

North Bench Farms development (NBF) Parking Enforcement Policy

The following enforcement policy for the North Bench Farms Neighborhood (NBF) will go into effect and become mandatory as of the following date: October 1, 2023

This enforcement policy is enacted in keeping with the North Bench Farms Residential Subdivision Covenants, Conditions, and Restrictions (CC&Rs) Section 4.g.

1. No General Street Parking or Unapproved Parking. Homeowners and renters and guests shall not store or park their automobiles, vans, sport utility vehicles, trucks campers, motor homes, trailers, boats, watercraft, recreational, commercial, oversized or other vehicles (a.) on NBF streets either during the day or during the night, or (b.) in NBF guest/overflow parking lots, or (c.) in the front or side yards of properties, or (d.) on NBF open space property, except for Temporary Parking as defined in Section 4.
2. Approved Parking Spaces. Homeowners and renters shall store or park their automobiles, vans, sport utility vehicles, trucks campers, motor homes, trailers, boats, watercraft, recreational, commercial, oversized or other vehicles on available, approved parking spaces on the lot being lived in by the homeowners or renters. Approved parking spaces include inside of garages, on concrete driveways, and on approved, properly bordered and graveled or paved RV pads on a homeowner's lot.
3. Functional Vehicles. All vehicles parked within the NBF neighborhood shall be in running condition, regularly used, and properly licensed.
4. Temporary Parking. Homeowners, renters, and their guests may park a vehicle on neighborhood streets or in Guest/Overflow Parking Lots for a combined single period of up to 72 hours for a specific vehicle. After the 72-hour period, that vehicle shall not be parked on neighborhood streets or in Guest/Overflow Parking for at least the next 14 days. Moving a vehicle from one location to another location, or having the vehicle absent for a few hours each day during the 72-hour period does not reset the temporary parking period allowed for that vehicle. A vehicle that is repeatedly parked on the streets or in guest/overflow parking for repeated temporary periods is violating the objectives of the parking policy and the associated homeowner may be subject to fines and the vehicle may be subject to being towed. For clarity, repeated daytime or overnight parking on streets or in guest/overflow parking beyond the approved Temporary Parking Period is prohibited.
 - a. No vehicle shall be parked in any manner so that the vehicle (i.) extends in any way across property lines onto the private property of another homeowner's property lot without express permission of that homeowner, or (ii.) extends in any way across property lines onto any of the open space areas within the NBF.
 - b. When parking on a neighborhood street during a Temporary Parking Period, homeowners, their renters, and their guests shall generally only park in front of the homeowner's property. Parking in front of another homeowner's property shall only be done with the express permission of that homeowner.
 - c. Front and side yards may not be used for Temporary Parking as defined in this section.
5. Restricted Use of Front and Side Yards. Vehicles shall only be parked on Front and Side Yards that are not approved parking spaces for a very limited period not to exceed one day. Any

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extended parking on Front or Side Yards beyond one day and including any overnight parking will subject the homeowner to fines and to having the vehicle possibly towed.

6. Temporary Access through Open Space. Homeowners are allowed temporary vehicular access through open space areas to a homeowner's property for temporary service work or maintenance, with such access including temporary parking next to a homeowner's property. Such access shall not become routine access. Such access should be preapproved by the HOA whenever possible. Such access is not allowed for storing any type of vehicles on a homeowner's property.

7. Oakley City Ordinances. Oakley City has municipal rules for parking on city streets and on residential lots. The NBF HOA has adopted the Oakley City ordinances into the NBF parking policy. When possible, the NBF HOA shall request Oakley City to promptly enforce the city's rules whenever those rules are being broken within the NBF neighborhood, but because the ordinances are part of the NBF parking policy, the HOA may also enforce those rules if needed. The Oakley City Ordinances that are incorporated into this parking policy are as follows:

10.05.090 Time Limited Parking

No person who owns or has possession or control of any vehicle shall park such vehicle upon any street or alley for more than seventy-two (72) consecutive hours.

10.05.110 No Parking On Narrow Streets

No person shall park a vehicle on any private or public street or alley where the width of the roadway is less than twenty (20) feet.

10.09.030 Seasonal Parking Limits

There shall be no on-street parking between November 15th and April 15th of the following year. Vehicles or other obstacles which hamper snow removal operations, will be towed or removed at the owners expense. The city [or the HOA] shall not assume any liability for damage to vehicles parked on the street in violation of this ordinance. Damage to snow removal equipment resulting from contact with vehicles parked on the street shall be the responsibility of the vehicle owner.

13.9.22 Parking and Vehicle Storage

A. No portion of a front yard (with the exception of the required driveway) as defined in this Title shall be used for permanent parking of motor vehicles, recreational vehicles or recreational equipment. Permanent parking, as it applies to this chapter, shall mean parking for a consecutive period in excess of twenty-four (24) hours.

