

PARKING & TOWING POLICY
for
LAFAYETTE PLACE HOME OWNERS ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

I, Robert Curtis Wade (Wojnicz) President of Lafayette Place Home Owners Association (the "Association"), do hereby certify that the Board of Directors of the Association approved the following Parking and Towing Policy for Lafayette Place Home Owners Association (the "Policy"):

RECITALS:

1. The property encumbered by these Rules is that property restricted by the Declaration, Lafayette Place (A Condominium) (Amended December 4, 1978) recorded in the Real Property Records of Bexar County, Texas under Volume 4, Page 01, as same has been or may be amended and/or supplemented from time to time ("**Declaration**"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association (the "Condominium").
2. The following Rules are adopted by Lafayette Place Home Owners Association (the "Association") pursuant to *Section 9.3.1* of the Declaration and Section 82.102(a)(7) of the Texas Property Code.
3. Section 2.6 of the Amended and Restated Bylaws of Lafayette Place Home Owners Association (the "Bylaws") grants the Board of Directors the authority to adopt these Rules for the benefit of the property and the Association to establish uniform rules for the parking of vehicles within the Condominium, and for the towing of vehicles in violation of the dedicatory instruments of the Condominium.
4. Article IV, Section F of the Amended and Restated Rules and Regulations of Lafayette Place Homeowners Association, recorded in the Real Property Records of Bexar County, Texas under Volume 17950, Page 298 (the "Amended and Restated Rules"), contains Vehicle and Parking rules.
5. All capitalized terms in this Policy shall have the same meanings as that ascribed to them in the Declaration unless otherwise specified in this Policy.
6. The Association does hereby adopt this Policy, which shall run with the land and be binding on all Owners within the Condominium. This Policy replaces and supersedes all prior policies relating to parking in their entirety.

I. PARKING

1.1 **General Parking Rules.** Parking in the Condominium and prohibited vehicles are addressed in Section 8.2.2 of the Declaration and the Amended and Restated Rules. Further, the Declaration and the Bylaws expressly grants to the Board the authority to promulgate rules relating to parking in the Condominium. In accordance with the Declaration, and in addition to any rules contained in the dedicatory instruments governing the Association, the following rules (“Parking Rules”) apply to all vehicles parked in the Condominium.

- (a) “Parked” as used in this Policy shall be defined as a vehicle left unattended by a licensed operator for more than thirty (30) consecutive minutes.
- (b) “Owner” means the record owner of a Unit in the Condominium.
- (c) “Vehicle Owner” means the owner or operator of a vehicle parked in the Condominium, which may or may not be an Owner.
- (d) Owners must provide a copy of the Declaration, Bylaws, and this Policy to their tenants.
- (e) Owners, residents, and tenants within the Condominium (each being referred to herein as a “Resident”) shall park their automobile, ³/₄ ton or less pickup truck, motor scooter, or motorcycle (each being referred to herein as a “Vehicle”) in the assigned parking space(s) of such Resident’s Unit.
- (f) Residents are responsible for ensuring their visitors, family members, invitees, licensees, lessees, renters, occupants and/or guests comply with this Policy.
- (g) No Vehicle may be parked on grass or on top of a curb at any time.
- (h) All Vehicles must park in the direction of the traffic flow.
- (i) No Vehicle shall be parked in a manner that obstructs access to or impairs ingress to or egress from an assigned parking space.
- (j) No Vehicle shall be parked in a manner that obstructs or impairs access to a mailbox or the delivery of mail by the U.S. Postal Service.
- (k) No Vehicle may be parked in an assigned parking space if any portion of the vehicle extends into the street or creates an obstruction.
- (l) No Vehicle may be parked in an assigned parking space such that the vehicle is parallel to the entrance of the assigned parking space.
- (m) No machinery, boat, manned craft, boat or motorcycle trailer, hovercraft, aircraft, recreational vehicle, pick-up camper, travel trailer, motor home, camper body, or similar vehicle or equipment may be parked in the Condominium.

- (n) All vehicles must be parked in an assigned or guest parking space between the hours of 12:00 A.M. (midnight) and 6:00 A.M.
- (o) No Vehicle that transports dangerous, flammable, hazardous, corrosive, or explosive cargo may pass through or be kept in the Condominium at any time.
- (p) No Vehicle leaking excessive fluids may be parked on any Condominium street or in any parking space at any time.
- (q) No Parking Areas are ingress and egress paths for police, fire, and emergency vehicles. Any vehicle parked in a No Parking Area will be towed in accordance with Section II of this Policy.
- (r) No Vehicle may be parked in an assigned parking space without the permission of the resident to which the assigned parking space belongs.

1.2 **Vehicle Registration.** All Vehicles belonging to residents which are parked overnight in an assigned space must display the Lafayette Place decal on the left side of the front windshield.

Decals will be obtained through the Lafayette Place Management Office by completing the Vehicle Registration Form (available online at www.lafayetteplace.net) and by providing a valid driver's license and current vehicle registration. One of the required documents must establish proof of residency at Lafayette Place.

