

## **Walnut Creek Homeowners Association Townhouse Parking Procedures**

### **August 2016**

The Walnut Creek Homeowners Association is amending the Townhouse Parking Regulations in order to improve the implementation of existing policies governing the townhouse parking lots. The townhouse parking lots are the property of Walnut Creek Homeowners Association. The Association is responsible for assigning two vehicle parking spaces for each townhouse unit.

The Walnut Creek Homeowners Association Board reserves the right to modify, alter, create and amend any rules and regulations as deemed necessary for the quiet enjoyment of the majority of the community. Notice of changes to the parking policy or procedures will be provided to the owners of each townhouse unit at least 30 days before implementation.

Non-occupant owners are required to provide their tenants with a complete set of the Association Documents, including but not limited to the Deed, Agreement and Declaration and Townhouse Supplement, By-laws, Architectural Regulations and Guidelines, and Townhouse Parking Regulations. The non-occupant owners are responsible for ensuring that their tenants comply with the parking regulations.

Homeowners and residents are responsible for informing their guests of the provisions of the Townhouse Parking Regulations.

### **LEGAL AUTHORITY**

The Walnut Creek Homeowners Association By-laws Article VII Section 1(a) specifies that the Board of Directors shall have the power to adopt and publish rules and regulations governing the use of Common Area and facilities

The Walnut Creek Homeowners Association Deed, Agreement & Declaration Townhouse Supplement Article XIII, specifies that the ownership of each townhouse lot shall entitle the owner or Owners to the use of not more than two automobile parking spaces, which shall be as near and convenient to said lots as reasonably possible. The HOA is responsible for assigning two vehicle parking spaces for each Living Unit.

The Walnut Creek Homeowners Association Deed, Agreement & Declaration, Article II, Section 4(d) specifies that "No motor vehicles (other than that of a private passenger type), boat, boat trailer, house trailer, trailer or any similar items shall be stored upon any lot."

The Walnut Creek Homeowners Association Board hereby gives authority to any governmental agency to ticket or tow any vehicle parked in designated fire lanes, any vehicle parked in a manner that obstructs or limits access to Association property (parking lots and parking spaces) or blocks in vehicles.

### **PROCEDURES**

Each townhouse unit is assigned two numbered vehicle parking spaces. Each townhouse owner must complete a Vehicle Identification Form to register the vehicles authorized to park in the townhouse unit's assigned parking spaces. The townhouse owner will then receive two hanging tag permits for the vehicles to be parked in the unit's assigned parking spaces. The hanging tag permits must be visible when parked on Association property. The numbers on the hanging tag permits will correspond to the numbers on the townhouse unit's assigned parking spaces. The numbers will be independent of the townhouse unit's address.

The hanging tag permits are the property of Walnut Creek Homeowners Association and shall be valid until the permit holder ceases to be a resident of the townhouse unit to which the permit is assigned. The Association Board must be advised of changes relating to the identification of vehicles to be authorized for parking on Association property. This does not apply to vehicles belonging to short term visitors as defined herein. Permits may not be transferred without the authorization and approval of the Association Board.

Vehicles parked in any parking space that do not have proper permits displayed will be subject to towing.

## ***Assigned Parking***

Residents are to use the parking spaces assigned to their townhouse unit. Residents and/or owners may have unauthorized vehicles towed that are in the assigned spots.

NOTE: The towing company **will not** respond to calls from unauthorized persons.

## ***Visitor Parking***

Unassigned parking spaces will be marked "VISITOR" and will be available to visitors on a first come, first served basis. The 9000 block of townhouses has ten (10) unassigned parking spaces and the 9100 block of townhouses has fifteen (15) unassigned parking spaces. Residents may not park in visitor parking spaces. Resident vehicles parked in visitor spaces are subject to fines and towing.

Visitor vehicles must have the VISITOR hangtag and may not be parked in the same visitor parking space for more than three consecutive days. Residents may report to any member of the Board a vehicle that is parked in the same visitor parking space for more than three days without being moved. Residents may not call the towing company directly to have vehicles towed from visitor spaces.

Vehicles parked in visitor spaces are subject to the same prohibitions as for assigned spaces.

## ***Prohibitions***

Any vehicles violating the following prohibitions are subject to fines and towing.

