

TWELVE OAKS AT FENWICK PLANTATION PROPERTY OWNERS ASSOCIATION, INC.

RESOLUTION 2009-01

(Supersedes and Replaces Previous Parking Policy Resolutions)

Parking Policy and Procedures

WHEREAS, Article 6, Section 6.2 of the Master Deed gives the Association the authority to, “promulgate rules and regulations relating to Parking Spaces,” and, “reconfigure, re-assign, and re-designate the Parking Spaces.” And,

WHEREAS, Article 3, Section 3.18 of the Bylaws of the Association states, “The Board of Directors shall have all of the powers and duties necessary for the administration of the Association’s affairs and for performing all responsibilities and exercising all rights of the Association as set forth in the Master Deed, these By-Laws, the Articles, and as provided by law. And,

WHEREAS, Article 3, Section 3.18(f) of the Bylaws of the Association gives the Board of Directors the authority to “make and amend rules in accordance with the Master Deed;” and,

WHEREAS, it is recognized that there is a need to administer the available parking space within the community more efficiently and insure that the city code minimum requirements for off street parking are met and to insure that there are equitable, safe and attractive parking arrangements for the community;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors duly adopts the following Parking Regulations and Procedures:

VISITOR PARKING

- A. Visitor/Guest vehicles may be parked in a parking space for a maximum period of 72 hours.

PARKING PRIVILEGES

- A. Vehicles owned or operated by residents and guests of the Twelve Oaks at Fenwick Plantation POA and delivery vehicles, service vehicles and other commercial vehicles in the conduct of normal business may be parked in designated parking areas, but only approved vehicles may remain parked on the Twelve Oaks at Fenwick Plantation POA property overnight, i.e., between 7:00 p.m. and 7:00 a.m.

DESIGNATED PARKING AREA

Vehicles may be parked in designated parking areas only. Designated parking areas include only those paved areas obviously intended for use as parking areas, as evidenced by the presence of white-lined parking spaces. **Parking or driving on the lawns, curbs, and medians of any design is strictly prohibited.**

PROHIBITED PARKING AREAS

Parking is prohibited in fire lanes or other unpaved areas, walkways, in front of dumpsters. Parking on the lawns, along curbs, and medians of any design is strictly prohibited.

UNAPPROVED VEHICLES

The following vehicles are **NOT** considered to be approved vehicles, and are NOT permitted to be parked on the Twelve Oaks at Fenwick Plantation POA property.

- A. Any vehicle of any type which exceeds eighteen feet in length and/or eight feet in height.
- B. Any vehicle that has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.
- C. Any vehicle that is designed or used to transport more than 8 passengers (including the driver) for compensation.
- D. Any vehicle that is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
- E. Any boat, trailer, motor home, or recreational vehicle.
- F. Any commercial vehicle. For the purpose of this Resolution, a "commercial vehicle" is any vehicle used, or obviously intended for use, as a work vehicle, as evidenced by open carriage of pipes, lumber, ladders, tools or other equipment or materials; or any vehicle fitting the description above (Unapproved Vehicles: A-E). Standard passenger vehicles displaying a business logo and a commercial license plate on the vehicle are allowed so long as the vehicle is used only to transport passengers and is not a work vehicle as described above nor a vehicle fitting the description above (Unapproved Vehicles: A-E), unless requested and approved by the Board of Directors in writing.

OTHER VEHICLE REQUIREMENTS

In addition to satisfying all aforementioned criteria for an approved vehicle, any vehicle parked on the Twelve Oaks at Fenwick Plantation POA property must (if applicable):

- 1. Be able to operate under its' own power. (A vehicle with a flat tire is considered inoperable.)
- 2. Display current and valid license plate(s).
- 3. Be properly maintained, to include proper repair of broken windows, flat tires.

