

RANCHO MADRINA HOMEOWNERS ASSOCIATION

PARKING RULES & REGULATIONS

The Rancho Madrina Homeowners Association (“**Association**”) has implemented these Parking Rules (“**Rules**”) to govern parking within the community. All Owners, residents, and their invited guests (“**Invited Guests**”) are subject to the parking rules and regulations set forth in these Rules. Failure to comply with any of the following Rules may result in the offending vehicle being cited and/or towed at the vehicle owner’s expense. The Owner may be assessed a penalty for his/her (or his/her Invited Guests) non-compliance with the Rules.

All Association property owners and residents are strongly encouraged to review the Rules before acquiring a vehicle to be parked in the Association.

RECOMMENDATION: In the event you are thinking about buying or leasing a new or used vehicle and there is the possibility that such vehicle may be a Prohibited Vehicle as outlined below, please check with the Association’s Board of Directors (“**Board**”) and obtain a written acknowledgement which states that your potential new or used vehicle is not a Prohibited Vehicle before any purchase or lease. In the event you fail to obtain that written acknowledgement, you may be subject to Association enforcement and/or incur financial losses if the vehicle is later deemed to be a Prohibited Vehicle by the Board.

A. DEFINITIONS

Unless otherwise provided in these Rules, the capitalized terms herein have the same meanings as those set forth in the Association’s Declaration of CC&Rs (“**CC&Rs**”).

“Authorized Vehicle” – An “Authorized Vehicle” is an automobile, a passenger van designed to accommodate ten (10) or fewer people, a motorcycle, or a pickup truck having a manufacturer’s rating or payload capacity of one (1) ton or less. The Association has the power to identify additional vehicles as Authorized Vehicles in the Rules and Regulations in order to adapt this restriction to other types of vehicles that are not listed above.

“Prohibited Vehicles” – The following vehicles are “Prohibited Vehicles:” (a) recreational vehicles, motor homes, travel trailers, camper vans, cargo vans, boats and the like, (b) large commercial-type vehicles (e.g., **stake bed** trucks, tank trucks, dump trucks, step vans, and concrete trucks), (c) buses, limousines or vans designed to accommodate more than ten (10) people, (d) inoperable vehicles or parts of vehicles, (e) aircraft, (f) any vehicle or vehicular equipment deemed a nuisance by the Association, (g) commercial vehicles (e.g. vehicles which bear any commercial advertising signs, names, logos, letterings, or initials; any vehicle used or obviously intended for use, as a work vehicle, which may include racks or external tool boxes or is evidenced by the open carriage of pipes, lumber, or other materials or ladders, tools, or other equipment), and (h) any other vehicle not classified as an Authorized Vehicle.

If a vehicle qualifies as both an Authorized Vehicle and a Prohibited Vehicle, then the vehicle is presumed to be a Prohibited Vehicle, unless the vehicle is expressly classified as an Authorized Vehicle in writing by the Board. All sizes, weights, and passenger accommodations are those descriptions made by the manufacturer.

The Association has the power to identify additional vehicles as Prohibited Vehicles to adapt this restriction to other types of vehicles that are not listed above.

B. GENERAL PARKING & VEHICULAR RESTRICTIONS

1. Vehicle Restrictions

a. Authorized Vehicles:

Authorized Vehicles are allowed to be parked within the Association, including homeowner driveways, subject to the restrictions and requirements set forth in these Rules.

b. Prohibited Vehicles:

No Prohibited Vehicle may be parked, stored, or kept in the Properties except for brief periods during loading, unloading, or emergency repairs. However, a resident may park a Prohibited Vehicle in the garage so long as the garage is kept closed and the presence of the Prohibited Vehicle does not prevent any Authorized Vehicle from being parked in the garage or driveway at the same time. Under no circumstances shall Prohibited Vehicles be parked overnight on the Association's streets or on homeowner driveways.

For sake of clarity, properties that contain a porte cochere will be considered sufficient to park a Prohibited Vehicle, **if** this is the case, the vehicle must be pulled fully into the porte cochere/courtyard area.

c. Nuisance Vehicles:

Nuisance vehicles include, but are not limited to, any Authorized or Prohibited Vehicle, which continually violates the Rules. A continual violation is defined to mean any vehicle having been towed twice within a 180-day time-period. Any vehicle deemed a nuisance may be prohibited from the Association's streets for a period of up to one (1) year and will be towed from the Association's streets or Properties at the vehicle owner's expense.

2. Residential Parking Only

All parking on the streets of Rancho Madrina Community Association ("RMCA") is limited to property owners, residents, and Invited Guests only. Parking of Prohibited Vehicles is limited to the restrictions referenced in Section B (1)(b) of these Rules.