All vehicles with a "Resident" decal must park in an assigned parking space. Resident Vehicles parked in a guest parking space are subject to fine or tow.

Residents who own more Vehicles than assigned parking spaces may rent up to two (2) additional parking spaces, at a cost of \$50 each, per month. These spaces are available on a first-come, first-serve basis at the HOA Office.

1.3 **Overnight Guest Parking:** Overnight guests must either park in that unit's assigned parking space or in a "Guest" parking space during the hours of 12:00 a.m. (midnight) and 6:00 a.m.

All overnight guests must be registered with the HOA Office, either by emailing office@lafayetteplace.net or texting 210-705-9597 prior to midnight. Failure to register the vehicle(s) parking in an assigned parking space or "Guest" space may result in a fine and/or tow. Residents should provide the following information for all vehicles parked in a "Guest" space:

Unit Number
Name of Overnight Guest (driver)
Make, Model and Color of Vehicle
License Plate #

Number of Nights the Guest will Park Overnight in a Guest Space

An overnight guest may not be registered for more than 10 nights per month without prior approval from HOA Office.

1.4 **Specific Parking Prohibitions.** In addition to the parking limitations set forth above, a Vehicle may not be parked anywhere in the Condominium if such Vehicle:

- (a) is parked in a designated tow-away zone;
- (b) is parked in a designated fire lane or next to a red curb;
- (c) is parked on grass or any other landscaped area;
- (d) is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person and does not display the special license plates issued under Section 504.201, Transportation Code, or the disabled parking placard issued under Chapter 681, Transportation Code, for a vehicle transporting a disabled person;
- (e) is parked in a manner that obstructs the free flow of traffic on any Condominium street or parking lot;
- (f) is parked in a manner that obstructs access to or impairs ingress to or egress from Condominium parking;
- (g) is parked in any area designated by the Board as a "No Parking Area" or a non-designated parking space;
- (h) has been abandoned, as determined by the Board in its sole and absolute discretion;
- (i) is wrecked, inoperable, or otherwise unable to be legally operated on public streets;
- (j) that displays a sign or notation that the Vehicle is for sale;
- (k) is parked within fifteen feet (15') of a fire hydrant;
- (l) is parked in any area that may hinder or interfere with operation of emergency response vehicles (including, but not limited to, firetrucks, ambulances, and police vehicles);
- (m) is parked in a manner that obstructs access to a sidewalk;
- (n) does not have a valid registration sticker; or
- (o) is stored on blocks or is covered with a tarp for a period of longer than fourteen (14) consecutive days.

1.5 **Delivery and Service Vehicles.** Subject to the parking prohibitions set forth in Section 1.3, service and delivery vehicles, including trailers, may be parked on Condominium streets during daylight hours for such period of time as is reasonably necessary to provide service or make a delivery to a Unit. The service or delivery vehicle should be parked facing the direction of traffic flow for the side of the street on which the service or delivery vehicle is parked.

1.6 **Commercial and Recreational Vehicle.** The following definitions shall apply to this section:

(a) "Commercial Vehicle" as used in this Policy shall be defined as a motor vehicle that is not used primarily for personal, family, or household use. The term includes:

(i) a motor vehicle with a gross vehicular weight of 10,001 pounds or more;

(ii) a trailer or semi-trailer designed for use in combination with a vehicle described herein;

(iii) a motor vehicle that is designed to transport sixteen (16) or more passengers, including the driver;

(iv) a motor vehicle that is transporting hazardous material and is required to be placarded under Title 49, Paragraph 172, subpart F of the Code of Federal Regulations;

(v) Any vehicle containing more than two axles;

(vi) Any vehicle with six (6) or more wheels, with the only exception being a stock dually pick-up truck, owned by an individual;

(vii) Any box van other than individually owned passenger vans;

(viii) Any flatbed truck or trailer; and

(ix) Limousines, taxi-cab, buses, food trucks, and ambulances.

(b) "Recreational Vehicle" means any of the following:

(i) Boats, campers, RVs, watercrafts, aircrafts, four-wheelers, etc.

(c) Commercial or Recreational vehicles may only park within the Condominium while loading, unloading, or otherwise performing services for a Resident.

(d) Commercial or Recreational vehicles must not be left unattended, with the exception that Recreational Vehicles may remain in view for a period not to exceed forty-eight

(48) total hours in any seventy-two (72) hour period, to facilitate loading and unloading.

(e) No Commercial Vehicle or Recreational Vehicle is permitted to block or hinder the ingress or egress of traffic through the Condominium.

1.7 **Fines.** A fine may be levied by the Association for any violation of this Policy. Upon a violation by an Owner or Resident, guest, invitee, or contractor of an Owner or Resident, the Association shall send written notice to the Owner and Resident (as applicable). The notice may be sent by email, regular mail, or certified mail, return receipt requested, and shall:

- (a) describe the violation or property damage and states the amount of the levied fine or damage charge; and
- (b) state that not later than the 30th day after the date of the notice, the unit owner may request a hearing before the board to contest the fine or damage charge; and
- (c) allow the unit owner a reasonable time, by a specified date, to cure the violation and avoid the fine unless the unit owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months.

