

WESTPHALIA ROW HOMEOWNERS ASSOCIATION, INC.
First Amended and Restated Resolution for a Parking and Enforcement Policy

WHEREAS, Westphalia Row Homeowners Association, Inc. (hereinafter “Community Association”) is a duly constituted Homeowners Association located in Prince George’s County, Maryland, and is governed by Articles of Incorporation, Declaration of Covenants, Conditions, Easements and Restrictions, and By-Laws; and

WHEREAS, Article V, Section 5.3.7 of the Declaration states that the Community Association shall adopt, amend, and repeal such rules and regulations as it deems reasonable. The Community Association Rules shall govern such matters in furtherance of the purposes of the Community Association, including, without limitation, the use of the Community Common Area; and

WHEREAS, Article VIII, Section 8.3.2 of the Declaration provides the Community Association to establish reasonable rules and regulations pertaining to the use of the Community Common Area; and

WHEREAS, Community Common Area includes real property, including open space areas and private streets, which are for the common use of the Members, including parking and vehicular access, pursuant to Section 2.20 of Article II of the Declaration; and

WHEREAS, Article V, Section 5.2.16 and Article VI, Section 6.4.5 of the Declaration give the Community Board of Directors the power and authority to impose and collect reasonable fines for the violation of the Declaration, By-Laws, and Rules and Regulations of the Community Association; and

WHEREAS, the Board of Directors for the Community Association established a policy for the restriction of vehicle parking on private streets and roadways within the Community Association by Owners, tenants, guests, and invitees, consistent with the Declaration and the laws of Prince George’s County, Maryland by adoption on July 17, 2017; and

WHEREAS, there is a need to amend the current Parking and Enforcement Policy to meet the needs of the Community, to ensure that all Owners are provided adequate parking, to provide safe and convenient access to all members, and to promote harmony in the Community.

NOW, THEREFORE, BE IT RESOLVED that, in support of the foregoing, the Community Association Board of Directors hereby declares and adopts the following amendment and restatement of the policy and procedures with respect to vehicle parking, vehicle registration, and enforcement of the policy for the use of individual owners, tenants, guests, and/or invitees:

SECTION I. PURPOSE AND PREVIOUS POLICIES

- A.** The following policy hereby supersedes any policy previously enacted by any Board of Directors for the Community Association which addressed vehicle parking, vehicle registration, and enforcement of a parking policy.
- B.** The purpose of this policy is to ensure adequate parking for Owners and occupants, to restrict parking on the common areas, private streets and roadways within the Community, to ensure adequate access for emergency vehicles, to ensure ingress and egress of Owners and residents to their lots, to promulgate parking rules, and the enforcement of the policy.

- C. The Board of Directors may, from time to time, modify and amend this policy in accordance with the Declaration of the Association and applicable law.

SECTION II. DEFINITIONS

- A. **DEFINITIONS.** The following definitions shall apply:

1) Abandoned Vehicle: Any vehicle that (a) has remained on the premises for more than 72 hours and is not displaying valid license plates; or (b) any vehicle that meets the definition of “abandoned vehicle” under the Maryland Annotated Code; or (c) any vehicle that is inoperable.

2) Commercial Vehicle: Any (1) automobile, truck or van, used or designed principally for commercial, business, or industrial use; or (2) taxicab or other Vehicle displaying a commercial logo, message, or identification.

3) Inoperable Vehicle: Any Commercial, Recreational, or other Vehicle which is a junk Vehicle, or is inoperable—cannot turn on or be moved—, or lacks current, valid registration plates, or would not pass applicable state vehicular inspection criteria, or is not being maintained in a first-class condition.

4) Large Truck: Any truck or van (in each case, as defined by the Maryland Motor Vehicle Administration or by common usage and practice), or self-propelled farm or construction vehicle, which is more than 24 feet long, or has a capacity exceeding threequarters ton.

5) Motor Vehicle: Any vehicle required by law to be registered with the Maryland Motor Vehicle Administration or another governmental authority or entity, or propelled by a motor.

6) Owner or Occupant: Includes the title Owner(s) of a residence and their family; and/or the Owner’s tenant, renter, or lessee.

7) Recreational Vehicle: Any (1) boat, boat trailer, camp truck, camp trailer, golf cart, house trailer, personal watercraft, snowmobile, recreational bus or similar vehicle, motor home, camper van or all-terrain vehicle, or dirt bike, or (2) other powered or unpowered vehicle designed primarily for use for sports or recreational purposes.

