

TANYARD SPRINGS HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 8

PARKING & TOWING RESOLUTION

WHEREAS, Article 7, Section 7.1 of the Bylaws of Tanyard Springs Homeowners Association (hereinafter “the Association”) grants the Board of Directors (hereinafter “the Board”) the power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws or the Declaration of Covenants, Conditions and Restrictions (hereinafter “the Declaration”);

WHEREAS, Article 8 of the Declaration provides that the Board may adopt as HOA Codes such additional use restrictions and protective covenants related specifically to the use of the Property or the HOA Common Area as are consistent with the Declaration and the Development Plans and as may be deemed necessary or appropriate by the Board;

WHEREAS, Article 8, Section 8.1 of the Declaration also provides that the HOA Codes shall prescribe rules, policies and/or procedures for implementing provisions of the Governing Documents including , but not limited to, Parking rules and regulations;

WHEREAS, Article 9, Section 9.3 of the Declaration authorizes the Board to adopt any rules and regulations governing parking including, without limitation, involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules and regulations;

WHEREAS, Article 9, Section 9.3 of the Declaration states that no vehicle belonging to any Owner, or to any tenant, guest, invitee or family member of any Owner, shall be parked in a matter that unreasonably interferes with or impedes ready vehicular access to any adjoining parking space;

WHEREAS, Property is defined as all roads, sidewalks and common areas located within the Tanyard Springs Community;

WHEREAS, for the benefit and protection of all of the Homeowners, the Board deems it desirable to establish procedures for the towing of vehicles consistent with principles of due process and the Governing Documents;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT pursuant to the above referenced provisions, the Board adopts the following procedures for parking on community grounds and the towing of vehicles in violation of the parking regulations.

I. RULES AND REGULATIONS

A. Use of Parking Areas. Parking areas shall be used solely for the parking of vehicles owned or operated by Homeowners, their guests, family, agents, and licensees. All other motor vehicles are prohibited from entering upon the common elements except when picking up or delivering passengers or merchandise or during the performance of work or services within the Association, or as otherwise provided herein.

B. Recreational and Commercial Vehicles. No recreational or commercial vehicles shall be parked on the Property unless the operator is conducting business during normal workday hours or upon special written permission given by Managing Agent upon approval from the BOD for a limited time not to exceed two working days.

C. Junked Vehicles. No junked vehicles shall be parked or maintained on the Property. For the purposes of this Resolution, a junked vehicle shall mean: (1) a vehicle that does not have lawfully attached to it an unexpired license plate and/or a valid motor vehicle inspection certificate, and/or (2) a vehicle that is wrecked, and/or inoperable and/or dismantled or partially dismantled.

D. Unregistered Vehicles. No unregistered vehicles shall be parked or maintained on the Property.

E. Other Equipment and Machinery. No equipment or machinery shall be parked or maintained on the Property.

F. Motorcycles. Motorcycles may only be parked on a homeowner's own driveway. The owner of any motorcycle who does not park his or her motorcycle in a homeowner's driveway may be held liable for repairs to the common area roadways.

G. Unsafe Vehicles. Vehicles shall not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks. Any motor vehicle that presents an imminent threat to persons or property is subject to immediate towing.

H. Fire Lanes. Parking in a fire lane is a violation of the Ann Arundel County Code and prohibited by this Resolution.

I. Repairs. Major repairs or maintenance to vehicles, painting of vehicles, or the drainage of fluids from the vehicles is not permitted in areas any common area. Minor maintenance or repairs begun on any motor vehicle by an owner or his assigned agent while on any common area must be completed within one (1) working day.

J. Operator's Responsibilities.

1. Motor vehicles shall only be parked in properly marked parking spaces on the Property.

2. Motor vehicles shall not be parked in fire lanes, impede the normal flow of traffic, block any fire hydrant, sidewalk, mailbox or dumpster, or prevent ingress and egress of any other motor vehicle to adjacent driveway or the open roadway.

3. Motor vehicles parked on the street must be positioned parallel to curb and within sixteen (16) inches of the curb and not in a posted "No Parking" zone.

4. The operation of licensed motor vehicles on the Property shall be restricted to paved roadways only.

6. No person shall operate a motor vehicle on the Property without a valid operating or driver's license.

K. Owner's Responsibilities. All Owners are responsible to ensure that their family members, employees, visitors, guests, tenants and agents observe and comply with all rules and regulations as may be adopted by the Board.

L. Exceptions. Owners who wish to be exempted from any of these rules may submit a written request for a variance to the Board of Directors for review. If the Board finds that (a) the intent and purpose of the rules are not served when applied to the particular facts and circumstances, and (b) enforcement imposes an unfair burden on the owner, it may grant the variance. No variance shall be effective until the Board approves a written instrument citing the reasons for the variance. Variances shall be filed among the records of the Association.

II. ENFORCEMENT

A. Signs/Notice. The Association shall post permanent signs in the parking areas and at each vehicle entrance to the Association's grounds notifying the public of parking restrictions. Such signs shall include: (i) a statement that vehicles violating the restrictions may be towed at the vehicle owner's expense; and (ii) and the telephone number of each towing service hired to tow unauthorized vehicles from the property. In the alternative, the Association may also provide sufficient notice by: (i) securely attaching a notice specifying a violation of an applicable rule or covenant to the vehicle in a conspicuous place; (ii) the date and time the notice was attached is written on it; (iii) and the notice informs the vehicle owner that the violation must be corrected or the vehicle may be towed at the vehicle owner's expense 48 hours after the notice is attached; and an unauthorized vehicle that has received a notice of the same violation within the previous 180 days may be towed without any further notice.

