

# FERNSHIRE FARMS HOMEOWNERS ASSOCIATION

## POLICY RESOLUTION FOR ASSIGNMENT OF PARKING SPACE USE

April 2007

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WHEREAS, Article VI, Section 14(g) of the Declaration of Covenants, Conditions & Restrictions (Declaration) for the Fernshire Farms Homeowners Association (Association) authorizes the Board of Directors to assign parking spaces to designated lots, and

WHEREAS, Article VII, Section 1(a) of the By Laws for the Association provides that the Board of Directors shall have the power to adopt and publish rules and regulations governing the use of the Property, and

WHEREAS, the approved Site Development Plan, approved by the City of Gaithersburg, for Phases 4 and 5 of Fernshire Farms specifies that parking for these phases of the community is provided in the garage and driveway of each private lot, and

WHEREAS, the Board of Directors for the Association desires to implement the assignment of parking spaces for the use of the owners of the non-garage homes and their tenants, to address, in an equitable fashion, the availability of parking for all residents of the Association,

NOW, THEREFORE, BE IT RESOLVED THAT, in support of the above, the Board of Directors hereby declares and adopts the following policy and procedures with respect to the assignment of parking spaces for the use of individual homeowners, their tenants, guests or invitees:

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1. The following policy hereby supersedes any and all other policies which may have been previously enacted by any Board of Directors for the Association that may have dealt with the assignment of parking spaces for the use of homeowners, residents, tenants, guests or invitees.
  2. Assignment of Parking Space Use.
    - a. This policy is for the purpose of assigning the use of parking spaces for non-garage homes.
    - b. The Board of Directors for the Association shall assign, to each non-garage home, the use of two (2) parking spaces, to be located upon the general common elements.
      - i. The first (1<sup>st</sup>) assigned parking space is to be as close to the home to which it is assigned as reasonably possible considering the location of all homes, the design and location of the parking areas and proximity of other Community Facilities.
      - ii. The second (2<sup>nd</sup>) assigned parking space is to be located as close to the home to which it is assigned as reasonably possible considering the location of all homes, the location of the first (1<sup>st</sup>) assigned space, the design and location of the parking areas and proximity of other Community Facilities.
    - c. The Board of Directors for the Association shall, at common expense, mark each parking space with an appropriate designation which is sufficient to denote the *non-garage* home to which the use of the space is assigned. *No parking spaces shall be assigned to homes with garages; parking for garage homes shall be in the garage and driveway.*
    - d. All spaces for which the specific use by a home has not been assigned, shall be designated as "GUEST" parking and shall be available for use by any guest or invitee on a first come, first served basis.
    - e. All residents are required to park in spaces assigned for their use, including a driveway and/or garage, and may not use spaces which are designated as "GUEST" parking.
    - f. No homeowner, resident, tenant, guest or invitee shall block, restrict or place any obstacle in any parking space other than a vehicle authorized under the Covenants, By Laws or other rules, regulations and/or policy of the Association.

3. Enforcement.

- a. The Board of Directors shall have the authority to contract with a towing company for the purpose of enforcement of this policy. Only individuals authorized by the Board of Directors may initiate towing.
- b. Only the towing company under contract with the Association shall be authorized to perform any towing for the enforcement of this policy.
- c. The owner(s) of any vehicle removed by the towing company under the provisions of this policy shall be responsible for all towing and storage charges.
- d. Homeowners and/or residents are solely responsible for advising their family members, guests or invitees of this policy and restrictions.
- e. Enforcement with respect to any violation of paragraph 2.f. above may be as a result of a written complaint or from a regular visit to the Common Area by the Board of Directors, management agent or other agent not in conflict with applicable laws, and shall result in the immediate removal of any unauthorized obstacle from the general common elements pursuant to any restrictions contained in the Covenants, By Laws, rules and regulations of the Association or applicable law.
- f. Violations related to other restrictions with respect to vehicles or parking shall be handled in accordance with such other provisions of the Covenants, By Laws, policy, procedure, rule or regulation as it so relates.

4. Amendment.

- a. The Board of Directors may, from time to time, amend this policy in accordance with applicable law.

EFFECTIVE DATE: June 26, 2007