

CROFTON HILLS HOMEOWNERS' ASSOCIATION

VEHICLES

I. INTRODUCTION:

A. Authority. The parking, storage, and presence of any kind of vehicle, including without limitation, Recreational Vehicles ("RVs"), Commercial Vehicles ("CVs"), and inoperable vehicles, is governed by the Declaration of Covenants, Conditions and Restrictions ("Covenants") and may be regulated consistent with Covenants and the Homeowners' Association Act, Chapter 64.38 Revised Code of Washington. Article 7.1 of the Covenants requires each homeowner to provide exterior maintenance of his/her own lot. Section 7.15 of the Covenants covers the parking and storage rules for recreational vehicles, commercial vehicles, construction or like equipment, motorcycles, or trailers (utility, boat, camping, horse, or otherwise). The Covenants are intended to enhance and protect the value, desirability, and attractiveness of the neighborhood.

B. Definitions.

(1) RV. An RV shall refer to and mean any trailer (whether for boats, camping or any other use), travel trailer, bus, motor home or camper, and "all-terrain vehicles" with more than two wheels, as well as snowmobiles, jet skis and boats, and all other equipment with the primary purpose of transporting or holding people which are typically considered as used for personal recreational use, as opposed to daily or routine family transportation.

(2) CV. A CV will be any truck or trailer over 6000 pounds gross weight (not including large pickup trucks that have no signs on them), or any other truck or trailer that based on additions or signage is used or is intended to be used in any commercial activity.

(3) Inoperable Vehicle. An "inoperable" vehicle refers to a vehicle that, due to its physical condition, including without limitation damaged body parts, engine failure or the failure or inoperability of other mechanisms or parts essential to the actual operation of the vehicle, is not capable of being driven, or cannot be safely driven. Additional factors used for determining whether a vehicle is in an inoperable state or condition include without limitation flat tire(s), being on stands or other materials which prop it up, significant amounts of foreign material resting on the vehicle (for example, moss, pine needles, bird droppings, etc.) which would indicate to a reasonable person that it has not been used for quite a while, being covered with a material or tarp in a manner or for a length of time that indicates it is inoperable as it stands, and any other factors that would lead a reasonable person to conclude the vehicle is inoperable due to not being used in a long time.

(4) Unused Vehicle. An “unused” vehicle refers to a vehicle that is operable from a mechanical standpoint, but is not being used on a regular basis by an Owner or guest of an Owner, or which cannot be legally operated on public roads due to being unlicensed. A vehicle that has not been moved or used for more than three (3) weeks, or twenty-one (21) days shall be considered unused. Because the intent of this section is to protect community aesthetics, simply moving a vehicle around on the same Lot without driving it for household or family purposes will not prevent such vehicle from being considered unused. A vehicle with license tabs that have been expired longer than sixty (60) days shall be deemed unused.

C. Purpose. The prolonged presence and/or open storage of vehicles of any kind, including RVs or CVs, in the neighborhood can be unattractive if not properly maintained. This regulation is adopted to prevent the prolonged presence of vehicles from becoming an unattractive annoyance or nuisance to the neighborhood and to require approved screening of RVs or CVs in the exterior maintenance of each homeowner’s lot when the presence of an RV or CV is prolonged.

II. PARKING AND STORAGE OF VEHICLES:

A. Parking. Vehicles of any type cannot be parked or stored on the grass or ground of the front and/or side yards.

B. Inoperable or Unused Vehicles. No Owner shall permit any vehicle which is in inoperable or unused to be parked and/or stored outside any Lot or upon any street adjoining any Lot or Common Area for more than seventy-two (72) hours.

C. Permissive RV and CV Parking. RVs and/or CVs must be parked and stored in an Owner’s garage. Further, RVs and CVs shall not be permitted to be parked or stored on any Lot or street for a cumulative period in excess of fourteen (14) days in any one (1) calendar year.

III. PROHIBITED ACTIVITY:

A. Garage or Carport. RVs or CVs must be stored in a garage.

B. Residences. RVs or CVs may **not** be used for temporary or permanent residences. See Section 7.28 of the Covenants.

C. Repairs and Equipment. No mechanical repairs shall be conducted upon the Lot, except maintenance and mechanical work by a resident of the Lot on the resident’s private vehicle, provided that any such repair conduct be done in a manner which is not unsightly, does not result in unusual noise or debris being placed upon or about the Lot, is not offensive to persons residing in the neighborhood, and is in keeping with the residential quality of the community. Equipment relating to vehicles, including campers, trailers, wheels, rims, engines, body parts, glass windows, repair tools and machines, and containers shall not be kept, parked, or stored outside on any Lot or any street for a cumulative period in excess of fourteen (14) days in any one (1) calendar year.