B. Violations Subject to Immediate Towing. Any motor vehicle (a) parked within ten (10) feet of a fire hydrant or in a designated fire lane, (b) on a grassy area or sidewalk, (c) impeding access to sidewalks, mailboxes or dumpsters, (d) disrupting the flow of traffic on any roadway within the community due to being parked more than sixteen (16) inches from any curb, and/or (e) constituting a safety hazard shall be subject to immediate removal without notification.

C. Emergency Moving. The Association may move a vehicle within the Property without prior notice to the vehicle owner, but must not remove the vehicle from a homeowner's driveway, when moving the vehicle is necessary to remove large quantities of snow or debris, repair the roads, or respond to a threat to a person's health or safety. Any emergency moving will be at the owner's expense if the owner failed to follow posted notices and the Association will inform the vehicle owner where the vehicle was relocated or return the vehicle to its original location as soon as possible.

D. Handicapped Vehicle Owners. The Association will not authorize a towing service to tow a vehicle with a valid handicapped registration plate or valid disabled person's parking permit conspicuously displayed from the Property without the consent of the vehicle owner unless: (i) the tow is expressly authorized by a police officer at the request of a homeowner; or (ii) the vehicle is blocking a clearly marked fire lane or access to another vehicle, or the private roads within the Property.

E. Association reserves the right to exercise all other power and remedies provided by the Association's governing documents or the laws of Maryland and Ann Arundel County.

III. ATTORNEYS' FEES and LIABILITIES

A. Owner Responsibilities. Owners shall be responsible for all expenses and/or attorneys' fees incurred by the Association in enforcing the provisions of this Resolution.

B. Liability.

1. The Association assumes no responsibility for any damage to any motor vehicle parked, operated or towed on the Property. Similarly, the Association shall not be liable for any tow of a vehicle that has resulted from a violation of the rules contained herein.

2. Owners shall be held liable for any expenses incurred by the Association as a result of any damage done on the Property by the use, repair or maintenance of their vehicle, or as a result of negligence, whether on the part of the owner, his family, tenants, guests or agents.

C. Validation of Resolution. If any clause, phrase, provision or portion of this Resolution is invalid or unenforceable under applicable law, such condition shall not affect, impair or render invalid or unenforceable any other part of this Resolution.

D. Supersedes Prior Rules. To the extent that the preceding rules are inconsistent with any duly adopted rule or regulation with respect to parking within the Association, these rules shall prevail. Otherwise, these rules supplement the prior rules, which remain in full force and effect.

TANYARD SPRINGS HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORDED

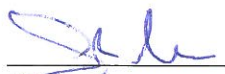
Resolution Type:


Parking & Towing Resolution

Resolution No.: 8

Duly adopted at a meeting of the Board of Directors held on May 19, 2011

Motion By: STEVE NESS Seconded By: JOHN NICHOLS

	Vote: Yes	No	Abstain	Absent
<u>Robert Jacoby</u> President	_____	_____	_____	_____ ✓
<u>Steve Ness</u> Vice President	_____ ✓	_____	_____	_____
<u>John Nichols</u> Treasurer/Secretary	_____ ✓	_____	_____	_____
 Secretary	_____	_____	_____	_____

ATTEST:  Date: 5/19/2011
- AGENT FOR
TANYARD SPRINGS HOA

File:
Book of Minutes: 5/19, 2011

Resolution Effective: JULY 1, 2011

(c) No Owner shall make any private, exclusive or proprietary use of any of the HOA Common Area except for any parking space reserved for the exclusive use of such Owner, and no Owner shall engage or direct any employee of the HOA on any private business of the Owner during the hours such employee is employed by the HOA, nor shall any Owner direct, supervise or in any manner attempt to assert control over any employee of the HOA.



Section 9.3. Vehicle and Parking Restrictions.

(a) (i) Except as otherwise provided in this Section 9.3(a) or elsewhere in this Declaration or as may be determined by the Board of Directors or Declarant during the Declarant Control Period, parking spaces within the Property shall be used for parking passenger cars, including sport utility vehicles (SUVs) and vans, and for no other purpose. No junk vehicle, commercial vehicle, truck (as defined by the Maryland Department of Motor Vehicles and/or by common usage and practice except for light pick-up trucks of three-quarter (3/4) ton capacity or less used for non-commercial purposes), unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria), trailer, mobile home, recreational vehicle, boat or other similar vehicles, machinery or equipment of any kind or character (except for such equipment and machinery as the HOA may require in connection with the maintenance and operation of the Property) shall be kept in any parking space or other area of the Property. Except for bona fide emergencies, maintenance or repair of automobiles or other vehicles shall not be permitted within any parking spaces or other areas of the Property.

(ii) Notwithstanding the provisions of subsection 9.3(a)(i) above, the Board of Directors or Declarant, during the Declarant Control Period, may designate certain parking spaces that are exempt from some or all of the restrictions of this subsection, including, without limitation, parking spaces for use by commercial vehicles providing services to the Residential Units or the HOA.

(b) Parking within the Property shall be subject to the following restrictions:

(i) Any rules and regulations governing parking that may be adopted in accordance with Section 9.3(c) below, including, without limitation, involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules and regulations.

(ii) No vehicle belonging to any Owner, or to any tenant, guest, invitee or family member of any Owner, shall be parked in a manner that unreasonably interferes with or impedes ready vehicular access to any adjoining parking space.

(c) The Board of Directors and Declarant, during the Declarant Control Period, are each authorized to adopt and amend rules and regulations regarding parking and traffic control within the Property, provided such rules and regulations are not inconsistent with the provisions of this Declaration or other Governing Documents. Each Owner shall comply in all respects with such rules and regulations. Notwithstanding any provision of the Governing Documents to the contrary, for so long as Declarant (and its successors and assigns to whom Declarant's rights under this Section have been specifically assigned by an instrument in writing)