1. Unregistered vehicles or vehicles with expired tags may not be parked in the townhouse parking lots.
2. Vehicles with flat tires and inoperable vehicles may not be parked in the townhouse parking lots. Damaged vehicles may not be parked long term on the parking lots. Vehicle damage must be repaired within 30 days or the vehicle will be subject to towing.
3. Oversized vehicles, boats, boat trailers, campers, motor homes, house trailers, tractor trailers, camp trucks, trailers, or any similar items may not be parked in the townhouse parking lots. Oversized vehicles are defined as any vehicle meeting **any** of the following:
  - a) having more than two (2) axles,
  - b) having more than four (4) wheels,
  - c) having greater than one (1) ton capacity,
  - d) exceeding a gross vehicle weight of three (3) tons or 6,000 pounds,
  - e) exceeding twenty (20) feet in length and/or seven (7) feet in height.
4. Commercial Vehicles are prohibited. Commercial vehicles include, but are not limited to
  - a) any vehicle that displays commercial lettering or commercial business advertising;
  - b) any vehicle having equipment on the exterior used for a trade or business including, but not limited to, ladders, ladder racks, landscaping equipment, tools, tool chests, commercial supplies, or the like;
  - c) any vehicle with a body type normally employed as a commercial or business vehicle whether or not lettering or advertising is displayed; and
  - d) any vehicle that is registered or licensed for commercial or business purpose.
6. Vehicles must be parked within designated parking spaces. Vehicles not parked in a designated space are subject to being towed. Parking in the roadway behind designated parking spaces in such a manner as to block the designated parking space is prohibited.
7. Any equipment stored on non-commercial vehicles, such as bicycles on racks, should not extend past the boundary of the vehicle in such a way as to present a hazard to pedestrians walking on the sidewalk or to cause damage to other vehicles.

8. No persons without a proper motor vehicle operating license shall be permitted to operate motor vehicles on Association property.
9. Motorized vehicles that do not meet requirements for registration or for use on State roadways including, but not limited to go-carts, motorized scooters, dirt bikes, mini-bikes, and all-terrain vehicles, shall not be driven on Association property.
10. Motorcycles shall be parked on the paved areas in assigned parking spaces and not on sidewalks or grassy areas belonging to either the townhouse unit owner or the Association. At no time are motorcycles to be driven over common areas other than the parking lots or roadways.
11. No repairs or changing of fluids shall be performed upon any vehicle on common areas including the townhouse parking lots. Townhouse unit owners shall be responsible for the cleanup, repair or replacement of damaged asphalt caused by any such vehicle repairs or maintenance. Vehicles found to be leaking fluids on Walnut Creek Homeowners Association property shall be reported to the Montgomery County Dep't of Environmental Protection.
12. Vehicles must not be driven or parked on the grassy common areas nor on lawns.
13. Any damage caused to Association property by any vehicle shall be assessed in the actual amount of the cost of repair, replacement, and/or cost of legal action as determined by the Association Board and charged to the townhouse unit owner. Such charges may be collected by the Association in the same manner as assessments.
14. It is against Montgomery County law to leave vehicles running unattended.
15. No vehicle may be parked next to a yellow painted curb.

## **Noise Disturbances**

The following considerations of noise disturbances are included to allow homeowners and residents the quiet enjoyment of their homes. Homeowners and residents are responsible for informing their guests of these considerations. Noise disturbances are regulated under the Montgomery County Noise Ordinance and can be enforced by the Montgomery County Police (contact the non-emergency dispatcher only) or the Montgomery County Department of Environmental Protection.

1. Sounding a horn or other signaling device on a vehicle is prohibited in the parking lots **except in an emergency or as a danger warning signal.**
2. Creating a noise disturbance by blasting a vehicle stereo in the parking lots is prohibited.
3. Vehicle alarms can also create a noise disturbance. Anyone parking a vehicle with a sound alarm in the parking lots must ensure that the alarm can be silenced in the event that the alarm should sound. Silent alarms are preferred. In the event that a vehicle alarm is not silenced, any resident can report the offending vehicle to the Police Non-emergency dispatcher. The police may tow the vehicle.

## **Enforcement**

The Walnut Creek Homeowners Association parking regulations may be enforced by any one or more of the following:

- a. Towing
- b. Fine
- c. Complaints to Montgomery County Police Department

Any vehicle in violation of these regulations may be towed in accordance with the Montgomery County Code. Towing shall be at the cost, risk, and responsibility of the vehicle's owner. Vehicles may be towed at the discretion of an authorized resident only where a vehicle is parked in or obstructs such resident's assigned parking space.

## **Hanging Tag Distribution**

As part of the new homeowner's package, owners will receive a Parking permit request form which should be filled out and mailed to WCHOA. Upon receipt, two parking hanging tags for the assigned spots, plus a visitors hanging tag will be distributed to the homeowner. The hanging tags remain the property of WCHOA and must be returned when the

property is sold. Replacement tags are subject to a \$25 replacement fee. It is the responsibility of the owner to convey the tags to new tenants and to request new Limited Agency and Disclaimer letters for their tenants.

All owners will also receive an authorization form to present to the towing company when requesting a vehicle tow from their designated parking spaces

### ***Adoption of Regulations***

These regulations are hereby adopted by the Walnut Creek Homeowners Association Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_. Public notice is hereby given to Walnut Creek townhouse unit owners and filed among the land records of Montgomery County Maryland.

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Board of Directors

\_\_\_\_\_  
Date

Attachments: Vehicle Identification Form  
Authorized persons Identification Form  
Grant of limited Agency & Disclaimer Letter Form