

O'DONNELL SQUARE HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 2016-1

As Amended December 3, 2019

Parking Policy

Whereas, Article 7 Section 1 of the By-Laws of the O'Donnell Square Homeowners Association, Inc. ("Association") grants the Board powers and duties necessary for the administration of the affairs of the Association; and

Whereas, Article 7, Section 1(a) of the Association's By-Laws grants the Association the right to adopt and publish rules and regulations, including without limitation, those relating to the use of Common Area and any facilities situated thereon, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; and

Whereas, Article 7, Section 2(d) of the Association's Declaration provides that except for parking within garages, and except as herein elsewhere provided, no junk or inoperable or other vehicle on which currently valid registration plates are not displayed, commercial vehicles used to transport tangibles other than people, or on which are displayed commercial messages("Commercial Vehicles"), 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 ¾ ton capacity or less used for non-commercial purposes), trailer, camp truck, house trailer, recreational vehicle, boat or other similar vehicles, machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the Common Area) shall be kept upon Property or upon the, public or private streets or alleys adjacent to the Property, nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon; and

Whereas, the purpose of the rules described herein is to accomplish the following: 1) Maintain a safe, passable pedestrian and vehicular thoroughfare for homeowners and guests in the community alleyways. 2) Maintain 24/7 ease of access for emergency response (police, fire, EMT) and municipal utility (refuse, recycling, BGE) vehicles as required by law. 3) Prevent damage to unpaved areas within the community due to parked vehicles.; and

Whereas, for the health, safety, welfare, comfort, and convenience of all residents and guests, the Board wishes to establish a policy regarding parking within the Association that may be equitably and consistently enforced; and

NOW THEREFORE, BE IT RESOLVED that the Board adopts this Resolution establishing guidelines regarding parking within the Association's private roadways and parking areas ("Parking Areas").

- 1) No inoperable motorized vehicle or extensively damaged motorized vehicle may be parked anywhere within the community, except for a homeowner's garage.
 - a) "inoperable motorized vehicle" shall include a motorized vehicle that has been in a stationary position for more than 14 calendar days, is apparently inoperable or requires repairs in order to be operable, or is unable to move a distance of 20 feet under its own power on a flat surface.
 - b) An "extensively damage motorized vehicle" shall include, but not be limited to, any of the following: a motorized vehicle with large dents in the hood, fender(s) or door(s), visible rusting in excess of 3 square inches, missing or broken window(s), missing tire(s), door(s), wheel, motor, bumper(s), or the complete side of a vehicle being damaged.
- 2) No vehicles may be parked or otherwise left unattended for any period of time in any alleyway within the community.
- 3) No portion of any vehicles parked in a driveway may extend beyond the outer edge of the driveway. If a vehicle is parked in such a manner it may be considered to be parked in the alleyway. Similarly, no portion of any vehicle may be parked in a manner that obstructs a public sidewalk or walkway.
- 4) Vehicles may not be parked or otherwise left unattended for any period of time on any grassy area or vacant space within the community. This applies to areas considered "common areas" as defined by the Covenants, as well as space adjacent to individual homes.
- 5) In addition to any enforcement action, the Association may take under the Declaration, any vehicle observed to be in violation of these rules may be towed at the vehicle owner's expense. Pursuant to Section 12.6 of the Covenants, the Association may also levy fines against a homeowner in response to actions taken by the homeowner or his/her guests.

I. RESTRICTIONS

- A. The operation and parking of vehicles within the Association are subject to the restrictions and requirements contained in the Association's governing documents, including the Declaration, Bylaws, adopted Rules and Regulations and this Resolution.
- B. The term Association Property shall include all Common Areas ~~and~~, private alleyways, and Association-owned lots within O'Donnell Square. Public roadways are not within the Association's jurisdiction.
- C. Commercial Vehicles are prohibited from parking on Association Property and homeowner driveways, unless associated with providing active service within to property within the Association.

- D. No vehicles longer than eighteen (18) feet or wider than eight (8) feet may be parked on Association Property or homeowner driveways.
- E. No recreational vehicles, including boats, boating equipment, travel trailers, camping vehicles, camping equipment or recreation vehicles, may be parked on Association Property or homeowner driveways at any time except for the sole purpose of performing loading/unloading operations.
- F. All vehicles, except those parked within garages, must have current state license plates, display current state inspection stickers and comply with all other applicable laws.
- G. No junk or derelict vehicle shall be parked on Association Property or a homeowner driveway at any time. A vehicle is considered a junk or derelict vehicle if it is not in operating condition. For this purpose, operating condition shall mean that all necessary parts of the vehicles, such as, but not limited to, tires, wheels, engine, brakes, etc., that are necessary for operation of the vehicle on public streets must be maintained at all times. Vehicles left unattended in a hazardous condition, including but not limited to, vehicles on jacks or blocks are prohibited.
- H. Repairs to vehicles, including painting and body repair work, are not permitted. Any routine maintenance must be done within the homeowner's private garage.
- I. All vehicles must be kept in proper operating condition so as not to be a hazard or a nuisance by noise, exhaust emission, appearance or otherwise. No vehicle shall be parked with "For Sale" signs except for those attached to the interior sides of the vehicle window(s).

