

# RESTATED PARKING RULES AND PROCEDURES FOR ENFORCEMENT

As of January 29, 2019 Revoking and Replacing All Prior Rules in Entirety

Pursuant to Sec. 3.5 of CC&Rs:

*Unless otherwise permitted by the Association, no vehicle may be parked anywhere in the Project except wholly within a Garage or Parking Area. Parking Areas may be used solely for the parking of motor vehicles for personal transportation. No boat, trailer, camper, motorcycle, golf cart, commercial vehicle, motor home, other recreational vehicle or dilapidated or inoperable vehicle may be parked or stored in any Parking Area. Garage doors must remain closed, except when the Garage is in use. No part of the Common Area may be used for repair, construction, or reconstruction of any vehicle, boat, or any other item or thing, except in an emergency. As long as applicable ordinances and laws are observed, the Board may cause the removal of any vehicle that is in violation of this Declaration*

## **DEFINITIONS:**

**Guest Vehicle** shall mean any vehicle that is not the property of or under the direct control of a resident, tenant or property owner of the Association. Owners shall be responsible for any violations and fines incurred by their guests.

**Resident Vehicle** shall mean any vehicle which is the property of or under direct control of a resident, tenant or property owner of the Association. Owners renting their units are responsible for any violations of their tenants.

**Commercial Vehicle** is defined as any vehicle used or maintained for the transportation or property for hire, compensation, or profit; and/or designed, used, or maintained for business purposes and/or displaying signs, decals, logos, or other indicia of commercial or business use except for small window decals.

**Inoperable** shall mean a vehicle that cannot be driven or with expired registration tags that are more than 6 months overdue.

**Fire Lanes** shall mean the asphalt (blacktop) portion of all paved streets within the Association

**Parking Areas** for purposes of these rules shall mean only those portions of the common area numbered and labeled as “Reserved” or labeled “Guest”. The street areas are considered fire lanes and must be kept clear for emergency vehicle use. Vehicles parked in Reserved or Guest spaces shall not protrude over the “blacktop” such that they impede traffic and/or emergency access.

Guest Spaces are available for resident and guest parking except as provided below.

## **RULES:**

### **Board Authority:**

The Association will be responsible for routine maintenance of the Parking Areas (resurfacing, painting, cleaning, etc.) without additional cost to owners but if individuals are found to be misusing the Parking Areas, they will be charged for any extraordinary maintenance.

The Board has the authority to take action against any individual who fails to observe these rules including but not limited to the authority to cause offending vehicles to be fined or towed at the owner's expense. The Board will also have the authority to delegate their powers of enforcement to individuals or business entities appointed by the Board to perform these duties as long as they are not BLB Residents.

### **Fire Lanes:**

Using the street areas for temporary activities such as unloading and washing cars is permitted as long as the vehicle is attended so that it can be moved immediately. Unattended Resident or Guest vehicles parked on any portion of the street could impede the free movement of emergency response vehicles and are subject to citation by the Alameda Police Department and towing without notice at the Vehicle Owner's expense as per California Vehicle Code Section 22658.2.

### **Reserved Parking:**

Vehicles parked in any *Reserved or numbered* space, without the express permission of the resident who controls that space, may be removed without notice at the vehicle owner's expense. Residents should contact Management, or Security after hours, to report unauthorized vehicles and to arrange their removal.

### **Commercial Vehicles:**

Commercial vehicles are not to be parked inside BLB gates overnight, in either Guest or Reserved Spaces, unless given permission. Owners may request permission for up to 3 days to not be issued a violation in the case of extenuating circumstances. Request to be made to Management during business hours, 3 business days prior to time of use. Request for any longer period must be approved by the Board.

### **Parking in Driveways:**

No part of any vehicle parked in a driveway shall extend into the fire lane. No vehicle shall be parked sideways (parallel to the street) or diagonally in a driveway.

### **Parking within the Lines:**

Vehicles shall be parked within the painted lines of parking spaces, i.e. no part of the tires shall be on or over the painted lines.

### **Guest Parking:**

- Guest spaces are for the use of guests. They are not meant to supplement Residents' permanent parking. Residents with long-term parking needs should park outside the gate.

## **ENFORCEMENT:**

Infractions of the Parking Rules will be subject to the following notification and disciplinary procedures:

### **Vehicles in the Fire Lane:**

Unattended vehicles in Fire Lanes are subject to immediate towing.

### **Reserved Parking:**

Vehicles parked in any *Reserved or numbered* space, without the express permission of the resident who controls that space, are subject to immediate towing.

