

0-2123-062

96-00070

Prepared By Alan V. Lowcher, Esq.
An Attorney at Law of
New Jersey

ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 95-6: PARKING RULES

29-
4/11/00

WHEREAS, Article V, Section 10 of the By-Laws in states part:
"The Board of Trustees shall have the exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and the operations and maintenance of a residential condominium project and may do or cause to be done otherwise, directed or required to be done or exercised by members of the Association or owners of units, or by other," and;

WHEREAS, Article V, Section 10(o) of the By-Laws authorizes the Board of Trustees" to make and enforce compliance with such Rules and Regulations relative to the operations, use and occupancy of the dwelling units, common elements and Association facilities, and to amend the same from time to time as the Board shall seem deem necessary or appropriate, which Rules and Regulations when approved by appropriate resolutions shall be binding on the owner and occupancy of dwelling units, their successors in title and assigns", and

WHEREAS, the Board of Trustees is advised and believe that the common elements have been damaged by improperly parked vehicles and that there is a shortage of parking spaces which situation is exacerbated by the number of abandoned vehicles present within the condominium, and

WHEREAS, M.J.S.A 39:4-6: roads as follows: "No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property for a period in excess of that for which consent was given, except in case of an emergency or disablement of the vehicle

in which the owner or operator thereof shall arrange for the expeditious removal of the vehicle,

The owner or other person in control or possession of the property on which a vehicle is parked or left unattended in violation of this section may remove or hire another person to remove and store the vehicle. It shall be the obligation of the owner of the vehicle to pay the reasonable costs for the removal before he shall be entitled to recover the possession of the vehicle. If the owner of the vehicle refuses to pay such costs or fails to make any claim for the return of the vehicle within 90 days after such removal, the vehicle may be sold at public auction in accordance with the provisions of N.J.S. 2A:-44-20 through N.J.S. 2A:44-31." and,

WHEREAS, abandoned and/or stored vehicles restrict the use and maintenance of parking areas within the Rolling Hills Condominium Association; and jeopardize the safety of the members of the Association; and their guests needing to park on the premises; and

WHEREAS, if pursuant to the Statutes of New Jersey, it is determined that the vehicle is abandoned, the Association shall notify the owner of the vehicle, by certified mail, return receipt requested, that his vehicle, will be removed from the premises at his own expense. If the owner of the vehicle is not known, by placing three (3) notices on the vehicles over a ten (10) day period; and

WHEREAS, if, after a ten (10) day from receipt of the aforesaid notice, Owner fails to remove the vehicle from the development, the Association may remove or hire another person to

remove and store the vehicles; and

WHEREAS, it shall be the obligation of the owner of the vehicle to pay the reasonable costs for the removal and for any storage which may result from such removal before he shall be entitled to recover the possession of the vehicle; and

WHEREAS, if the owner of the vehicle refuses to pay such costs or fails to make any claim for the return of the vehicle within ninety (90) days after such removal, the vehicles may be sold at public auction in accordance with provisions N.J.S.A. 2A:44-20 through N.J.S.A. 2A:44-31 and,

WHEREAS, the Board of Trustees deems it necessary and proper to adopt a comprehensive set for parking rules to impose a progressive fine for violation of these rules, and

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Board of Trustees hereby adopts the parking rules attached hereto as Exhibit 1 as if the same were fully set forth as length herein.

2. The Board of Trustees hereby adopts the abandoned vehicle statute of the State of New Jersey, attached hereto as Exhibit 2, as of the same were fully set forth at length herein.

3. The Board of Trustees hereby adopts a progressive warning and fine structure for any violation of the foregoing parking rules and abandoned vehicle ordinance:

- a. First Violation \$25.00 Fine
- b. Second Violation \$25.00 Fine

Each subsequent violation will incur will an increased fine in increments of \$25.00 provided that no single fine shall be greater


than \$500.00. Each 24 hour period in which a vehicle is in violation of these rules and this ordinance shall constitute a separate violation.