IV. **LOADING, UNLOADING, AND/OR CLEANING:**

A. 48 Hours. Homeowners have up to 48 hours to load, unload, and/or clean an RV and/or CV (see definitions in Part 1B above) on or adjacent to their property, unless such time is extended as permitted in Part 3B below. Three (3) of these 48 hour periods are allowed within a 30 day period (this shall not be interpreted as being consecutive periods of time, i.e. 8 days in a row) except that no RV or CV shall be parked on any street adjoining any Lot or Common Area or upon any Lot or street for a cumulative period in excess of fourteen (14) days in any one (1) calendar year (see Section 7.15 of the Covenants). No permit will be required, but RVs that remain longer than 48 hours, or fourteen (14) cumulative days in any one (1) year, will be in violation of this Rule and the covenants and subject to fines, see Part 4B below).

B. Extension Permit. An RV (but not CV) may be at a homeowner's property or on the adjoining street for longer than 48 hours, provided:

1. A prior written request for a permit pursuant to Part 3C is submitted to the Association.
2. The permit is issued to the homeowner by the Association.
3. Permitted extensions do not exceed seven (7) days per quarter.

C. Permit Requests. In order to ensure a timely permit confirmation, a written request for an extension permit must be received by the Association no less than seven (7) calendar days prior to the arrival of the RV, and must contain the following information:

1. Name and address of the homeowner,
2. Both the arrival date and departure date of the RV,
3. Year, make, model, and license plate number of the RV,
4. RV owner's name and address,
5. Signature and date of requesting homeowner.

D. Permit Display. Valid permits issued by the Association must be displayed prominently on the RV so that the Crofton Hills HOA can easily verify it. Displayed prominently means in the front window, driver side, unless the RV is parked with front end toward the house, then in rear window. Homeowners who park their own or a guest's RV without a valid permit will be in violation of this regulation and may be subject to a fine (see Section 4B below).

V. **VIOLATIONS:**

A. Notice. When the Board of Directors ("Board") is advised of a violation of this regulation, the Board will give written notice ("Notice") of the violation to the owner of the lot where the violation is occurring. The owner of the lot shall remove the vehicle which has been deemed in violation of this regulation within 24 hours of such notice.

B. Fines. If the owner of the lot fails to timely (24 hours) remove the violating vehicle after receipt of the Notice, the Association may fine the owner as follows:

1. First violation: \$50/day
2. Second violation: \$100/day
3. Third and subsequent violations: \$200/day
4. A single violation shall include immediately subsequent consecutive days of noncompliance.

C. Other Action. In addition to fines, the Association may seek legal action against the owner of a lot in violation of this regulation. Fines may continue to be assessed for so long as the violation continues, even while legal action is pending. All legal expenses associated with the enforcement of this regulation by the Association shall be paid by the offending owner.

D. Lien. Fines will continue to accrue until such time as the Association confirms the violation has been resolved. All fines imposed by the Association upon an owner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements, and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with the county in order to further protect its interests regarding the unpaid fine(s) and if necessary seek foreclosure relief of the lien. Such a claim of lien may be filed at any time at least fifteen (15) days following delivery of a written notice to the violating homeowner of the existence of the default for failure to pay fines and demand for immediate payment. The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

E. Appeal. Fines issued, and actions taken, by the Association pursuant to this Rule may be appealed pursuant to the Association's Rules and Regulations on "Appeal Process".

VI. MISCELLANEOUS:

A. Effective Date. This regulation shall become effective 60 days after being adopted and enacted by the Board. Revisions to this regulation shall become effective immediately after being adopted and enacted by the board.

B. Enforceability. If any portion of this regulation is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the regulation.

ADOPTED AND ENACTED BY THE BOARD – January 30, 2009.

Revision No. 1 ADOPTED AND ENACTED BY THE BOARD – February 10, 2014.
(Paragraph V.B, Fines - revised to 'violating vehicles' – replacing 'RV and / or CV'. Paragraph VI.A, Effective Date: Added sentence: 'Revisions to this regulation shall become effective immediately after being adopted and enacted by the board.')