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2017 JUL 18 AM 9:28

BOOK # 07010
PAGE # 0325

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**FOUR OAKS NEIGHBORHOOD CONDOMINIUM ASSOCIATION, INC.
(the "Association")**

RESOLUTION PERTAINING TO PARKING RULES AND TOWING POLICIES

WHEREAS, Article IX, Section 1(e) of the By-Laws provides that the Board of Trustees shall have the powers, duties and authority vested in or delegated to the Association by the Master Deed; and

WHEREAS, Article IX, Section 1(d) of the By-Laws authorizes the Board of Trustees to adopt rules and regulations governing the use of the Common Elements and Limited Common Elements and the personal conduct of the Members and their guests thereon; and

WHEREAS, Article IV, Section 4.05 of the Master Deed restricts the parking or storage on the property of certain types of vehicles and allows the Board to adopt parking rules and regulations; and

WHEREAS, Article IV, Section 4.10 of the Master Deed provides that the Board of Trustees shall have the power to levy fines; and

WHEREAS, the design and lay-out of the common elements does not provide adequate parking spaces to accommodate the vehicles of the members; and

WHEREAS, the Board of Trustees deems it necessary and desirable, and in the best interests of the Association to clarify policies and procedures related to parking within the community and the towing of vehicles from the property;

NOW THEREFORE, BE IT RESOLVED, that any prior resolution pertaining to the parking is **REPEALED** and the following is adopted:

1. General Provisions

- a. This Resolution applies equally to Unit Owners, family, authorized residents, licensees, invitees, or guests. Each Unit Owner is responsible for the conduct of his family, authorized residents, licensees, invitees, or guests in abiding by this Resolution.

- b. The Board of Trustees, Four Oaks Neighborhood Condominium Association, Inc., or any agent of the Association shall not be liable to the owner or person in possession of the subject vehicle, or the Unit Owner, authorized resident, invitee, or guest for any damage and/or injuries which occur during, or as a result of, the removal of the vehicle from the property.
- c. Notice for the purposes of this resolution shall be deemed effective and complete upon the recording of this Resolution and the Association's posting of towing signs pursuant to N.J.S.A. 56:13-7, et al. No further notice shall be provided to owners of vehicles that are illegally or improperly parked prior to towing.

2. **Definitions** - For purposes of this Resolution, the following definitions shall apply:

- a. "abandoned vehicle" shall mean that the vehicle has not been moved for a period of fourteen (14) consecutive days unless otherwise permitted by the Board of Trustees. In the event a Unit occupant intends to leave a vehicle on the property in excess of fourteen (14) days because of travel or vacation plans, said vehicle shall not be deemed abandoned provided the Unit occupant notifies the Board or its designee in advance in writing of the length of time the vehicle is to be left on the premises unattended and the Board has agreed in writing to a waiver of this provision of the rule. Such waiver shall not be unreasonably denied.
- b. "authorized resident" shall mean any occupant of a Unit with the knowledge of the Unit Owner and/or with the knowledge of the Unit Owner's representative, regardless of whether said occupant is paying the Unit Owner or anyone else for said occupancy.
- c. "commercial vehicle" shall include, but not be limited to pick-up trucks, vans, trucks, wagons, buses, limousines, taxis or over-sized vehicles, with any one or more of the following characteristics:
 - i. contains advertising on its exterior;
 - ii. bears commercial license plates;
 - iii. is used primarily for commercial purposes;
 - iv. is primarily utilized for the transportation of machinery and/or equipment;
 - v. has more than two (2) axles;
 - vi. contains business apparatus (i.e. ladders, racks, tools, plows, etc.);
 - vii. vans without windows;

- viii. limousines, taxis, or vehicles with limousine, livery, omnibus or taxi license plates.
- d. “illegally parked” shall mean a vehicle that is parked in violation of any Association, municipal, state, or federal law or regulation enacted to regulate the placement of motor vehicles upon private or public lots, roads or highways.
- e. “inoperable or stored vehicles” shall include vehicles which are physically unable to travel under their own power. This shall also include any vehicle that has not been moved for a period of fourteen (14) consecutive days unless otherwise permitted by the Board. Any vehicle covered by a tarpaulin shall be rebuttably presumed inoperable, with the burden on the Unit Owner to demonstrate that it is operable and not being stored on the Common Elements. In addition, any vehicle that is merely moved around the parking lot in an effort to avoid the provisions of these Regulations shall be rebuttably presumed stored, with the burden on the Unit Owner to demonstrate that it is not being stored.
- f. “notice” shall be deemed effective and complete upon the recording of this Resolution and the Association’s posting of towing signs pursuant to N.J.S.A. 56:13-7, et al. No further notice shall be provided to owners of vehicles that are illegally or improperly parked prior to towing.
- g. “recreational vehicle” is defined as a mobile home, trailer, camper, boat, boat trailer, any vehicle intended to be utilized primarily for off-road travel or any vehicle designated or intended to be used temporarily or permanently as a residence.
- h. “unregistered vehicle” shall mean:
 - i. the vehicle does not have a valid license plate or a valid registration sticker; or
 - ii. the vehicle has failed inspection and does not have a temporary inspection sticker and/or a valid license plate; or
 - iii. any vehicle which has a false license plate or license plate from another vehicle shall be deemed unregistered.

