facility Address:** _____ **Telephone**

Number: _____ **PUC Permit Number:** _____

*Report problems to the Public Utilities Commission at (303) 894-2070. Form Updated: 8/09/24