4. In addition to the imposition of fines, the Board of Trustees may cause any vehicle in violation of the parking rules and abandoned vehicle ordinance to be removed from the condominium at the owner's sole risk and expense by a private towing company or the police department, at the sole discretion of the Board. If the owner of the vehicle is known, the Board shall undertake reasonable efforts to notify the owner of the name and address and telephone number of the private towing company or police department so that the vehicle may be retrieved. Reasonable efforts is hereby defined as a single notice, sent by certified mail and regular mail to the address of the owner of the vehicle, if the owner vehicle is not known, the placement of three (3) notices on the vehicle over a ten (10) day period is reasonable justice. The Board of Trustees, the Condominium Association and its managing agents, if any, shall have no further obligations with respect to the owner of any vehicle which is towed. All costs, risk of loss and liability for damage to person or property shall be borne by the owner of the vehicle who shall make no claim against the Condominium Association, its Board of Trustees or its managing agent, if any, for any cause whatsoever, and who shall indemnify them and save harmless from any claim by anyone whomsoever.

D-2123-066

Adopted at a regular meeting of the Board of Trustees Rolling Hills Condominium Association, Inc.

Dated: 12-11-95


Michael Bellero, PRESIDENT

Attest:


John Mataychick, Secretary

(Corporate Seal)

EXHIBIT 1PARKING RULES

1. No parking is permitted on any street at any time.
2. No parking is permitted on any non-paved area at any time.
3. No overnight parking at all in the above mentioned areas.
4. The parking area at the pool and clubhouse is designated for temporary guest parking only.
5. No trailer, tractor, truck (commercial or unregistered), mobile home, recreational vehicle, boat, boat trailer or the like shall be stored or housed on the property. A commercial vehicle is defined as:

bearing license plates identified for commercial use by any Department of Motor Vehicles authority or vehicles which are being used for obvious commercial purposes. Whether or not a vehicle is being used for a commercial purpose shall be determined by the Board of Trustees based on a visual inspection of the vehicle.
6. Overnight or extended parking is only permitted by the pool/clubhouse area for guests of unit owners or tenants. The name, address and home telephone number of the unit owner or tenant and vehicle description and license plate number of the guest vehicles must be provided to the Management Company. Guest parking is limited to no longer than 36 consecutive hours.
7. No parking in the above mentioned areas during snow removal operations.
8. No one may park any vehicle in such a manner as to protrude into any street or sidewalk.
9. All vehicles must be parked so as not to use more than one parking space.
10. All vehicles that do not maintain a current registration will be considered abandoned and will be subject to fines.
11. Any vehicle without license plates will be considered abandoned and will be subject to fines and/or towing at the owners expense.
12. Unit owners and residents performing maintenance on any vehicle may not be permitted to leave the vehicle on jacks or blocks overnight.
13. No resident may park more than two (2) vehicles in the designated parking lot for that resident. All other vehicles must be parked in the "overflow" parking area designated.

EXHIBIT 2

WHEREAS, N.J.S.A. 39:4-6: reads as follows: "No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property for a period in excess of that for which consent was given, except in case of an emergency or disablement of the vehicle in which the owner or operator thereof shall arrange for the expeditious removal of the vehicle.

The owner or other person in control or possession of the property on which a vehicle is parked or left unattended in violation of this section may remove or hire another person to remove and store the vehicle. It shall be the obligation of the owner of the vehicle to pay the reasonable costs for the removal before he shall be entitled to recover the possession of the vehicle. If the owner of the vehicle refuses to pay such costs or fails to make any claim for the return of the vehicle within 90 days after such removal, the vehicle may be sold at public auction in accordance with the provisions of N.J.S. 2A:-44-29 through N.J.S. 2A:44-31."

STATE OF NEW JERSEY)
COUNTY OF SUSSEX) SS:

I CERTIFY that on 12-11, 1995, John Mataychick personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of Rolling Hills Condominium Association, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate office who is Michael Bellerio the President of the corporation.
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Trustees;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

John Mataychick
John Mataychick, Secretary

Signed and sworn to before me on 12-11, 1995.

Alan Y. Lowcher
ALAN Y. LOWCHER, ESQ., An
Attorney at Law of New Jersey

Record and return to:
Alan Y. Lowcher, Esq.
40 West Washington Avenue
Washington, New Jersey 07882

REC'D & RECORDED
96 JAN -2 PM 1:02
HELENE H. KULLERMAN
SUSSEX COUNTY CLERK
NEWTON, N.J.

RECEIVED
96 JAN -2 AM 11:41
HELENE H. KULLERMAN
SUSSEX COUNTY CLERK
NEWTON, N.J.