3. **Registration:**

- a. Parking of unregistered vehicles on the property is prohibited.
- b. Unit owners shall also be responsible for any enforcement actions, including attorney’s fees and costs pertaining to any parking violation or towing if a unit Owner failed to legally and/or park his vehicle(s) in accordance with this

Resolution or any other parking rule/regulation established in the governing documents, the Association's Rules and Regulations, or pursuant to law.

4. **Prohibited Parking:**

- a. Parking shall be permitted in designated areas only. Unit owners shall be responsible for the conduct of their tenants, licensees, invitees, guests, or visitors. Designated areas are as follows:
 - i. Parking is permitted as follows:
 - 1. **Condominium units:** each condominium unit has a (2) car garage and a (2) car driveway area. The garages appurtenant to each unit are intended to be that unit's assigned parking spaces. Garages and driveway areas are to be each unit's primary parking spaces. Garages and driveway areas must remain clear and be able to house vehicles at all times and are not to be used exclusively for storage purposes.
 - 2. **Visitor parking spaces:** the open (white lined) parking spaces are to be exclusively used by visitors. Visitors may park in the driveway areas only if space is available.
 - (ii) There shall be no parking of any vehicles on any of the streets and/or along the curbs within the community. Parking of any and all vehicles is strictly limited to within the appropriate parking spaces, garages, and/or driveways.
- b. No commercial vehicles, boats, trailers, campers, mobile homes, recreational vehicles, or trucks may be parked on any part of the common or limited common property. This restriction shall not apply to trucks and equipment stored on the property by the Association and/or its agents, for the purpose of maintaining the property or any portion thereof.
- c. No motorized bicycles, moped, motorcycles, go cart or any other motorized vehicle or machine of any kind shall be permitted within the community without proper licenses and registrations issued by the State of New Jersey. If no such proper licenses or registrations are available, the parking of these vehicles will be deemed in violation of this resolution.
- d. Visitors without commercial vehicles need not register with the Association but shall be permitted to park in the open (white lined) visitors' spaces only or in the driveway areas if space is available. Unit owners shall be responsible for the conduct of their tenants, guests or invitees. Unit owners are responsible for alerting their guests of the permissible areas for him/her to park their vehicle in. It is not the Association's responsibility to alert guests of permissible areas for guest parking.

- e. No person shall drive upon the roadways or on the Association property, a recreational vehicle.
- f. No person shall leave an unregistered, unlicensed, abandoned, recreational, inoperable, junked, disabled or illegally parked vehicle upon the property.
- g. Vehicles are prohibited from parking in front of the mailboxes, fire lanes, handicap-designated spaces or spaces assigned to a different vehicle or other areas designated for emergency vehicles.
- h. No vehicle may be parked in an open parking space for more than seventy-two (72) consecutive hours. Said vehicle may be parked in an open parking space for more than seventy-two (72) consecutive hours provided the Unit occupant notifies the Board or its designee in advance in writing of the length of time the vehicle is to be left on the premises unattended and the Board has agreed in writing to a waiver of this provision of the rule. Such waiver shall not be unreasonably denied.
- i. Vehicles are prohibited from obstruction of egress or ingress to the Property.
- j. Vehicles which prevent the garage doors of the condominium units from properly closing are prohibited.
- k. Vehicle maintenance is prohibited except for changing tires, washing, and waxing.

5. Enforcement

- a. First Violation: A written warning of violation will be sent by regular mail to the violating member(s) at the member's last known address as shown on the records of the condominium association.
- b. Second Violation: A letter of violation will be sent in the same manner as indicated above and a fine in the maximum amount permissible will be imposed against the unit owner or tenant or both, to the extent permitted by law, or notice of other action will be provided.
- c. Additional Violations: Each day will be considered a separate violation for the purposes of enforcement.
- d. The cost of towing and storing a vehicle shall be the responsibility of the vehicle owner. If it is determined that the vehicle belongs to a Unit Owner, tenant or guest the cost of towing and storing shall constitute a lien against such Unit in the same manner as a common expense assessment.

