

# Encinitas Ranch Community Association

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## PARKING RULES AND REGULATIONS

### A. Background

CC&R Article 6.1.7(a) requires that each occupant of a Lot shall park his or her vehicles in his or her garage and parking by occupants of a Lot shall be allowed on driveways only to the extent that such occupants possess more vehicles than can be accommodated in the garage.

CC&R Article 6.1.7 (b) requires that no dune buggy, boat, trailer, recreational vehicle, mobile home, motor home, van which weighs more than 10,000 pounds, camper shells whether detached from a vehicle or mounted on a vehicle, nor truck weighing more than 10,000 pounds or has a mounted camper shell which protrudes from the truck from either side or from beyond the rear gate or above the cab ceiling, shall be parked anywhere in the community except outside of public view unless Architectural Standards provide otherwise.

CC&R Article 6.1.7 (c) requires that no Owner or occupant of a Lot shall park his or her vehicle in an area where parking is disallowed by the City. Any Invitee of an Owner of a Lot shall park his or her vehicle in the driveway of that Owner or occupant or on a street within the Encinitas Ranch Community that is designated for parking by the City.

No dismantled or wrecked vehicles or equipment shall be parked, stored or deposited in the community and no vehicle shall be repaired in the Community in public view. No noisy or smoky vehicles or off road unlicensed vehicles shall be operated within the Community.

The attached rules and enforcement policies for parking within the community have been developed with consideration given to providing each resident with the greatest enjoyment of the community without infringing on other residents and their rights and in keeping with the Association's Master Governing Documents. Please note that the homeowner is responsible for all violations of these Rules and Regulations by his/her family members, tenants, guests and invitees.

The speed limit within the property is twenty (20) miles per hour.

Garage and driveway parking must be exhausted before on street parking is allowed.

### B. Parking Passes

1. Each homeowner will receive two (2) "Temporary Guest" Passes, which can be used for short-term overnight guests who require street parking. These Temporary Guest Passes may be used by any guest for up to three (3) days in a thirty (30) day period. Each Temporary Guest Pass may be used by more than one guest so long as the 3-day timeframe is complied with by each guest. For any guest requiring street parking for more than 3 days in any 30-day period, please see below. Vehicles belonging to guests must display a valid Temporary Guest Pass whenever the guest's vehicle is parked overnight on the street.
2. Homeowners with guests staying for a longer duration (that will be parked on the street) can request a "Visitor Permit." This permit may be applied for through the Management Company and may be issued for a period of up to a maximum of thirty (30) days. Justification must be provided. For example, a Visitor Permit may be issued to homeowners who have college students' home for the summer.
3. Homeowners with unique situations that could require on street parking and/or homeowners who possess more vehicles than available garage and driveway spaces may apply for a bi-annual on street parking permit that may

be valid for up to 6 months at a time. Justification must be provided for each on street parking permit request. Bi-annual on street permits expire every six (6) months and must be renewed at the end of every six (6) month interval. The board will consider each on street parking permit application request independently based upon the needs of each homeowner. It is recommended that homeowners with additional vehicles should consider off-site parking.

4. Automobiles cannot park on the street continually and must be moved every day. The street is not a place to store an extra vehicle but to park a vehicle that is used on a regular basis, and moved frequently. All permitted vehicles must be moved on trash pick-up days to allow access for the trash trucks.
5. Permits are issued “as needed”, therefore if parking capacity in the garage or driveway become available the permit may no longer be valid.

### **C. Enforcement and Towing**

1. No vehicle is permitted to park overnight on the street in the Community without displaying a Temporary Guest Pass, Visitor Permit or On Street Permit. Vehicles parked without displaying the appropriate Pass and permits are subject to a parking citation.
2. As part of their contract and duties, a patrol service will periodically tour the Community and upon identifying an improperly parked vehicle, will place a parking citation on the vehicle citing the parking violation. The patrol service will conduct parking enforcement between the hours of 1 AM and 5 AM.
3. After three parking citations within a thirty (30) day timeframe, the Management Company will conduct a DMV search in an effort to determine the Owner of the vehicle. If it can be determined that the vehicle is associated with a homeowner, then the homeowner will be called to a Due Process Hearing before the Board, which will take place at least fifteen days after the notice of hearing is sent. At the hearing, the Board may consider imposing a fine of \$250 and the vehicle may be placed on the three month Tow List if the member is found to be in violation. If a vehicle is placed on the tow list, a future violation could result in the vehicle being towed. A very clear warning notice will be placed on the vehicle indicating that they could be towed unless they contact the Management Company immediately.
4. If the Management Company is unable to determine whether a vehicle is associated with a homeowner, it will conduct an online search after the third violation using the DMV data to help with identifying the vehicle owner.

After the third citation, the unidentified vehicle will be placed on the three month Tow List which will subject the vehicle to an immediate tow at Owner’s expense without further notice.

If there are no subsequent violations after three months the vehicle may be removed from the Tow List.

5. Homeowners are responsible to communicate the parking policy to tenants and ensure that they are following the parking policy. It is recommended that homeowners with tenants provide the Management Company with a copy of the rental agreement and renter’s vehicle license plate numbers.
6. Notwithstanding the above, vehicles are also subject to immediate tow at the vehicle owner’s expense, without citation or other notice, where allowed by law. These circumstances are: towing of vehicles from fire lanes, within fifteen (15) feet of a fire hydrant, or parked in a manner which interferes with an entrance to or exit from the community or any separate interest contained therein. (California Vehicle Code Section 22658(l)(1)(E).)