Pursuant to the Rancho Madrina CC&R's section 2.8.4 (c), residents are first required to park a minimum of one less vehicle than the number of garage spaces for which the residence was originally constructed (4-car garage = 3 cars on the property and 3-car garage = 2 cars on the property). These vehicles must be parked either in their garage or on their driveway before an **overnight street parking permit** will be issued (collectively, "Overnight Parking Privileges"). The garages shall be used for parking vehicles and storage of personal property only. No garage may be used for any living, recreational, or other purpose. Garage doors must be kept closed except as necessary for entry or exit of vehicles or persons.

If additional Authorized Vehicles do not fit in the resident's garage, such Authorized Vehicles may park in their driveway or on the Association's streets pursuant to the CC&Rs and these Rules.

3. Overnight Street Parking Conditions

All vehicles parked on the Association's streets between the hours of 12 midnight and 6 a.m. ("Overnight Period") must display an **overnight street parking permit** ("Overnight Permit") or be safe listed in accordance with Section C of these Rules.

It is the homeowner's responsibility to secure an Overnight Permit or **be** safe list before a resident or **Invited Guests'** vehicle is parked on the Association's streets during the Overnight Period. **Homeowner may also park during the Overnight Period of they have been issued a Overnight Street Parking Permit as outlined in section C below.**

4. Prohibited Parking Areas

- a. No motor vehicles of any kind are permitted on any common area not designed for vehicular use (i.e., Association greenbelts).
- b. No parking in any areas marked in red, fire lanes, no-parking zones, or in front of fire hydrants, private driveways or blocking Association streets.
- c. Parking in front of and within four (4) feet of each side of the mailbox posts is prohibited (so not to block the ability of mail delivery).
- d. For safety purposes, there is no parking immediately in front of and on the same side of the street as the community park on Calle De La Rosa.
- e. Parking in front of or blocking the entrance of any horse trail is prohibited.

5. **25** MPH Speed Limit on Association Streets

All vehicles will observe a **twenty-five (25)** mile per hour maximum speed limit on all Association streets.

6. Compliance with California Vehicle Codes

All California Vehicle Codes are in effect on Association streets. One of those Vehicle Code sections **provides** in relevant part, that vehicles may not stop or park in a direction opposite to that in which traffic normally moves (Vehicle Code Section 22502).

7. Repair, Maintenance and Restoration

No person may repair, maintain, or restore any vehicle **on** the Properties, unless such work is conducted in the garage with the garage door closed. No person may conduct any vehicle repair, maintenance, or restoration business on any portion of the Properties.

8. Regulation and Restriction by Board

The Board has the power to: (a) establish additional rules and regulations concerning parking in the Common Area, including designating “parking”, “guest parking,” and “no parking” areas; (b) prohibit any vehicle repair, maintenance or restoration activity in the Properties if it determines in its sole discretion that such activity is a nuisance; and (c) promulgate rules and regulations concerning vehicles and parking in the Properties as it deems necessary and desirable.

9. Common Area Parking Spaces

Street parking spaces (collectively, “Common Area Parking Spaces”) are for temporary, short-term use by residents and invitees of residents only. Common Area Parking Spaces are unreserved and unassigned, and they are available on a strict first-come-first-served basis. **The spaces shall not be used for long-term parking or permanent storage (not to exceed seventy-two consecutive hours) of any vehicle or other personal property. Vehicles that are not used daily should be kept in their garage or on their driveway. When considering a parking location and instructing your guests where to park in the community, be a good neighbor, first park in spaces in front of your own house before using spaces in front of your neighbor(s) house(s) and/or common areas.** The Board may, but is not required to, impose additional restrictions on Common Area Parking Spaces.

C. OVERNIGHT STREET PARKING PERMITS AND SAFE LISTING

1. Minimum Vehicles Required on Property:

Pursuant to the Rancho Madrina CC&R’s section 2.8.4 (c), residents are first required to park a minimum of one less vehicle than the number of garage spaces for which the residence was originally constructed (4-car garage = 3 cars on the property and 3-car garage = 2 cars on the property). These vehicles must be parked either in their garage or on their driveway before an Overnight Street Parking Permit will be issued (collectively, “Overnight Parking Privileges”).

Residents are allowed to receive one (1) **overnight street parking permit** in addition to the Minimum Vehicles Required on Property (“Overnight Street Parking Permit”). **Such**

Overnight Street Parking Permits will be approved by the Board as outlined below and the Board may issue more than one (1) Overnight Street Parking Permit to a resident who meets all criteria below, in its sole discretion.

Prohibited Vehicles are not subject to Overnight Parking Privileges.