- e. The Board, or its agent, without notice to the Vehicle owner, may place a sticker on any unauthorized vehicle. The property manager or his designee may determine the appropriate sticker to be used under this paragraph.
- f. The Board, the Association, or its designee shall not be liable to the owner of the subject vehicle, or the Unit Owner for any damage and/or injuries that occur during or as a result of the removal of the vehicle from the property.
- g. The Association shall not be responsible in any way for the return of a vehicle. Nor shall the Association be responsible for any costs associated with any such return. If it is determined that responsibility for the vehicle rests with a Unit Owner or other authorized resident or tenant, any costs of towing and storing that are borne by the Association, if any, and/or any fines or charges that may be levied by the Association, shall be posted to that Unit Owner's account.
- h. If the violator is a tenant, then the fine shall be levied against the Owner of the Unit in which that tenant is residing.
- i. If the fine assessed is not paid by the violator, or the Unit Owner, if the violator is a tenant, within fifteen (15) days after it is due, or within such longer period of time after it is due, as the Board may determine, the Owner may be required, by the Board, to pay a late charge as the Board may determine.
- j. All resulting fines and charges of the Association, or other entities shall be posted to the Unit Owner's account and shall constitute a lien against the unit and shall be collected in the same manner as with respect to the common expense assessments.
- k. All Unit Owners must ensure that their tenant(s) comply with the Master Deed, By-Laws, rules and regulations, and this Resolution. Owners will be responsible for payment of all fines and costs levied under this Resolution, including any costs a towing company may charge for towing and storing a tenant's vehicle.
- l. In accordance with N.J.S.A. 39:4-56.6, if no action is taken by the vehicle's owner within ninety (90) days of the removal of the vehicle from the common property, the vehicle may become the property of the towing company or be sold at public auction.
- m. Any vehicle which is parked in violation of the Master Deed, By-Laws, Rules and Regulations, and this Resolution is subject to towing at the owner's expense and/or other sanctions including loss of amenities and fines, to the extent permitted by law.
- n. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.

- o. Notwithstanding the above, the Board may exercise all rights and remedies available to it at law and in equity, in addition to those rights as set forth in the governing documents.
- 6. **Effective Date:** This Resolution will be effective immediately upon its adoption by the Board of Trustees at a regularly scheduled meeting of the Board for which prior notice was provided to the Owners in accordance with the Governing Documents of the Association.

STATE OF NEW JERSEY :
: SS
COUNTY OF MIDDLESEX :

I certify that on April 5, 2017, personally came before me, JEAN KUHN, (Secretary) and that this person acknowledged under oath, to my satisfaction, that:

- 7. this person is the Secretary of Four Oaks Neighborhood Condominium Association, Inc. a nonprofit corporation of the State of New Jersey named in this documents;
- 8. this person signed this document as attesting witness for the proper corporate officer who is CAROL GUTTSCHALL, the President of the corporation;
- 9. this person knows the proper corporate seal of the corporation and the proper corporate seal was affixed;
- 10. this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Trustees; and
- 11. this person signed this acknowledgment to attest to the truth of these facts.
- 12. This Resolution was duly introduced and was thereafter adopted at a regular scheduled meeting of the Board of Trustees, at which a quorum was present of the members of the Board of Trustees to vote on this matter.

Jean Kuhn
_____, Secretary

signed and sworn to before me this
5th day of April, 2017

[Signature]

Notary Public

Record and Return to:
Jennifer L. Alexander, Esq.
Griffin Alexander, P.C.
415 Route 10, 2nd Floor
Randolph, New Jersey 07869

BONNA M. BELKOT
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 3/2/18

I certify that the vote for this Resolution was as follows:

Trustee	Yes	No	Abstain	Absent
<i>Kathleen Smith</i>	✓			
<i>Ilona Oesper</i>	✓			
<i>Sydney Hoge</i>	✓			
<i>Jessie Kuhn</i>	✓			
<i>Carol B. Guttschall</i>	✓			

Jessie Kuhn
, Secretary

NOTICE AND RECORDING. The Association's Managing Agent is authorized and directed to prepare correspondence in appropriate form and substance and thereafter circulate same, along with a copy of this Resolution, to all Unit Owners. The Association also authorizes and directs its legal counsel to arrange for recordation of a copy of this Resolution with the Middlesex County Clerk's Office in order to establish the recording of this clarification to the Master Deed in the chain of title. The Middlesex County Clerk is authorized and requested to annotate the Master Deed (for example, by references in the margin) to reference the recording of this Resolution.

ATTEST:

**FOUR OAKS NEIGHBORHOOD
CONDOMINIUM
ASSOCIATION, INC.**


_____, Secretary

By: 
_____, President