USE RESTRICTIONS

- A. To ensure that all residents enjoy safe and attractive parking areas and receive the benefits expected from proper and courteous use of such common elements by others, the following restrictions apply to the use of parking areas:
 - 1. Only vehicles displaying handicap license plates or other legal identification may occupy spaces reserved for handicap parking.
 - 2. Vehicles shall not be parked in a manner which interferes with or impedes ready vehicular access to any adjacent parking space. Vehicles parked on or over the white line designating the parking space will be considered improperly parked and subject to towing.
 - 3. Changing and disposing of motor oil or other vehicular fluids anywhere on Association property is prohibited.
 - 4. Extraordinary repairs or maintenance of vehicles anywhere on Association property is prohibited.

PARKING OR STORAGE

- A. No vehicles may be stored in the parking areas at any time. Stored vehicles shall mean those that remain in a stationary position covered and/or uncovered and are not operated for more than ten (10) days. Periodic movement of an otherwise stored vehicle for the sole purpose of evading enforcement of this restriction is strictly prohibited.

- B. No recreational vehicle, commercial truck, commercial bus or other commercial vehicle of any kind shall be permitted to be kept or parked overnight upon any portion of the property within the Twelve Oaks at Fenwick Plantation POA, unless requested and approved by the Board of Directors in writing.
- C. No junk, inoperable or unlicensed vehicles, recreational vehicles, house trailers or commercial or industrial vehicles, such as but not limited to, moving vans, trucks, tractors, trailers, vans, mini-bikes, four-wheelers, wreckers, hearses, buses, boats, boating equipment, travel trailers, camping trucks or camping equipment shall be parked on any streets within the community, or otherwise within the boundaries of the community, including the Common Areas, except upon the written approval of the Twelve Oaks at Fenwick Plantation POA. The Twelve Oaks at Fenwick Plantation POA shall **NOT** be required to provide a storage area for these vehicles.

ENFORCEMENT OF RULES AND REGULATIONS

- A. Vehicles in violation of this policy resolution will be subject to towing and/or booting 24 hours a day without warning at the vehicle owner's risk and expense.
- B. Vehicles parked in such a manner as to prevent towing of another vehicle that is in violation of this policy resolution will be subject to towing and/or booting 24 hours a day without warning at the vehicle owner's risk and expense.
- C. Towing and/or booting from and in the common areas shall be authorized only by the Board of Directors or by its authorized Designee. There will be no liability to the Twelve Oaks at Fenwick Plantation POA, the Board, the Officers, other Twelve Oaks POA members or their Designee(s) for towing and/or booting a vehicle in violation of the governing documents or the duly adopted rules and regulations. Information regarding towed vehicles may be obtained from the City of Charleston Police Department and towing company as posted, who will be notified when towing is implemented against a violating vehicle.
- D. Owners of violating vehicles will be charged with any and all expenses incurred by the Twelve Oaks at Fenwick Plantation POA to perform repairs to damaged common areas caused by said vehicles or to perform towing and/or booting. In the case of damage to the common areas by guests of an owner, the owner of the unit will be charged. If the resident is occupying a rental unit, the unit owner will be charged.
- E. Assessments against the owner's unit may also be made in accordance to Article 3, Section 3.23 of the Bylaws of the Association for violation of this policy resolution to include \$25 per occurrence or \$10 per day.
- F. Nothing contained herein shall constitute a waiver of the rights or remedies available to the Association under the law.
- G. All Owners are responsible to ensure that their family members, visitors, guests, tenants and agents observe and comply with this policy resolution and with all Rules and Regulations as may be adopted by the Board.

This resolution was approved and adopted by the Board of Directors of the Twelve Oaks at Fenwick Plantation Association this 1st day of July, 2009, and supersedes previous Parking Policy Resolutions. This Resolution shall become effective thirty (30) days from the date attested hereto.

BY: _____

President, Twelve Oaks at Fenwick Plantation

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Twelve Oaks at Fenwick Plantation Association, this 1st day of July, 2009 and a copy of it has been mailed to each Unit Owner at the address of record on file with the Association. This Resolution shall become effective thirty (30) days from the date attested hereto.

BY: _____

Vice-President, Twelve Oaks at Fenwick Plantation