II. TOWING

In the event of a violation of the above-referenced Parking Rules, the Association hereby has the authority, but not the obligation, to tow vehicles in accordance with the following requirements.

2.1 The Texas Occupations Code, or successor statute, ("Code") provides specific guidelines that the Association must follow to tow vehicles parked within the streets and/or parking areas in violation of the above-referenced Parking Rules. Pursuant to Sections 2308.252(a)(4) & 2308.251 of the Code, the Association may, without the consent of the owner or operator of an unauthorized vehicle, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle owner's or operator's expense if the vehicle is parked in the Association's common areas/private property and:

- (a) is inoperable;
- (b) is in or obstructs a vehicular traffic aisle, entry, or exit;
- (c) prevents a vehicle from exiting a parking space;
- (d) is in or obstructs a fire lane marked according to Subsection (c) of the Code; or
- (e) does not display the special license plates issued under Section 504.201, Transportation Code, or the disabled parking placard issued under Chapter 681, Transportation Code,

for a vehicle transporting a disabled person and is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person.

2.2 Other than under the above-referenced circumstances, before the Association may tow an unauthorized vehicle at the expense of the owner or operator of the vehicle, Section 2308.252(a)(1) of the Code requires that a sign or signs prohibiting unauthorized vehicles be in place for at least the preceding twenty-four (24) consecutive hours and remain in place at the time of the towing. The specific requirements for the necessary signage may be found at Section 2308.301-305 of the Code.

2.3 If the Association does not choose to place the aforementioned towing signs, pursuant to Section 2308.252(a)(2) it may tow the vehicle if the owner or operator of the vehicle has received actual notice from the parking facility owner that the vehicle will be towed at the vehicle owner's or operator's expense if it is in or not removed from an unauthorized space.

2.4 In addition, if the Association is unable to effect actual notice to the violating owner or operator, it may use the notice procedure under Section 2308.252(a)(3) of the Code, as follows:

(a) A parking facility owner is considered to have given notice under Section 2308.252(a)(3) of the Code if:

(i) a conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

- a. that the vehicle is in a parking space in which the vehicle is not authorized to be parked;
- b. a description of all other unauthorized areas in the parking facility;
- c. that the vehicle will be towed at the expense of the owner or operator of the vehicle if it remains in an unauthorized area of the parking facility; and
- d. a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(ii) a notice is mailed after the notice is attached to the vehicle as provided by Subsection (1), above, to the owner of the vehicle by certified mail, return receipt requested, to the last address shown for the owner according to the vehicle registration records of the Texas Department of Transportation, or if the vehicle is registered in another state, the appropriate agency of that state.

(b) The notice under Section 2.4(a), above, must:

(i) state that the vehicle is in a space in which the vehicle is not authorized to park;

- (ii) describe all other unauthorized areas in the parking facility;
 - (iii) contain a warning that the unauthorized vehicle will be towed at the expense of the owner or operator of the vehicle if it is not removed from the parking facility before the 15th day after the postmark date of the notice; and
 - (iv) state a telephone number that is answered 24 hours a day to enable the owner or operator to locate the vehicle.
- (c) The mailing of a notice under Section 2.4(a)(2) is not required if after the notice is attached under Section 2A(a)(1) the owner or operator of the vehicle leaves the vehicle in another location where parking is unauthorized for the vehicle according to the notice.

III. MISCELLANEOUS

3.1 Violations of this Policy will be considered a violation of the dedicatory instruments governing the Condominium, but may be enforced only by the Association, acting through the Board. The Board may enforce this Policy in accordance with the remedies contained herein; however, these remedies shall not be exclusive. The Association shall also have all other remedies available at law or in equity.

3.2 Failure to enforce any violation of this Policy by the Board shall not constitute waiver of the right to enforce any future violations.

3.3 This Policy is not intended to limit or supersede the Declaration, the Bylaws, and/or any of their exhibits. In the event there is a conflict, the Declaration and the Bylaws shall prevail.

3.4 The Board shall have the right to make such other and reasonable rules from time to time, as in its judgment may be needed to enhance the premises.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Parking and Towing Policy for Lafayette Place Home Owners Association was approved by the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Bexar County, Texas.

TO CERTIFY which witness my hand this the 23rd day of June, 2023.

LAFAYETTE PLACE HOME OWNERS ASSOCIATION

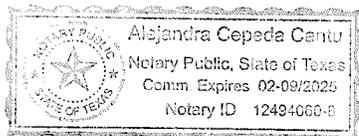
By: Robert Curtis Wade (-Wojnicz)

Printed: Robert Wade

Its: President

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned notary public, on this 23rd day of June, 2023 personally appeared, ^{Robert Curtis} Robert Curtis the President of Lafayette Place Home Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Alejandra Cepeda Cantu
Notary Public in and for the State of Texas

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 6/26/2023 3:23 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk