

ORCHARD KNOLLS HOMEOWNERS ASSOCIATION, INC.

RULE NO. 2015-1

A RULE PERTAINING TO PARKING

WHEREAS, WHEREAS, Article IV, § 4 and § 5, of the Declaration of Covenants, Conditions and Restrictions (“Declaration”) of the Orchard Knolls Homeowners Association, Inc. (hereinafter the “Association”) dated June 30, 1989 and recorded on August 14, 1989 in Liber 8948 at Folio 380, (hereinafter the “Declaration”) sets forth the basic and initial parking rights and rules of the Association; and

WHEREAS, Article IV, § 5, paragraph (d), and Article VIII, § 8, paragraph (d), of the Declaration provides that the Board of Directors may establish and adopt supplemental rules concerning parking on any portion of the Common Area and Lots, including without limitation, reasonable fines and provisions for involuntary removal of any vehicle violating the provisions of the Declaration or the rules established by the Board; and

WHEREAS, the Board now deems it prudent to adopted this Resolution to further memorialize all its rules pertaining to parking within the community.

NOW, THEREFORE, it is resolved that the Association adopts the following rule regarding Vehicle Parking:

VEHICLE PARKING

1. **Generally:** It is the responsibility of each person parking within the Association to know and act in accordance with the parking laws and regulations of Montgomery County and the State of Maryland, which may be amended from time to time, and the Association’s rules. It is the responsibility of the homeowner to inform his/her residents, tenants, visitor(s) and guest(s) of the Association’s parking rules and regulations.
2. **Assignment of Townhome Parking.** Each Townhouse is entitled to the use of two (2) parking spaces.
 - a) For those Townhomes *with* a garage and driveway (also referred to as the “Residents of Cherry Blossom Lane and Court”), the entitlement to said two (2) parking spaces is met by such garage and driveway.
 - b) For the Townhomes *without* a garage and driveway (also referred to as the “Residents of Cherry Blossom Place”), each Lot will be assigned use of one

(1) parking space, for his/her sole and exclusive use, and will be permitted the use of one (1) parking space in the "unassigned" parking spaces. The Association, at common expense, shall mark each parking space with an appropriate designation which is sufficient to denote the Townhome to which the use of the space is assigned. In making these assignments, the Association is in no way conveying ownership of the parking space to any homeowner, and the Board specifically reserves the right to designate and re-designate parking spaces to the extent deemed necessary, at the sole discretion of the Board.

- c) Parking of a vehicle in another person's designated driveway, garage, or assigned parking space is not permitted without permission from that owner/tenant.
- d) An owner/resident must utilize his/her designated driveway, garage, or assigned parking space before parking any vehicle in an unassigned parking space.

3. **Unassigned Townhome Parking Spaces/Guest Parking.** All street and lot spaces for which the specific use by a Townhome has not been assigned, shall be left unmarked or shall be designated as "unassigned". There are approximately 20 unassigned parking spaces on Cherry Blossom Lane and approximately 8 unassigned parking spaces on Cherry Blossom Place. Parking in any unassigned spaces shall be used, on a first-come-first-served basis, by guests, visitors, and Lot owners/residents of the townhomes, subject to the following:

- a) **Parking on Cherry Bloom Place is restricted and reserved only for use by the Residents/Guests of Cherry Bloom Place, which represent the community of townhomes *without* a garage or driveway.**
- b) Only short-term visitor/guest parking is permitted in the community. No guest vehicle shall be parked in any unassigned space for longer than 24-hours unless it notifies the Board of Directors and obtains a waiver. Waivers may be made on a case-by-case basis upon review of particular circumstances. No waiver shall be effective until the Board of Directors has reviewed and granted the waiver petition in writing.
- c) Visitor(s) and guest(s) must know and comply with the provisions of this parking Rule No. 2015-1.

4. General Prohibitions Restrictions.

- a) Each vehicle located within the Association must be properly registered, properly display current valid license plates with unexpired stickers, and be maintained in a condition such as not to constitute a nuisance, an eyesore, or hazard to safety and health. No vehicle may be parked within the Association that has an expired license plate, has a license plate missing, has a flat tire (which is not repaired within 3 days), or is attached to a trailer.
- b) No vehicle shall be parked in any of the following areas:
- over any sidewalk (meaning that the *wheels* of the vehicles may not be parked on the sidewalk area. The front or rear of the vehicle, however, may overhang onto the sidewalk, provided no portion of the wheels are located within the sidewalk) or front yard.
 - on any grassy/turf area or open space or roadway portion of Common Areas;
 - within five (5) feet of a driveway;
 - in any "No Parking" zone designated as such by a sign or in violation of any official sign;
 - along fire lanes or within fifteen (15) feet of or by a fire hydrant;
 - on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway (i.e., double parked");
 - along yellow curbs
 - on any road if the vehicle is parked in a manner that obstructs a driveway or entrance or dumpster, impedes the movement of traffic, and/or otherwise causes a threat to the safety of other residents/drivers/pedestrians;
 - on any public road that is designated by the County and appropriately signposted as a snow emergency route when a snow emergency has been declared and is in effect; and/or
 - in any other area that is otherwise prohibited by County or State laws and regulations or Association rules.
- c) No commercial truck(s) or vehicle(s) are to be parked within the Association, this includes any vehicle with commercial lettering and signs and includes, but is not limited to vehicles of a governmental agency, school buses, and/or any vehicles larger than a 3/4-ton truck and/or with more than 2-axes or which exceed 4 wheels. Exceptions include, however, (i) delivery type truck(s) or van(s) making short-term pickup or delivery may park within the Association

during daylight hours only; and (ii) moving vans while engaged in moving residents in or out of the community.

- d) No abandoned vehicle, junk vehicle or derelict vehicle (“derelict vehicle” means any vehicle that is missing any parts, i.e., tires, wheels, engine, etc, that is necessary for the operation of the vehicle on public streets), inoperable vehicle, vehicle parts, traffic cones, or other personal property shall be located within any parking space.
- e) No recreational vehicle may be parked or stored in open view on residential property, private streets, or open space. Recreational vehicle (RV) is defined as follows: any boat or boat trailer, any motor home or self-contained camper, any camper slip-ons not mounted on the vehicle, any mobile home/trailer or fifth-wheel trailer, any pop-up camp/tent trailer or other similar recreation oriented portable or transportable facility or conveyance, or any other vehicle not defined above which would not normally or regularly be used for daily transportation (including dune buggies, non-operative vehicles, or other automotive equipment not licensed for use on the highways of Maryland). Likewise, no trailers (any non-motorized vehicle designated to be towed or otherwise propelled by a motorized vehicle) shall be parked or located anywhere within the Association in open-view, without the prior written consent of the ARC.
- f) No extraordinary maintenance or repairs of vehicles shall be permitted within the community other than to repair/replace flat tires.

5. Penalties & Enforcement

- a. Action by the Board. Any violation of the foregoing terms may, at the Board’s discretion, result in the following, at the sole cost of the Owner:
 - a. If the Board of Directors, or its designee, determines a vehicle should be towed, it shall give notice to the owner of its intent to tow. “Notice” shall be provided in a manner and form as required by law, including Chapter 30(c)-4 of the Montgomery County Code, as may be amended. If such vehicle or other property is not removed by the owner, or the violation is not corrected within 48 hours of issuance of the notice, the Board may have the offending vehicle towed or other property removed at the expense and risk of the owner, in accordance with state and local laws. Any vehicle that received another notice for a violation of the

same regulation within 180 days shall be subject to removal WITHOUT NOTICE.

- b. The Board of Directors may elect, in its discretion particularly if it deems it more appropriate given the nature of the parking/vehicular rule infraction, to either or also (i) suspend voting rights or use of the common areas (pursuant to Article IV § 1, paragraph d of the Declaration), and/or (ii) take further action to abate the violation(s), as it deems prudent and/or necessary, such as entering upon the property of an Owner to remove/correct the violation in accordance with Article VIII § 13 of the Declaration, taking legal action pursuant to Article XIV § 3 of the Declaration, or imposing a reasonable fine on the owner pursuant to Article IV, §5, of the Declaration. However, before any fine is imposed, the Board will hold a hearing to establish the violation and shall notify the owner by forwarding a letter to the owner, by first class mail, advising them of the alleged violation, time and place of the hearing, and the fine that may be imposed.
- b. **Complaints by Owners/Residents.** Any resident with a complaint concerning illegally parked vehicles or other violations, may exercise any of the following options:
- Contact the operator of the illegally parked vehicle directly and request that the vehicle be removed;
 - Contact the Association's property manager during normal office hours and request that the Association act to have the vehicle towed;
 - Contact an authorized towing service company directly to request that the vehicle be removed, in accordance with applicable laws, at the expense of the vehicle's owners; or
 - Submit a formal written request to have the Board take any further action for on-going or repeat infractions.
- c. **Through Local Authorities.** This Rule in no way limits and/or replaces any action that may be pursued by State/Local authorities. Any action or fees or fines imposed by the State/County, for example, parking or vehicular- related violations, are unrelated to the affairs of the Association. Owners shall deal with all such matters directly with the State/County.
- d. **Non-Waiver:** The Association's failure to take action for any violation of this Rule 2015-1 shall in no way be deemed a waiver of the right to do so

thereafter.

Adopted by the Board of Directors of the Orchard Knolls Homeowners Association on the _____ day of _____, 20____.

President, Orchard Knolls Homeowners Association

This is to certify that a meeting of the Board of Directors for the Orchard Knolls Homeowners Association was duly called on _____, and a majority of the Board voted in favor of this Resolution at the time of said meeting.

Secretary, Orchard Knolls Homeowners Association