

WOCA PARKING AND TOWING POLICY

May 2015

The following is the Whitney Oaks Master Association Vehicle Parking and Towing Rules for Towing of Unauthorized Vehicles under the authority of California Vehicle Code Section 22658 addressing how and when California condominium and planned development community associations can tow vehicles that are not legally parked.

1. **SIGNAGE:** The Association shall cause signage to be posted in compliance with California Vehicle Code Section 22658 at every entrance to an Association neighborhood.
2. **AUTHORIZATION TO TOW:** A towing company cannot remove or commence removal of the vehicle from the Association's private property without first obtaining written authorization from the Association. An employee, board member or agent of the Association must be present on-site at the time of the removal in order to verify the alleged violation, unless the vehicle is:
 - a. Unlawfully parked within 15 feet of a fire hydrant;
 - b. Parked in a fire lane; or
 - c. Parked in a manner which interferes with any entrance or exit to or from the Association (a red zone parking area).
3. **OTHER CIRCUMSTANCES ALLOWING REMOVAL:** In addition to Section 2, the Association may cause the removal and storage of a vehicle based on any one of the following:
 - a. If a vehicle has been issued a Notice of Parking Violation and more than ninety-six (96) hours have elapsed since the issuance of that notice, the vehicle may be removed if still in violation.
 - b. If a vehicle is parked on Association property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways; and the Association has notified the local traffic law enforcement agency of the inoperable vehicle; and twenty-four (24) hours have elapsed since that notification period.
 - c. If a vehicle that is unlawfully parked on land owned by a single-family dwelling.
4. **WRITTEN AUTHORIZATION TO TOW:** The written authorization from the Association to remove a vehicle must include the following:
 - a. The make, model, vehicle identification number and license number of the removed vehicle.
 - b. The name, signature, job title, residential or business address and working telephone number of the person who authorized removal of the vehicle.
 - c. The grounds for the removal.
 - d. The time the vehicle was first observed parked within the Association's private property.
 - e. The time the authorization to tow was given.
5. **POST-TOWING NOTIFICATIONS:** The Association shall notify by telephone, (or if that is not practical, the most expeditious means available) the Rocklin Police Department (916-625-5400) within one hour after authorizing the tow.
6. **TOW COMPANY REQUIREMENTS:** Any company contracted by the Association to remove and store vehicles from Association property shall agree to the following:
 - a. Follow the process required by California State Law regarding the removal and storage of vehicles from private property, including, but not limited to:
 - i. The towing company shall, before removing an unlawfully parked vehicle under a general authorization, take a photograph of the vehicle that indicates the violation(s) giving rise to a general authorization to tow. Further, prior to accepting payment, the towing company shall keep a copy of the photograph and give a copy (without charge) of the photograph to the vehicle owner.
 - ii. If the towing company is on the Association premises and, prior to the tow, the vehicle owner or their agent can stop the towing company driver before the vehicle leaves the Association's premises, the owner can demand that the towing company immediately release the vehicle (even if it is coupled to the towing truck). If the vehicle is so released, the vehicle owner must immediately move the vehicle to a lawful parking location. The towing company may impose a charge of not more than one-half of its regular towing charge.
 - iii. The towing company shall provide notification to the Rocklin Police Department of the tow within thirty (30) minutes after the vehicle is removed from the Association's

property.

- iv. The towing company shall store the removed vehicle within ten (10) miles from the Association property.
 - v. The tow truck operator removing the vehicle shall give written notice to the registered and legal owner of the vehicle stating the following:
 1. The date and time the vehicle was removed from Association property;
 2. The grounds for removal;
 3. Identifying information of the vehicle and mileage when removed;
 4. The place to which the vehicle has been removed; and
 5. If the vehicle is stored in a storage facility, a copy of the notice shall also be given to the owner of the storage facility.
 - vi. Prior to accepting payment for towing and storage fees, the towing operator shall provide the vehicle owner a photocopy of the written authorization to tow the vehicle provided by the Association. Prior to giving the form to the vehicle owner, the towing company is required to redact the name, signature, job title, residence or business address of the person who authorized the removal.
 - vii. The towing company shall post signage that it accepts cash and credit cards for towing and storing charges, have the ability to make change for cash payment, and have a public phone available on the premises.
 - viii. The towing company agrees to provide to the vehicle owner a notice that provides a telephone number of an appropriate law enforcement or prosecuting agency which states the following: "If you believe you have been wrongfully towed, please contact the Rocklin Police Department at 4080 Rocklin Road, Rocklin, CA 95765 or (916) 625-5400.
 - ix. If the tow operator is unable to ascertain ownership of the vehicle, then the tow truck operator shall send a written report of the removal by mail to the Department of Justice and file a copy of the notice with the proprietor of the garage in which the vehicle is stored.
7. **PARKING DEFINITIONS:** The following are definitions pertaining to parking regulations:
- a. **Association** – Whitney Oaks Community Association.
 - b. **Street** – A way or place designed and open for vehicular traffic maintained by the Association.
 - c. **Guest Parking** – Paved off-street parking adjacent to the roadway.
 - d. **Fire Access** – Open areas between housing lots to allow access to open space areas.
 - e. **Overnight** – The period falling between midnight and 6:00 a.m.
 - f. **No Parking Areas** – Those areas designated by a painted red curb or posted "No Parking."
 - g. **Commercial Vehicle** – Those vehicles with a gross vehicle weight rating of 13 tons or as described in California Vehicle Code Section 15210(b).
 - h. **Roadway** – The portion of the street designed for vehicular travel; roadway does not include guest parking areas.
 - i. **Red Zone or Fire Lane** – An area of a roadway adjacent to a curb that has been painted red.
 - j. **Disabled Parking Space** – As defined by California Vehicle Code Section 22511.8.
8. **PARKING REGULATIONS:** The following circumstances constitute violations of parking requirements within Association neighborhoods:
- a. Unlawfully parking in a "Red Zone" or "Fire Lane."
 - b. Unlawfully parking in a "Disabled Parking Space."
 - c. Parking with the right wheels of the vehicle more than 18 inches from the right curb.
 - d. Parking in any manner that blocks access by another owner or occupant to his or her unit, driveway, or garage.
 - e. Parking a commercial vehicle on Association streets.
 - f. Parking by guests on the Association streets in excess of seventy-two (72) hours within a seven-day period without a temporary variance.
 - g. Parking by residents on Association streets overnight without management acknowledgement/approval.
 - h. Parking of a recreational vehicle or trailer of any type on an Association street in excess of forty-eight (48) hours or in any guest parking or no parking area.
 - i. Parking by residents in designated guest parking areas.

- j. Overnight parking of any construction vehicle or equipment belonging to residents or contractors, including, but not limited to, trailers, tractors, cement mixers.

NOT VALID FOR TITLE TRANSFER