

NEW MARK COMMONS HOMES ASSOCIATION, Inc.
PARKING REGULATIONS

Approved October 4, 2012 by the Board of Directors
Effective and Enforceable as of January 1, 2013

A. Introduction

The bylaws and covenants of New Mark Commons grant authority to the Board of Directors to regulate parking within the New Mark community. The following parking regulations apply to any vehicle on public streets, Homes Association property, and/or private property within New Mark Commons. They define:

1. Permitted and Excluded Vehicles
2. Notice of violation, appeal process, towing, and assessment of costs.

B. Permitted and Excluded Vehicles

1. The following vehicles are **permitted** unless they have an excluded characteristic:
 - a. Passenger cars and wagons, minivans, SUVs, motorcycles, bicycles.
 - b. Pickup trucks and vans shorter than 250 inches.
2. The following vehicles are **excluded**:
 - a. Any vehicle with externally visible commercial markings, equipment or materials, including, but not limited to, ladders, compressors, generators, pumps, building trade tools, equipment racks, pipes, spreaders, or cylinders. However, one standard size tool box is allowed on pickup trucks.
 - b. Any vehicle that is inoperable because of its condition or lack of current registration.
 - c. Any other vehicle not listed as permitted, whether for on-road or off-road use.
 - d. Any vehicle not owned or controlled by an owner, tenant, or guest of a house in New Mark.

3. Exceptions:

a. Commercial vehicles parked during the day to provide services to a house, such as painting or plumbing.

b. Certain vehicles listed in (c) below may be parked in the clubhouse parking lot under the following conditions:

- The Administrator has given prior approval in writing. The Administrator shall set an expiration date for this approval which date shall not exceed one year. A vehicle owner may request a renewal of approval.
- All vehicles, including trailers, are operable and have current registration.
- Association dues are fully paid.
- The Homes Association is in no way liable for any damage or theft to the vehicle.

c. Under the conditions listed above in (b), the following vehicles may be parked in the clubhouse parking lot:

- Boats shorter than 26 feet, with appropriate trailers.
- Commercial cars and trucks shorter than 22 feet.
- RVs shorter than 22 feet.
- Trailers, other than boat trailers, shorter than 15 feet.

C. Enforcement

1. Notice of violation.

The Administrator shall identify vehicles in violation of the regulation, either on his/her initiative or in response to a complaint. The notice of violation shall be affixed to the vehicle and such notice is sufficient for enforcement. In addition, the Administrator shall make a good faith effort to contact the owner of the vehicle and to explain the violation.

The notice shall state the violation and date and explain that the violation must be corrected or the vehicle moved from New Mark Commons within 30 days of the notice. Evasive action to change the vehicle's location within New Mark will not abate or delay enforcement. The notice shall describe the opportunity to appeal to the Board of Directors.

2. Enforcement.

If the vehicle remains in violation after 30 days, the Administrator will arrange to have it towed at the sole risk and expense of the owner. If the vehicle is towed, the owner must contact the Administrator who will provide contact information for the towing company.

3. Appeal

The owner may appeal to the Board of Directors through the Administrator within 15 days of the notice. The appeal must be in writing, identify the owner of the vehicle and the owner of the house where the vehicle owner resides, and explain why enforcement should be abated or delayed.

The Board shall consider the appeal at the next regular monthly meeting and make a decision as soon as practicable. The Board shall mail a notice of the outcome of the appeal to the owner of the vehicle and of the house, if different. This notice shall state a deadline for correcting the violation or moving the vehicle, which deadline shall be at least 15 days after the decision.

Results of the appeal and disposition of the matter may be published in the New Mark community.

4. Removal of Vehicle in Violation

If the vehicle in violation is present in New Mark after the date set for removal, the Administrator shall authorize a towing company to remove the vehicle. Contact information for the towing company will be provided by the Administrator upon request. If the towing company cannot remove the vehicle due to reasons beyond its control, the Board of Directors, by majority vote, may initiate court proceedings to have the vehicle removed.

5. Repeat Violations

If the complaint procedure in these Regulations has been followed and a vehicle found to be in violation reappears in New Mark at a later date with the same violation, it may be towed without notice.

6. Assessment of Costs

Costs of towing and storage must be paid to the towing company by the vehicle owner in order to retrieve the vehicle. If the vehicle owner does not retrieve the vehicle and the Association incurs costs in order to complete the enforcement action, those costs will be added to the regular house assessment of the vehicle owner. If the vehicle owner is not a homeowner, then the costs will be billed to the responsible homeowner.

7. City of Rockville Ordinances

Any vehicle that violates City of Rockville parking ordinances shall be reported to the City for enforcement of those ordinances.