

**ARBOR POINTE HOMEOWNERS ASSOCIATION, INC.**

**BOARD OF DIRECTORS RESOLUTION NO. 2007-02**

**RE: Common Area Parking Policy**

**WHEREAS**, Article II.3 of the Association's Declaration of Covenants, Conditions and Restrictions provides that each unit shall include two parking spaces for vehicles, either covered or not, in which the vehicles of the Owner shall be parked and stored.

**WHEREAS**, Article II.3 of the Association's Declaration of Covenants, Conditions and Restrictions provides that other parking areas that may be shown on the Master Plan and provided, are for the temporary use of guests of the Owner, and no Owner shall use such parking areas for regular or permanent storage of vehicles (including boats) without the express permission of the Association.

**WHEREAS**, Article II.3 of the Association's Declaration of Covenants, Conditions and Restrictions gives the Association the power to adopt rules and regulations governing the use of parking areas; and

**WHEREAS**, North Carolina state law does not allow attended or unattended vehicles to park in these restricted areas:

- On a street or highway in front of a private driveway
- Within 15 feet in either direction of a fire hydrant or entrance to a fire station
- Within 25 feet from the intersection of a curbed street
- Any public vehicular area that has been designated as a fire lane

**WHEREAS**, North Carolina state law says that law enforcement officials may remove any vehicles found in violation and may not be considered criminally liable unless there is wanton misconduct or intentional wrongdoing; and

**WHEREAS**, Article VI.4 of the Association's Declaration of Covenants, Conditions and Restrictions gives the Association the power to enforce rules and regulations with sanctions that include reasonable monetary fines; and

**WHEREAS**, the Board of Directors wishes to establish a policy on the regulations governing parking in the Common Area.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that the Board of Directors hereby establishes a policy on the regulations governing parking in the Common Area, as follows:

**Common Area Parking Policy**

1. No vehicle shall park on the road within 15 feet in either direction of fire hydrants. The restricted areas will be marked with red painted curbs and "NO PARKING" lettering. In the event that any portion of a vehicle is parked within 15 feet of a fire hydrant, the vehicle will be immediately towed at the vehicle owner's expense.
2. No vehicle shall park in front of the dumpster area, except as temporary parking during weekend hours. Weekend hours are defined as 10 AM Saturday to 11:59 PM Sunday. In the event that a vehicle is parked in front of the dumpster area outside of weekend hours, a fine of \$25 will be levied. If the vehicle is not removed within 24 hours, then the vehicle will be towed at the owner's expense.
3. All vehicles within Arbor Pointe must be in functioning order and must be registered with a County / State Department of Transportation Authority. All vehicles must have (or display) a valid license plate (temporary or permanent). In the event that a vehicle is not functioning, has no license plate, or has no vehicle registration, a notice of removal will be placed on the vehicle and a fine of \$25 per day will be levied for the first 10 days that the vehicle is not removed. If, after 10 days the vehicle has not been removed, the vehicle will be towed at the vehicle owner's expense.
4. Shared Parking Areas: Eight parking pad spaces are provided for the temporary use of Guests of the Owners and Tenants. Temporary use of the parking pad spaces is defined as use of the parking pad spaces for no more than 10 consecutive days. No Owner or Tenant shall use these spaces as storage or permanent parking without the express written permission of the Board of Directors. If a third space is required by an Owner or Tenant, the Owner shall submit an annual application request for permanent use of a parking pad space. In the event that an Owner or Tenant vehicle is using a parking pad space as permanent parking, and the Owner or Tenant does not have approval from the Board of Directors, then a notice of removal will be placed on the vehicle and a fine of \$25.00 per day will be levied for the first ten days that the vehicle is not removed. If, after 10 days the vehicle has not been removed, the vehicle will be towed at the vehicle owner's expense.
5. Owners and Tenants should encourage Guests to use empty parking pad spaces. If all eight parking pad spaces are occupied, and the Owner's or Tenant's driveway space is completely occupied, guests are permitted to temporarily park in the unrestricted areas of the road (a.k.a. Grapevine Trail).
6. Street Parking: Owners and Tenants shall use the road (a.k.a. Grapevine Trail) as temporary parking only. Temporary parking for the road (a.k.a. Grapevine Trail) is defined as use of the road for parking for no more than

5 consecutive days. In the event that a vehicle is parked on the road for more than 5 consecutive days, a fine of \$25 per day will be levied for the first 10 days that the vehicle is not removed. If, after 10 days the vehicle has not been removed, the vehicle will be towed at the vehicle owner's expense.

7. All persons will adhere to the posted signs which include, but are not limited to 15 MPH speed limit, No Trespassing, and Private Property. A fine of \$25 will be levied against anyone caught speeding.
8. Payment of "Parking Fines": Fines levied for parking violations will be issued to Owners. In the event that the fine has been incurred by a Tenant or Guest, the Owner responsible for that Tenant or Guest will be responsible for the fine. Fines will be billed to the Owner's account and the Owner will be liable for paying the fine just as the Owner is responsible for paying Assessments (a.k.a. Dues). The Assessments/Dues Collection and Reporting Policy will apply to the collection of parking fines.

**FURTHER RESOLVED**, that the Common Area Parking Policy shall be effective as of August 1, 2007 and shall be mailed to all Owners of record.

**CERTIFICATION OF APPROVAL**

I, Denis Mahon, the duly-elected President of Arbor Pointe Homeowners Association, Inc. hereby certify:

That the Common Area Parking Policy for the Arbor Pointe Homeowners Association, Inc., as evidenced by the records and minutes of the Board of the Association, was approved by the affirmative vote of the majority of the Board of Directors and that the same does now constitute an official policy of and rules and regulations for the Arbor Pointe Homeowners Association, Inc.

IN WITNESS WHEREOF, I heretofore subscribe my hand on this \_\_\_\_\_ day of June, 2007

\_\_\_\_\_  
President

Denis Mahon  
Printed Name