### **Parking in Driveways and Parking within the Lines:**

Rules apply 24 hours, 7 days a week.

### **Guest Parking Enforcement:**

Will be from 6PM Friday to 6PM Sunday. Holiday enforcement will be from the 6PM the night before the holiday until 6PM that night. Holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Holiday (from 6 PM the Wednesday before to 6PM the Sunday after)
- Christmas Day

### **Reporting:**

The overall goal of these rules is to have Guest Parking available for guest use on weekends and holidays and for all vehicles parked at BLB to follow the Parking Rules.

Residents are encouraged to report violations to Security and the Association Manager. Reporting can be in writing, text or email or by phone and preferably accompanied by a photo of the offending vehicle. Both Harbor Bay Security and Management should be contacted by phone for vehicles left unattended in Fire Lanes or parked in resident space without permission. All reports will be confidential.

### **Notices and Calendar Year Enforcement:**

The Board will issue no more than one parking violation per week (Wednesday-Wednesday) per Homeowner. Owners renting their units are responsible for any violations of their tenants. Homeowners will receive notice of violations by mail and may contest the violation to the Board in writing through Management or in person at the next Board Meeting. A third violation will result a fine up to the maximum permitted under the CC&Rs. Subsequent violations will result in

additional fines. Enforcement will be on a calendar year basis with all Homeowners starting with a “clean record” each January 1<sup>st</sup>.

**Inoperable Vehicle:**

An inoperable vehicle will receive a 30-day notice by certified mail. If it is not removed within 30 days, a second 30-day notice by certified mail will be sent. If the vehicle has not been moved 90 days after the 1<sup>st</sup> notice, the car will be subject to towing after approval by the Board.

**Exceptions:**

Residents may apply for short-term permission (2-3 days) to park in Guest Parking if they contact Management, in writing, text or email 3 business days prior to need and obtain permission. A need might include parking a moving truck or any vehicle including a commercial vehicle loaded with valuable contents.

Such vehicles may also be parked in a Reserved Space for similar reasons short-term (2-3 days). Management has the discretion to approve such short-term requests and no violation will be issued. Longer exceptions will be considered by the Board on a case-by-case basis only.

**Summary:**

**Subject to immediate tow, without notice**

Vehicle parked in Fire Lanes

Vehicle parked in Reserve Space without permission of the resident who controls the space

**Two violations then fine for each subsequent violation after Board vote. No more than 1 violation within a week (Wednesday-Wednesday). Unlimited violations during a calendar year.**

Parking diagonally or parallel in driveway anytime

Parking a vehicle over the lines in a reserved space anytime

Parking in Guest Spaces during enforcement periods

Parking a commercial vehicle inside BLB gates anytime without permission

**Two 30-day notices by Certified Mail then Board vote to tow**

Inoperable Vehicle inside BLB gates

**Exceptions made for short-term needs**

Resident need to apply 3 business days in advance and receive permission from Management.

**To Contest violation:**

Homeowner may come to next Board Meeting or appeal in writing to BLB Manager for Board consideration at next meeting.

<b>Guest Spaces</b>	<b>All Other Violations—Enforcement is at all times-24 hours, 7 days</b>			
<b>Resident car parked in guest space during enforcement period</b>	<b>a) Parked diagonally or parallel in driveway b) Commercial vehicle parked in any space c) Vehicle parked over the lines</b>	<b>Unattended vehicle parked in Fire Lane</b>	<b>Vehicle parked in reserved spot without permission</b>	<b>Inoperable Vehicle</b>
<b>Report to Management</b>	<b>Report to Management</b>	<b>Report to Security</b>	<b>Report to Management or to Security after hours</b>	<b>Report to Management</b>
<b>1<sup>st</sup> Violation</b>	<b>1<sup>st</sup> Violation</b>	<b>Subject to immediate towing</b>	<b>Subject to immediate towing</b>	<b>30 day notice by certified mail</b>
<b>2<sup>nd</sup> Violation</b>	<b>2<sup>nd</sup> Violation</b>			<b>Second 30 day notice by certified mail</b>
<b>Fine with 3<sup>rd</sup> Violation,</b>	<b>Fine with 3<sup>rd</sup> Violation</b>			<b>Tow after Board vote and 90 days after 1<sup>st</sup> notice</b>
<b>Fine with 4<sup>th</sup> and subsequent violations</b>	<b>Fine with 4<sup>th</sup> and subsequent violations</b>			