J. No vehicle shall be parked in violation of any posted sign.

K. Additional Rules for Association-Owned Lots:

- i. Lots, as they are referred to in this document, include the surface lot at the intersection of S. Macon Street and O'Donnell Street, as well as the three (3) spaces adjacent to the alleyway behind the 800 (odd) block of S. Macon Street.
- ii. Parking in lots is restricted to vehicles displaying a valid and current O'Donnell Square Parking Permit, issued by the Association in accordance with procedures implemented by the Board of Directors.
- iii. Parking permits shall be valid for a period of time set forth by the Association upon permit issuance. Permits are non-transferrable and shall be returned to the Association if the permit holder moves out of O'Donnell Square.

- iv. The Association may charge a reasonable replacement cost for replacement of a lost permit.
- v. Vehicles shall be parked completely within a parking space and may not impede on any other parking space or access lane.
- vi. Lots are available as a courtesy for the day-to-day convenience of residents, to alleviate parking congestion. Lots are not intended to be used for long-term parking. No vehicle may park unmoved in a lot for a period exceeding 72 hours. Vehicles found to have been parked unmoved for longer than 72 hours may be considered to be unattended.
- vii. The Association and Board of Directors is not responsible for any theft, damage, or loss that may occur while vehicles are parked in a parking lot.
- ix. The Board of Directors or Managing Agent may request that any vehicles parked in lots be moved to an alternate location in advance of extreme weather, lot repairs or maintenance, or any other event that the Board deems necessary.

II. ENFORCEMENT OF THE REGULATIONS

In addition to the towing provisions cited below, alleged or actual breaches of the above regulations are subject to appropriate action by the Board of Directors under the general provisions of the governing documents of the Association.

- A. **Towing.** The Board of Directors shall have the authority to have any motor vehicle not in compliance with the provisions of this Resolution removed from the common parking areas. This authority may be delegated to the Managing Agent. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
1. **Violations Subject to Immediate Towing Without Warning.** Any motor vehicle that:
 - (a) is parked or otherwise left unattended on community alleyways, common areas, or other Association Property;
 - (b) is parked within fifteen (15) feet of a fire hydrant;
 - (c) constitutes a safety hazard or impedes access to ingress and egress and/or other parking areas as determined by the Board of Directors;
 - (d) contains any type of alarm, which sounds continually, for a period of time in excess of twenty minutes;
 - (e) is parked in an Association parking lot in violation of any of the rules set forth in Section I, Paragraph K.
 2. **Warning Notices.** Except where immediate towing is authorized as stated in Section ~~IX~~, A(1) above, the owner of any motor vehicle not in compliance with any of the rules and regulations in this Resolution shall be notified of the violation by the posting of a notice on the vehicle and/or delivered by U.S. Mail and electronic mail. The notice (Exhibit A or similar) shall be placed on the vehicle and/or sent to the owner; a carbon copy will be

retained by the Managing Agent. If the motor vehicle is not brought into compliance within twenty-four (24) hours of said notice being posted, the vehicle will be subject to removal by towing. A record of such action will be entered into the Management Agent's violation records.

- B. **Additional Enforcement Action.** The Board of Directors may enforce violations of the governing documents or this Resolution by any proceeding at law or in equity. The Board of Directors also reserves the right to assess fines for the violation of any of the covenants set forth by the Association's Declaration, Bylaws, Rules and Regulations or Resolutions.

EXHIBIT A
O'DONNELL SQUARE HOMEOWNERS ASSOCIATION, INC.

YOU ARE IN VIOLATION OF THE DULY ADOPTED PARKING POLICY OF
O'DONNELL SQUARE HOMEOWNERS ASSOCIATION, INC.

Date: _____ Time: _____

Desc: _____ ID: _____

- PROHIBITED VEHICLE TYPE: Vehicle type not permitted to be parked on within the Association.
- JUNK, DERELICT OR ABANDONED VEHICLE: Vehicle not in operating condition.
- IMPROPERLY PARKED VEHICLE: Parked on Association Property not designated for parking (alleyway, common area, etc.)
- PROHIBITED AUTO REPAIRS: Vehicle left unattended in a visibly disassembled condition.
- OTHER:

VIOLATORS ARE SUBJECT TO BEING TOWED AFTER TWENTY FOUR (24) HOURS FROM THE DATE OF THIS NOTICE AT OWNER'S RISK AND EXPENSE. The Association assumes no responsibility whatsoever for any damage to vehicles towed.

FOR FURTHER INFORMATION – CONTACT the on-site Management Office or (301) 692-1700.

Location Parked: _____ Date Towed _____

Posted By: _____ Time Towed _____

Signature: _____ Towed By _____

Vehicle Description: _____

By: _____ (Name of ODS Director / Managing Agent)