Overnight Parking Privileges	Intended Use
Overnight Street Parking Permit	Resident parking on Association streets
Safe List	Short Term Resident and Guest parking on Association streets

2. Excess Vehicles:

Vehicles in addition to the Minimum Vehicles Required on Property that have been issued an Overnight Street Parking Permit are considered "Excess Vehicles."

In determining whether to issue an Overnight Street Parking Permit for an Excess Vehicle, the Board will consider the number of vehicles parked in the garage and driveway at the resident's home and the number of licensed drivers residing at the Owner's property.

If the Owner's property possesses more vehicles than licensed drivers residing at the Owner's residence, the Board may refuse to grant the homeowner and Overnight Street Parking Permit for the Excess Vehicle vehicles and may require the Owner to keep more than the Minimum Vehicles Required on Property on the Owner's property (garage or driveway) before being issued an Overnight Street Parking Permit for an Excess Vehicle.

Utilizing garage spaces for items other than storing vehicles will not be considered as a reason for acquiring additional Overnight Street Parking Permit(s).

Overnight Street Parking Permits will be issued only if all the following requirements are satisfied:

- The resident is not subject to outstanding, unpaid fines under Section D (1) of the Rules.
- The resident is not presently in violation of the CC&Rs and/or the Rules.

a. Renewal Requirements:

Once approved by the Board Overnight Street Parking Permit(s), will not require renewal unless one of the following occurs; 1) the resident sells an approved Excess Vehicle and wishes to replace it with a new Excess Vehicle; or 2) the Board requests in writing that the resident submit a renewal application. The Board will not issue a written request for renewal by a resident until at least twelve (12) months after the issuance of the residents Overnight Street Parking Permit. Thirty (30) days after the Board issues a written request for a resident to submit a new application to renew

their current Overnight Street Parking Permit, the permit shall expire and be deemed an “Expired Overnight Street Parking Permit(s)”. Resident may be renewed through the same application procedures required for the issuance of a new Overnight Street Parking Permits.

b. Application Requirements:

Overnight Street Parking Permits are tied to a household and cannot be transferred to any other person or any other vehicle. To apply for an Overnight Street Parking Permit, a homeowner must submit the following information to the Association’s Patrol Company:

- i. Completed Resident Plate Permit Application; *and*
- ii. Proof of vehicle ownership and/or relationship of the vehicle’s owner to the homeowner
 - The Association shall not under any circumstances maintain copies of vehicle registration information.
 - If a homeowner is unable to provide such registration information (i.e., for a company vehicle), the homeowner shall provide additional documentation which, in the opinion of the Board, is sufficient to satisfy this requirement.

3. Vehicle Safe Listing:

Guest vehicles to be parked overnight on Association streets without an Overnight Street Parking Permit must be safe listed subject to the following restrictions and requirements. Safe listing can be completed online through the Patrol Company’s website at any time.

a. Maximum of 20 Safe list Days within 90 Day Period:

A guest vehicle may be Safe Listed by a homeowner for up to twenty (20) total days within a ninety (90) day period. Any homeowner who wishes to safe list a vehicle beyond a twenty (20) day period must contact the Association’s management company for approval.

b. Safe List Requirements:

To place a vehicle on the safe list, the homeowner or resident must submit the following information to the Association’s Patrol Company:

- i. Make, model, year, and license plate number of vehicle(s) to be safe listed; *and*
- ii. Duration of requested safe list period.

OVERNIGHT STREET PARKING PRIVILEGES MAY BE DENIED OR REVOKED AT ANY TIME FOR NON-COMPLIANCE WITH THESE PARKING RULES OR THE CC&Rs.

D. STREET PARKING ENFORCEMENT

The streets in the Properties are private. The Board has the right and power to enforce all parking and vehicle use regulations applicable to the Properties, including the designation of “no parking zones” and removal of violating vehicles from streets and portions of the Properties in accordance with California Vehicle Code Section 22658.2 or other applicable laws.

Daily Patrol & Enforcement:

The Association’s patrol service will monitor all vehicles parked on Association streets and shall track vehicle violation information daily. Parking on Association streets is limited to Association homeowners, residents, and Invited Guests.

1. Penalties for Violating the Parking Rules:

a. Violations of Overnight Street Parking Restrictions

Any vehicle parked overnight on the Association’s streets that is neither permitted nor safe listed may be cited by the Association’s Patrol Company.

The first violation will be a warning. After the first violation, the owner may be fined \$100.00 for each violation, after a properly noticed hearing.

1st Violation = Warning

2nd Violation = Citation and \$100.00 Fine

3rd Violation = Citation and \$100.00 Fine

4th Violation = Tow

In the event a homeowner is fined and does not pay such fine within thirty (30) days upon notice, the Board may revoke all overnight street parking privileges until such time as all outstanding fines are paid in full. After written notice is issued to the homeowner by the Association that homeowners parking privileges have been suspended and prior to payment of fine and reinstatement of parking privileges the resident is subject to their vehicle(s) being towed owner’s expense.

