



- (1) "Parked" as used in this Policy shall be defined as a vehicle left unattended by a licensed operator for more than thirty (30) consecutive minutes.
- (2) "Inoperable vehicle" as used in this Policy shall be defined as a vehicle which is not operable in fact or which is not licensed and inspected as required for operation on the streets of Texas.
- (3) No inoperable vehicle may be parked on any lot or in the street in front of any lot or in any Common Area for more than 72 hours unless otherwise designated or approved by the Association's Board of Directors ("Board").
- (4) No commercial vehicles, trailers and other equipment may be parked so as to be visible from any street.
- (5) No camper, trailer, recreational vehicle, motor home, boat either on or off a trailer (except at boat docks), commercial trailer, or truck exceeding two (2) axles may be parked on any lot so as to be visible from the street or in the street in front of any lot or in any Common Area for more than 72 hours unless otherwise designated or approved by the Board.
- (6) No tractor or truck, weighing in excess of one (1) ton, may be parked on any lot or in the street in front of any common area unless designated or approved by the Board.
- (7) No vehicle shall be used as a residence on the Subdivision at any time.
- (8) No vehicle shall be parked anywhere on any lot except the driveway, garage or approved parking pad.
- (9) No vehicle shall be parked in a manner that obstructs access to or impairs ingress to or egress from a driveway or the Common Area.
- (10) No vehicle shall be parked in a manner that obstructs or impairs access to a mail box or the delivery of mail by the U.S. Postal Service.
- (11) No vehicle may be parked in a driveway if any portion of the vehicle extends into the street or creates an obstruction.
- (12) Storage of vehicles, equipment, boats and other watercraft, trailers, stored vehicles or inoperable vehicles in Common Area or areas designated as visitor parking is prohibited. For purposes of this section (11), any vehicle or equipment is considered "parked for storage" if it is parked for more than two (2) consecutive days without it being driven and used on a public street or thoroughfare.
- (13) No repair work, dismantling or assembling of motor vehicles or any other machinery or equipment shall be permitted in the Common Area.
- (14) No vehicle that transports dangerous, flammable, hazardous, corrosive, or explosive cargo may pass through or be kept in the Subdivision at any time.

1.2 **Parking Permits.** The Board has the discretion to issue parking permits for the resident vehicles in the Subdivision.

1.3 **Fines.** A fine may be levied by the Association for any violation of this Policy in accordance with the Association's Fine and Enforcement Policy.

## II. TOWING

In the event of a violation of the above-referenced Parking Rules, the Association hereby has the authority, but not the obligation, to tow vehicles in accordance with the following requirements.

2.1 The Texas Occupations Code, or successor statute, ("Code") provides specific guidelines that the Association must follow to tow vehicles parked within the streets and parking areas in violation of the above-referenced Parking Rules. Pursuant to Sections 2308.252(a)(4) & 2308.251 of the Code, the Association may, without the consent of the owner or operator of an unauthorized vehicle, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle owner's or operator's expense if the vehicle:

- (a) is in or obstructs a vehicular traffic aisle, entry, or exit of the parking facility;
- (b) prevents a vehicle from exiting a parking space in the facility;
- (c) is in or obstructs a fire lane marked according to Subsection (c) of the Code; or
- (d) does not display the special license plates issued under Section 504.201, Transportation Code, or the disabled parking placard issued under Chapter 681, Transportation Code, for a vehicle transporting a disabled person and is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person.
- (e) is in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility.

2.2 Other than under the above-referenced circumstances, before the Association may tow an unauthorized vehicle at the expense of the owner or operator of the vehicle, Section 2308.252(a)(1) of the Code requires that a sign or signs prohibiting unauthorized vehicles be in place for at least the preceding twenty-four (24) consecutive hours and remain in place at the time of the towing. The specific requirements for the necessary signage may be found at Section 2308.301-305 of the Code.

2.3 If the Association does not choose to place the aforementioned towing signs, pursuant to Section 2308.252(a)(2) it may tow the vehicle if the owner or operator of the vehicle has received *actual* notice from the parking facility owner that the vehicle will be towed at the vehicle owner's or operator's expense if it is in or not removed from an unauthorized space.

2.4 In addition, if the Association is unable to effect actual notice to the violating owner or operator, it may use the notice procedure under Section 2308.252(a)(3) of the Code, as follows:

- (a) A parking facility owner is considered to have given notice under Section 2308.252(a)(3) of the Code if:

(1) a conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

- (A) that the vehicle is in a parking space in which the vehicle is not authorized to be parked;
- (B) a description of all other unauthorized areas in the parking facility;
- (C) that the vehicle will be towed at the expense of the owner or operator of the vehicle if it remains in an unauthorized area of the parking facility; and
- (D) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(2) a notice is mailed after the notice is attached to the vehicle as provided by Subsection (1), above, to the owner of the vehicle by certified mail, return receipt requested, to the last address shown for the owner according to the vehicle registration records of the Texas Department of Transportation, or if the vehicle is registered in another state, the appropriate agency of that state.

(c) The notice under Section 2.4(a), above, must:

- (1) state that the vehicle is in a space in which the vehicle is not authorized to park;
- (2) describe all other unauthorized areas in the parking facility;
- (3) contain a warning that the unauthorized vehicle will be towed at the expense of the owner or operator of the vehicle if it is not removed from the parking facility before the 15th day after the postmark date of the notice; and
- (4) state a telephone number that is answered 24 hours a day to enable the owner or operator to locate the vehicle.

(d) The mailing of a notice under Section 2.4(a)(2) is not required if after the notice is attached under Section 2.4(a)(1) the owner or operator of the vehicle leaves the vehicle in another location where parking is unauthorized for the vehicle according to the notice.

### III. MISCELLANEOUS

3.1 Violations of this Policy will be considered a violation of the dedicatory instruments governing Dancing Bear, but may be enforced only by the Association, acting through the Board. The Board may enforce this Policy in accordance with the remedies contained herein; however, these remedies shall not be exclusive. The Association shall also have all other remedies available at law or in equity.

3.2 Failure to enforce any violation of this Policy by the Board shall not constitute a waiver of the right to enforce any future violations.



Medina County  
Gina Champion  
Medina County  
Clerk

Medina County Unofficial Copy

Instrument Number: 2023000585

eRecording - Real Property

DECLARATION

Recorded On: January 24, 2023 08:44 AM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$42.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2023000585  
Receipt Number: 20230123000043  
Recorded Date/Time: January 24, 2023 08:44 AM  
User: Santiago E  
Station: CCMARRIAGE1

Record and Return To:

CSC



STATE OF TEXAS  
MEDINA COUNTY

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Medina County, Texas.

Gina Champion  
Medina County Clerk  
Medina County, TX