8) Vehicle: A Commercial Vehicle, Motor Vehicle, Recreational Vehicle, automobile, Large Truck, or van (in each case, as defined by the Maryland Motor Vehicle Administration or by common usage and practice), trailer, motorcycle, bicycle, moped, or other powered or unpowered vehicle.

SECTION III. TRAFFIC RULES

A. **SPEED LIMIT.** All vehicles traveling on the interior roads of the Community, specifically Westerdale Drive, Wesbourne Drive, Walcott Lane, Weshurst Lane, and Weshire Drive, shall travel at a rate of not more than ten (10) miles per hour.

B. **STATE AND LOCAL TRAFFIC LAWS.** Although private roads, State and Local traffic laws apply and may be enforced by Maryland State and Prince George’s County police.

C. **COMMUNITY ROADWAYS.** No vehicles, either licensed or unlicensed, shall park or operate outside of legally-designated Community roadways and Lot driveways within the Community, which include, walkways, sidewalks, lawns, storm ponds, and emergency access roadways within the Community. These restrictions shall not apply to emergency vehicles operating in their designated legal capacity.

D. **NOISE.** Any motor vehicle, including motorcycles, making unusually loud noise which exceeds legal limits, particularly from the engine or radio, shall be considered a violation of these Rules and Regulations and the Declaration of the Community Association.

SECTION IV. VEHICLES

A. **PERMITTED VEHICLES.** The following vehicles may park on Community Property: passenger cars, including sport utility vehicles (SUVS), vans, three-quarter (3/4) ton capacity or less non-commercial trucks, and motorcycles.

B. **RESTRICTED VEHICLES.** Except for parking within garages, the following vehicles shall not be kept on the Property or upon public or private streets within or adjacent to the Property:

- 1) Recreational Vehicles;
- 2) Unlicensed or inoperable vehicles;
- 3) Commercial vehicles;
- 4) Large Trucks;
- 5) Trailers;
- 6) Mobile Homes, camp trucks, house trailers, and recreational vehicles;
- 7) Boats or other similar vehicles;
- 8) 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).

Should any of the foregoing vehicles be parked on the Property, they will be subject to immediate towing at the vehicle owner's expense.

SECTION V. COMMUNITY PARKING AREAS

Parking is permitted in the following areas in the Westphalia Row Homeowners Association Community:

A. **DRIVEWAY, GARAGE, & PARKING PAD.**

- 1) All Owners and occupants of any dwelling located on a Lot within the Community

which has a garage and/or driveway or parking pad shall utilize such driveway pad or garage for parking.

2) Parking is not permitted on Lots other than in the garage or on the driveway or parking pad. Parking is not permitted on the Lots on unpaved surfaces.

3) No Owner, resident, tenant, or invitee shall park a vehicle on a driveway in a manner in which the vehicle extends beyond the driveway and onto Common Areas, which includes blocking Common sidewalks.

B. **COMMON AREA PARKING.** “Common Area Parking” refers to all parking spaces in the Common Area, which are not assigned to specific Owners and occupants.

1) All Common Area Parking spaces shall be available for guests on a “first come, first served” basis.

2) No vehicle may continuously occupy any space in Common Area Parking for a period greater than seventy-two (72) hours (**96 hours for Federal Holidays that fall on a Friday or Monday**); this applies to Owners, occupants, and guests. After seventy-two (72) hours with no movement (**or 96 hours for Federal Holidays that fall on a Friday or Monday**), a vehicle can be reported and/or marked with a *violation notice* by the tow company. If the owner has failed to move the vehicle by the date listed on the *violation notice*, set by the tow company, the vehicle will be towed at the vehicle owner’s expense.

3) The Association shall not be liable for, guarantee the availability of, or guarantee access to a parking space for any reason.

SECTION VI. PARKING RULES AND REGULATIONS

A. **PARKING RULES.** The following Parking Rules shall apply to all Owners, residents, occupants, guests, and invitees within the Association:

1) **No Parking Zones.** Owners, guests, and residents are not permitted to park any type of vehicle in the designated “No Parking Zone” areas which are marked with appropriate signage or marking. Parking is only permitted as described in Section V above. Parking is not permitted anywhere else on Community Property. **Violators are subject to immediate tow.**

2) **Driveway, Garage, and Parking Pad.** All Owners and occupants of any dwelling located on a Lot within the Community which has a garage and/or driveway or parking pad must utilize such driveway pad or garage for parking.