After three (3) Violations in a ninety (90) day period, the vehicle will be towed on the 4th Violation without further notice at the vehicle owner’s expense. The Association will not under any circumstances reimburse the vehicle owner for towing expenses.

Nuisance vehicles include, but are not limited to, any Authorized or Prohibited Vehicle which continually violates the Rules. A continual violation is defined to mean any vehicle having been towed twice within a 180-day time-period. Any vehicle deemed a nuisance may be prohibited from the Association’s streets for a period of up to one (1) year and will be towed from the Association’s streets or Properties at the vehicle owner’s expense.

b. Violations of any other Parking Rules and Restrictions:

1st Violation = Warning
2nd Violation = Citation and \$100.00 Fine
3rd Violation = Citation and \$100.00 Fine
4th Violation = Tow

c. Prohibited Parking Area

Parking in a Prohibited Parking Area (see Section B (4) of the Rules)

1st Violation = Immediate tow at vehicle owner's expense (no notice will be issued)

2. Citations Issued in Error:

Residents who feel a citation was issued in error should not ignore the citation but should immediately contact the Association's management company by phone and/or in writing.

3. Enforcement Exceptions:

The Board may consider exceptions for homeowners to comply with any of these Parking Rules & Regulations in extraordinary circumstances. Requests for exceptions must be made in writing and submitted to the Association's management company for the Board to review at its next scheduled meeting.

E. DRIVEWAY ENTRY ASSISTANCE DEVICE

The streets in the Properties are private and the Board has the right and power to enforce all rules under the CC&R's including any encroachments into the streets from homeowner's driveways, such as driveway entry assistance devices ("Entry Device"). Any Entry Device that impedes, re-directs, or alters the flow of water on the community streets or towards a neighboring house, is not recommended. However, a homeowner may submit a written request to the Property Management Company for a variance for a homeowner's proposed Entry Device, subject to the Board approval in its sole discretion.

A Entry Device shall be considered for approval if the following criteria are met and the Board in its sole discretion believe the location of the home and its driveway will not have a material impact on the drainage of the community streets or generate excess noise that may impact the neighboring homes.

- The homeowners shall submit a "cut sheet" from the manufacturer of the Entry Device with its materials and specifications, including how the homeowner and/or its contractor proposes to secure the Entry Device.
- The Entry Devices must be "removable" and only be in the areas of the homes driveway and must fit within the confines of the concrete gutter and not protrude out in the street.
- The Entry Device must be flush with the sidewalk, to not cause any trip hazard.
- The Entry Device may not be "attached" with any permanent anchors such as lag bolts into the concrete. Attachment to the concrete gutter will be limited to "stick on" or

- double-sided 3M style securing tape, which homeowner must remove if Entry Device is removed permanently at its sole cost and expense.
- The Entry Device is constructed of a material that does not generate excess noise when a vehicle enters the homeowner's driveway.
- The Entry Device can be easily removed from the street/gutter prior to any rain and may not impede, re-direct or alter the flow of water in the streets gutters as designed for drainage purposes.
- The homeowner will be responsible for any loss or damage as a result of the Entry Device and shall provide the Association an indemnity and appropriate insurance to cover against any loss, due to the Entry Device being installed, including but not limited to a trip and fall, damage to Association street, gutter, property or a neighboring property and any loss due to the diversion of water flow from the gutter as a result of the Entry Device and any other loss where the Entry Device is cited as the cause of such loss.

If the homeowner submits a request and complies with the conditions above and any other conditions the Board requests, in its sole discretion, the Board may issue a variance. Said variance is subject to revocation by the Board at any time with writing notice, should the Board or Management Company observe the Entry Device and it be deemed unsafe, a nuisance or create the potential of a loss due to such Device being in place.

F. ASSOCIATION PATROL COMPANY INFORMATION

Rancho Madrina Patrol Company:

Patrol One
1820 East First Street, Suite
210 Santa Ana, CA 92705
24/7 Office Line (714)
541-0999 www.patrol-one.com

G. PROPERTY MANAGEMENT COMPANY INFORMATION

Seabreeze Management Company
26840 Aliso Viejo Parkway, Suite 100
Aliso Viejo, CA 92656
24/7 Office Line (949) 855-1800
www.seabreezemgmt.com

The appropriate local government authority is authorized to impose and enforce all provisions of the applicable sections of the California Vehicle Code on any private streets contained within the Rancho Madrina Community. This includes, but is not limited to, parking citations, speeding citations, vehicle citations and towing of vehicles by the appropriate governmental agency.