

ORCHARD RUN TOWNHOUSE CONDOMINIUM

c/o Vanguard Management Associates, Inc.
P.O. Box 39
Germantown, Maryland 20876

POLICY RESOLUTION FOR VEHICLE PARKING VIOLATION PROCEDURES

Adopted: 4/11/13

Effective: 4/26/13

WHEREAS, Article X, Section 3 (j),(k) and (l) of the By-Laws for the Orchard Run Townhouse Condominium (Association) delineates the restrictions relating to the parking of vehicles upon any Unit or Common Elements, or upon the public or private streets adjacent to the Condominium; and

WHEREAS, Article V, Section 3(d), of the By Laws for the Association empowers the Board of Directors to promulgate and enforce such rules and regulations and such restrictions and requirements as may be deemed proper respecting the use, occupancy and maintenance of the Association and the General and Limited common elements by the members; and

WHEREAS, the Board of Directors for Orchard Run Townhouse Condominium desires to promulgate a more comprehensive policy in support of Article X, Section 3 (j), (k), and (l) of the By-Laws,

NOW, THEREFORE, BE IT RESOLVED THAT, in support of the above, the Board of Directors for the Association hereby declares and adopts the following policy and procedures governing vehicle parking:

I. The following policy hereby supersedes any and all other policies which may have been previously enacted by any Board of Directors for the Orchard Run Townhouse Condominium (Association) and which may have dealt with the parking of vehicles in the community.

II. Garage Parking

A. Homeowners/Residents Parking

1. Garages shall be used to park motor vehicles serving the residents of the Unit. No garage may be altered, modified or changed in any manner which would inhibit or in any way limit its function as a parking area for vehicles. The purpose is to assure that garages continue to be utilized for parking area for vehicles.

III. Vehicle Standards

A. An acceptable vehicle will include any conventional passenger vehicle, motorcycle, non-commercial use truck or van that is registered as a pleasure vehicle with a load capacity of 3/4 ton or less.

B. Restrictions

1. No junk vehicle, commercial vehicle, truck, vehicle on which current registration plates are not properly displayed, inoperable motor vehicle, trailer, mobile home, camp truck, house trailer, recreational vehicle, boat, boat trailer, or other similar vehicles, machinery or equipment, of any kind or character shall be kept upon any Unit, Common Elements, or public or private streets adjacent to the Condominium.

2. No motor vehicles may be used or maintained on the yard or sidewalks of any Unit or on the grass and other vegetated Common Elements.

3. The following definitions shall apply:

a. **Junk Vehicle:** A junk vehicle is any vehicle that is incapable of passing, without limitation, current Maryland Department of Motor Vehicle Administration inspection criteria, any vehicle that does not display current registration plates, or any vehicle which remains stationary in the common parking areas or driveways for a period exceeding fifteen days (15) days. Proof of this violation must be supplied, in writing, by a member of the Condominium willing to testify that the vehicle has been stationary for a period exceeding fifteen days (15) days.

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- b. Commercial Vehicle: Any vehicle including vans used for commercial use and vehicles displaying commercial signage of any type, excluding vehicles of a governmental agency, and police or other rescue vehicles.
 - c. Truck: A truck is a vehicle with a load capacity of greater than three quarter (3/4) ton and/or meeting either of the following conditions:
 - Having more than two (2) axles, and/or
 - Having more than four (4) wheels.
 - d. Unlicensed or Inoperable Motor Vehicle: Same as Junk Vehicle.
 - e. Trailer: A trailer is any vehicle which is drawn by another vehicle having motive power but is incapable of motive power by itself.
 - f. Mobile Home: A mobile home is a vehicle having its own motive power outfitted as a traveling home.
 - g. Camp Truck: A camper truck is any self-propelled camper.
 - h. House Trailer: A house trailer is any vehicle drawn by a car or truck and is used as a temporary or permanent dwelling.
 - i. Recreational Vehicle: Any vehicle not used for normal transportation on public roads such as jet skis, four-wheelers, three-wheelers, all-terrain vehicles, go carts, mini bikes, and water bikes.
 - j. Boat: Self-explanatory
 - k. Boat Trailer: Same as Trailer.
4. The Association reserves the right to park any vehicles, equipment and/or machinery on common grounds for maintenance and operation of the Association's common areas and facilities.

IV. Regulation of Common Parking Spaces.

The Board of Directors may implement a system to regulate the use of the parking spaces within the Association's common parking areas. The following shall apply:

- A. Parking in any parking spaces within the common parking areas will be by **PERMIT ONLY**.
 - 1. The form of such Parking Permit shall be determined from time to time by the Board of Directors for the Association.
 - 2. All vehicles parked in a common parking space **must** display a **valid** Parking Permit at all times. Vehicles parked in common parking spaces that **DO NOT** display a valid Parking Permit may be **towed without notice at vehicle owner's expense**.
 - 3. Each address in the community will be issued **ONE** (1) Parking Permit.

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4. New residents must obtain the Parking Permit from the previous resident.
5. A Parking Permit may not be used on a given vehicle in violation of any other rule, or covenant.
 - a. Violation of this provision may result in cancellation of the Parking Permit and in the towing of the vehicle involved.
6. Replacement Permits:
 - a. A damaged or unusable Parking Permit may be returned to the Association for replacement at no charge.
 - b. If a Parking Permit is lost, stolen or misplaced, a replacement Parking Permit will be issued by the Association for a fee of ONE HUNDRED and XX/100 dollars (\$100.00).
7. The Board of Directors may, from time to time and at its sole discretion, issue new Parking Permits.

V. Additional Restrictions

- A. No repairs or extraordinary maintenance of automobiles or other vehicles are permitted at any time upon any Unit or Common Elements.

VI. Enforcement

- A. The Association, specifically the Board of Directors, management agent and/or other such committee as may be designated by the Board of Directors, may implement enforcement of this policy.

B. Notice

1. Tow Warning

- a. The Association will provide notice to the owner of an offending vehicle by the posting of a "Tow Warning" notice on the offending vehicle of the alleged violation(s) of this policy and the intent to tow said vehicle.
- b. Such notice shall be deemed sufficient to permit implementation of the enforcement mechanism(s) as herein follow.

2. The Association may send a letter to the owner of the offending vehicle, provided that the owner of said vehicle can be readily identified through no extraordinary means, noting the alleged violation(s) of this policy and the intent to tow said vehicle.

C. Towing

1. If the offending vehicle is not removed within forty eight (48) hours from date of posting of the notice upon said vehicle, the Association may have the offending vehicle towed from the Property
2. Any and all towing and storage charges or damage incurred in the process, shall be the responsibility of the owner of the vehicle.
3. Vehicles parked within marked fire lanes, marked handicap parking spaces, and vehicles parked in common parking spaces without a valid parking permit may be towed **without notice.**

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4. Any subsequent violation of this policy involving the same vehicle within one hundred eighty (180) days of the initial notice of violation may result in the immediate removal of such vehicle without further notification.

VII. Responsibility

A. Nothing in this policy shall be construed to hold the Association or its agents responsible for any damage to vehicles or loss of property from vehicles parked on common parking areas.

B. In addition to the towing provisions above, alleged or actual breaches of this policy are subject to other enforcement action that is permissible and consistent with the Association's Declaration, By-Laws, and/or Policies.

VIII. Liability and Indemnification

A. All duly appointed officers and directors of the Corporation are hereby protected from legal action against them as set forth in Article VII of the By-Laws for the Association.

IX. Amendment.

A. The Board of Directors may, from time to time, amend this policy in accordance with applicable law.