3) **Roadway Parking.** All vehicles parked on Community roadways and Common Area Parking must be parked in a designated parking space. Parking is prohibited on both sides of the streets and alleys that provide garage access. No Owner, resident, tenant, guest, or invitee shall park a vehicle on private streets and roadways within the Property, unless otherwise designated and appropriately and clearly marked. **Violators are subject to immediate tow.**

4) **Handicapped Parking.** No vehicle shall be parked in a designated handicapped parking space without displaying a designated license plate or permit issued by State or County

authorities. Any vehicle parked within a handicapped space which fails to display the appropriate license plate or permit will be **towed immediately without notice**.

4) Expired or Missing Tags. All vehicles with expired tags, or missing tags, will be **towed** if not moved within forty-eight (48) hours.

5) Hazardous Location. Any vehicle presenting a safety hazard by obstructing the visibility of oncoming traffic is strictly prohibited and are **subject to immediate tow**.

6) Hazardous Materials. Any vehicle that is carrying hazardous materials or which is leaking oil, gasoline, or other inflammable or hazardous fluid is prohibited on Community Property. **See Notice of Violations**

7) Vehicle Repair/Maintenance. No automobile or other Vehicle shall be constructed, restored or repaired on a Lot or Community Common Area at a location visible from outside a garage or other building thereon, other than minor repairs such as battery, belt, wiper, light, and tire changes, or emergency repairs which cannot reasonably be performed elsewhere, in each case if performed (1) on a vehicle owned by an Owner or, and customarily kept on, such Lot or Community Common Area, (2) using all appropriate environmental safeguards, and (3) in a continuous and timely manner.

8) Parking Space. All vehicles must be parked in a manner as to occupy only one (1) parking space, without impeding access to adjacent spaces. Vehicles must also be parked in the correct direction of flowing traffic. – **See Notice of Violations**

9) Motorcycle Parking. Motorcycles may not be parked in a parking space with any other vehicle, other than another motorcycle, at one time. **Violators will be subject to immediate tow.**

10) Snow Event Parking. The Community Board shall have the authority to call a “Snow Event.” When a Snow Event is called by the Community Board, any vehicle parked within a space designated as a “Snow Event Space” shall be moved out of such space within one (1) hour of the Snow Event notification. **Any vehicle not so moved will be towed.** The Community Board will make a good-faith attempt to notify all members of the Community of a Snow Event.

11) Emergency Vehicle Access. No Owner, resident, tenant, or invitee shall park a vehicle in such a manner that the vehicle obstructs access of emergency vehicles, include, but not limited to, parking in areas designated as fire lanes. Any vehicle that is parked in such a way as to impede access of emergency vehicles, or that is parked in such a way as to impede the safe ingress and egress of other vehicles, are deemed to be in violation of these rules, **and are subject to immediate tow.**

12) Wrongful Parking. Vehicles parked in a marked fire lane, within 15 feet of a fire hydrant, parked in front of a yellow curb ramp, parked in a manner blocking individual driveways, parking within twenty (20) feet of a crosswalk (marked or unmarked), parked on the playground or grass, or parked in front of a yellow passenger loading area designated for use of individuals with disabilities, **shall be towed immediately without notice.**

13) Travel Lanes. Parking in travel lanes is strictly prohibited. Any vehicle parked in a travel lane will be deemed to be in violation of these rules and **are subject to immediate tow.**

14) Sidewalk Access. When parking in proximity to a sidewalk, the vehicle cannot overhand onto the sidewalk to prevent passage. **Violators are subject to immediate tow.**

15) Ingress and Egress of Vehicles. No Owner, resident, tenant, or invitee shall park a vehicle in such a manner that the vehicle obstructs safe ingress and egress of private vehicles. **Violators are subject to immediate tow.**

16) Inoperable Vehicles. Inoperable vehicles are not permitted to park on private streets and roadways within the Property, or Parking areas. An inoperable vehicle is defined as a vehicle that is unregistered (i.e. does not have license plates or has expired license plates), vehicles with flat tires, and vehicles that do not operate or run. **Violators are subject to immediate tow.**

17) Prohibited Vehicles. No commercial vehicle, boat, junk vehicle, camper, trailer, house trailer, motorhome, or the equivalent may park within the Westphalia Row Community. Any vehicle that is in violation **will be towed at vehicle owner's expense.**

The above regulations include, but are not limited to, trucks, motorcycles, and ATV in accordance with County and State regulations.