B. No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of one and one-half (1.5) tons shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone. Exceptions may be found in 13-4-19.

C. It shall be unlawful to park, store, or leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof, which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city limits of the city of Oakley for a period of time in excess of seventy-two (72) hours, except that two (2) or less such vehicles or parts thereof

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may be stored if within a building or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Code. The accumulation and storage of more than two (2) such vehicles or part(s) thereof, as defined above, on private property except as set forth above, shall constitute a nuisance detrimental to the health, safety, and welfare of the inhabitants of Oakley City. It shall be the duty of the owner of such vehicle or part(s) thereof or lessee or other person in possession of private property upon which such vehicle or parts(s) thereof are located, to remove the same from such property.

8. Parking Waiver. If a homeowner has an extenuating circumstance that could be addressed by the extended use of street or guest lot parking, (for example, emergency construction, significant family illness, etc.) then the homeowner shall contact the HOA and request a temporary parking waiver.
9. Adding Approved Parking Spaces. If a homeowner wants to try and add additional parking spaces to their property, they may work with the HOA Architectural Committee to determine what is acceptable and how to proceed with an approved plan. Otherwise, the homeowner must confine their recurring parking or storing of vehicles to the available approved parking spaces on their property.
10. Identifying Parking Violations. HOA Board members, designated representatives, and homeowners may document possible parking violations by taking pictures of vehicles in possible violation of the parking policy that clearly identify the vehicle, its location, its potential violation, and the date of the picture. A sequential series of validated pictures taken over time shall represent compelling evidence of a violation, subject to other evidence that may show a violation has not taken place. Recognizing that HOA Board members are unpaid volunteers, and most other designated representatives and homeowners are not paid, and that the HOA has extremely limited resources, the HOA will attempt in good faith to regularly inspect the entire neighborhood for parking violations. However, the HOA does not commit to inspecting the entire neighborhood each day or to inspecting the entire neighborhood during each inspection. Homeowners are invited and encouraged to support and augment HOA inspections with their own observations and reporting. Reporting suspected violations to the HOA may be done anonymously. Documentation of a parking violation shall be accepted as prima facie evidence regardless of whether or not any other inspections have taken place. The finding of a violation shall not be invalidated because of a lack of other inspections or violations.
11. Notification of Violation. When a vehicle parking violation has been confirmed by the HOA Board or its designee, including the property management company, then a designated representative of the HOA Board shall place a notice of violation prominently on the vehicle, and take a picture of the applied notification for validation. If the homeowner associated with the vehicle is known, an email may be sent to that homeowner notifying of the parking violation, but separate email notification is not required as part of the required notification process. The HOA is not required to give any other notification. The failure of a homeowner to receive a violation notification, or a failure of the HOA to adequately convey a notice to a homeowner will not invalidate a violation.

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12. Remedying a Parking Violation. A homeowner has twenty-four (24) hours to remedy the violation, meaning the homeowner is responsible for taking whatever action is required to end the parking violation. In almost all cases a remedy must be accomplished by removing the offending vehicle from parking in an unapproved location within the neighborhood. For clarity, simply moving a vehicle that is in violation from one unapproved location to another unapproved location is not a remedy. Moving a vehicle that is in violation to an approved parking space on the homeowner's property is an acceptable remedy.
13. Penalties for Parking Violations. If, after 24 hours, a parking violation has not been remedied, The HOA will attach a \$200 fine to the account of the homeowner associated with the vehicle that is in violation for each vehicle found to be in violation of the parking policy for that month. The HOA or its designated representative will also immediately notify a local towing company and initiate an action to have the vehicle that is in violation towed and impounded by the towing company. Once a vehicle is impounded and towed by a towing company, it will be up to the homeowner associated with the vehicle to pay or resolve any and all impounding and towing fees required by the towing company. HOA penalties shall accrue interest at the rates established for other penalties and late fees.
14. Parking Policy Notification. The HOA shall share this policy with all homeowners through email notification after the policy has been approved by the HOA Board, and annually thereafter to all current homeowners by email. The policy shall also be posted on the HOA website. Homeowners are responsible for sharing this policy with all individuals residing at their property who are of driving age, with any renters living on the homeowner's property, and with any guests who may be affected by the policy. Homeowners shall pass knowledge of this policy on to any subsequent purchaser of the property. Lack of knowledge of the parking policy is not a protection from the requirements and consequences of the policy.
15. Changes to the Parking Policy. The HOA Board may make changes or updates to this policy as determined necessary by the Board. If a significant change is made to this policy, notice of the change will be made using the notification procedures in the previous section.
16. Approval. This policy has been approved by the North Bench Farms Homeowners Association as of 18 September 2023. This policy will be effective for the NBFHOA as of 1 October 2023. The approval date and the effective date of this policy in this section will be updated to reflect any substantive changes to the policy.