B. LEASING OF UNITS. Any Owner who rents their dwelling is responsible for ensuring that the tenant(s) is provided a copy of the current Parking Regulations and that they remain in compliance with all of Westphalia Row HOA's parking rules and regulations.

SECTION VII. ENFORCEMENT AND PENALTIES

A. PARKING SIGNS. Signs will be posted advising that violators will be towed at the vehicle owner's expense. Signs will display the telephone number of the parking enforcement contractor (towing company).

B. REPORT OF VIOLATIONS. An Owner or occupant within Westphalia Row HOA Community may contact the towing contractor directly to report wrongfully parked vehicles or vehicles in violation of the Declaration, these Rules and Regulations, or Maryland and Prince George's County law.

C. NOTICE OF VIOLATIONS. With the exception of those violations that require or allow for immediate towing, for any vehicle parked on the Community Property in violation of the Governing Documents or these Rules, a notice will be placed on the vehicle specifying the nature of the violation and stating that after twenty-four (24) hours, **the vehicle may be towed at the vehicle owner's expense.** The notice shall include the name and telephone number of a person to contact regarding the alleged violation.

1) **Leaking Fluids.** Any vehicle leaking fluids of any kind in the Common Area or Parking Areas will receive a notice to move the vehicle within twenty-four (24) hours.

2) **Occupying More than One Parking Space.** Any vehicles parked in a manner occupying more than one (1) parking space, impeding access to adjacent spaces, will receive a notice to move the vehicle within twenty-four (24) hours.

3) **Parked in Wrong Direction.** Vehicles not parked in the correct direction of flowing traffic will receive a notice to move the vehicle within twenty-four (24) hours.

D. EXPENSE OF TOWING. Towing shall be at the expense of the vehicle owner. The vehicle owner shall bear full and complete responsibility for the towing enforcement and shall agree to hold the Association, its officers, Directors, members, and Management Agent harmless from any and all liability, costs, or fees that may incur in defending any enforcement actions undertaken.

E. RETRIEVAL OF TOWED VEHICLES. Retrieval of a towed vehicles, motorcycle or trucks is the responsibility of its owner. The vehicle owner must contact the towing company in order to retrieve a towed vehicle. Vehicles that have been towed as a result of a violation of this Parking Policy will be subject to the applicable towing rates.

F. NO LIABILITY OF ASSOCIATION. If a vehicle is towed in accordance with this Policy, neither the Association nor any officer, agent, or member of the Association shall be liable to any person for towing and storage costs or for any claim of damage as a result of the towing activity.

G. EXEMPTIONS. The following exemptions apply to this Policy:

- 1) Vehicles used for the sole purpose of delivering, receiving, or moving household goods are exempt from the locations specified hereinabove as “No Parking Zones” if the vehicle is parked temporarily on Community Property, not to exceed eight (8) hours. Said vehicles shall be required to relocate upon request by a Community Member, State or local officials, or Community officers.
- 2) Vehicles associated with the Builder/Developer and/or Declarant construction and operations shall be exempt from the provisions of this Resolution.

SECTION VIII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision, or portion thereof, of this Policy is, or becomes, invalid under any applicable statute or rule of law, it is to be deemed stricken and the remainder of this Policy shall remain in full force and effect.

B. AMENDMENT OF POLICY. The Community Board of Directors may, from time to time, modify and amend this Policy in accordance with the Declarations of the Association and applicable law.

WHEREFORE, in consideration of the foregoing, by the adoption of this Resolution, Westphalia Row Homeowners Association, Inc. has amended and restated its Parking Resolution and Enforcement Policy on the ____ day of _____, 2020.

BOARD OF DIRECTORS OF WESTPHALIA ROW HOMEOWNERS ASSOCIATION, INC.

By:
Date
Name:
Title:

CERTIFICATE OF THE SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Board of Directors of Westphalia Row Homeowners Association, Inc. on the ____ day of _____, 2020, and, hereafter, that I caused this Resolution to be mailed, or hand delivered to the Owners of Westphalia Row Homeowners Association, Inc., at their respective addresses of record, as contained in the books and records of the Association. Furthermore, the foregoing Resolution has been recorded in the Homeowners Association Depository for Prince George’s County, Maryland as required by the Maryland Homeowners Association Act.

Date:
Name:
Title: Secretary

By:

ATTEST:

Date:
Name:
Title: President

By: