



## **APPENDIX C**

# **BENT CREEK HOMEOWNERS ASSOCIATION**

## **Parking Policy**

*Adopted by the Board of Directors August 2020*

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# Parking Policy

In order to help preserve the appearance, respectability and value of the financial investment of the homes in our neighborhood, the Bent Creek Homeowners' Association (the "Association") has developed a set of minimum standards regarding parking. The intent of the policy is to provide a uniform and consistent measurement for when the Association may be required to address parking within the Bent Creek community.

Illegal parking and lack of enforcement is one of the most common complaints heard by the Board of Directors. Abandoned cars, incorrect or illegal parking, parking on landscaping, and other parking violations detract from the appearance of Bent Creek, inhibit emergency vehicles from responding to calls quickly and monopolize available parking spots.

The Town of Nolensville is working with the Association and your property management company on a plan to install "No Parking" signs within the community to address a Life Safety issue, specifically emergency access to you and your neighbors. Some streets in the neighborhood had cars parked on both sides of the street, and many are not wide enough to allow an emergency vehicle to reach you in a crisis when cars are parked on the street.

The Town of Nolensville staff met with the Association to review the options available to help alleviate the parking issues. The Town of Nolensville will be installing new "No Parking" signs for the entire community. Once installed NPD will assist and enforce parking restrictions. The sign locations have been identified and verified by the Town of Nolensville. Signs will be installed the Summer of 2020.

The full Declaration of Covenants, Conditions and Restrictions ("CC&Rs") of the Bent Creek community can be found on our website: <http://www.bentcreekhao.org> under the Info section.

## Definitions and Guidelines

See CC&Rs.

## Sign Locations

The Town of Nolensville has determined that signs will be placed at the following locations.

1. Bent creek Trace (Main entrance right next to Sawmill intersection)
2. Bent Creek Trace (opposite end, across from Maybell Pass intersection)
3. Dante Ranch Entrance (near 500 Dante Ranch Lane)
4. Ellis Place Entrance
5. Falling Water Entrance (near address 5164 Falling Water)
6. Lodge Hall Entrance (across from 108 Lodge Hall Road)
7. Near address 4632 Sawmill Place
8. Between 6138 Christmas Drive & 5072 Falling Water

## One-Sided Street Parking Prohibition

No parking shall be allowed on the side of the street with even house numbers. This rule applies to all streets in the Bent Creek Subdivision. This will be enforced by the Town of Nolensville.

## History of Rule

The number one complaint in Bent Creek is street parking! No one wants cars parked in front of their house or on the street, period. We cannot completely stop street parking, but the board has worked with the Town on options.

All streets within Bent Creek are public streets and fall under this jurisdiction, although Bent Creek's restrictive covenants are more restrictive. Currently, the Nolensville Municipal Code, Title 15 Chapter 6 titled *Parking*, states that parking is not allowed on any public street for more than seventy-two (72) consecutive hours without prior approval of the Town of Nolensville. Nolensville Municipal Code Title 15 Chapter 6 section 15-604 outlines where parking is prohibited and lists those many locations or situations.

Our Bent Creek restrictions on street parking, located in Article VIII Section 3 (c) and (d) in our CC&Rs, state in part:

*(c) ... No trailer, boat, truck, or other vehicle, except an automobile shall be parked on any street in the subdivision for a period in excess of one (1) twenty-four (24) hour period in any calendar year.*

*(d) No automobile shall be continuously or habitually parked on any street or public right-of-way in the subdivision.*

With the help of the HOA Board, the Town has decided to evaluate item fourteen (14) in the Nolensville Municipal Code Title 15 Chapter 6 section 15-604, which states:

*(14) Parking shall be prohibited on one side of the public streets, with prohibited side being designated by the mayor or his designee, for public streets with pavement widths twenty-four (24) feet or less excluding the Nolensville standard local street with twenty-four (24) feet of pavement and thirty (30) inches curb and gutter.*

The Town of Nolensville performed an assessment of all the streets in Bent Creek and determined that almost all of them measure under this 24-foot condition. As a result, the Town decided that a community wide “No Parking” policy would be ideal. For it to be community-wide, a standard had to be set. The standard decided upon, with input from the Board, is that no parking will be allowed on the even-numbered side of the streets in Bent Creek.

## Frequently Asked Questions

**Q: Do I have any responsibility as a homeowner with this effort?**

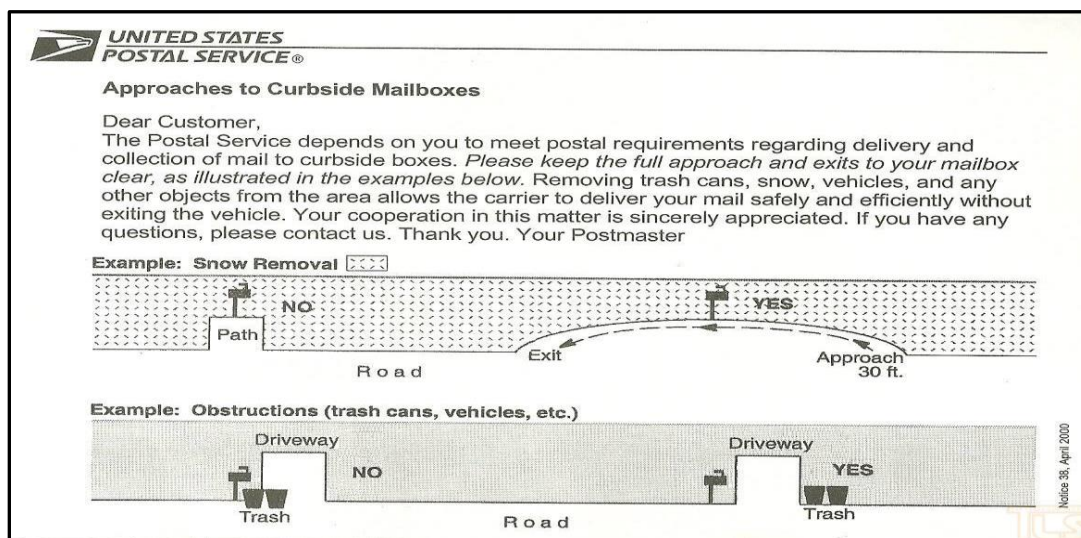
**A:** It is the responsibility of homeowners to understand the parking rules within the community. Further, it is the responsibility of homeowners to ensure their guests and all family members understand the parking rules.

**Q: How should I view street parking and utilize it appropriately?**

**A:** We are asking everyone to be good neighbors. Street parking should be overflow for guests and occasional use; not to be considered part of your daily home parking plan. The streets in Bent Creek are not of typical size and were not designed for permanent street parking.

**Q: Will this “No Parking” policy impact my mail delivery and trash service?**

**A:** The mail carrier may skip delivery if your mailbox is blocked. The regulations state that the mail carrier does not have to get out of their vehicle for delivery to a blocked mailbox. This is considered a time-wasting practice by the postal service. Additionally, exiting their vehicle could be a danger to the mail carrier depending on the environment and weather. Delivery of mail could be refused by the mail carrier if they are not given open access to mailboxes.



The above diagram illustrates that postal regulations require that all objects be removed from curbside near mailboxes. The Nolensville mail carriers have mentioned that many times trash cans, cars, toys and other objects block the approach to the mailboxes in Bent Creek. This could impact delivery of not just your mail, but a neighbor's mail as well. Therefore, do not block a mailbox if you or your guests park on the odd-numbered side of the street.

**Q: Why can't we park on the street?**

**A:** Your association's roads are subject to local regulations that specify the space needed for access by emergency and service vehicles. When cars are parked on the street, there is not enough clearance for those emergency vehicles to maneuver. This has been an on-going problem in Bent Creek, and our management company has tried to implement notices, but parking is ever-evolving so it is a difficult practice for the management company to govern.

**Q: Does the association have the authority to direct me on where and how to park?**

**A:** A detailed explanation of the interaction of property ownership, Association membership, and CC&Rs is well beyond the scope of this FAQ, but briefly, the CC&Rs—or Restrictive Covenants—are the legal obligations that require the homeowner to do something (such as pay annual dues or keep your lawn mowed) or to refrain from doing something (such as park a boat in your driveway). Restrictive Covenants are attached to a property and each subsequent owner of such property becomes obligated to comply with them upon acquiring ownership. Those covenants empower the board to adopt and enforce rules they believe are necessary for the good of the neighbors in Bent Creek.

Once you purchase property in Bent Creek, you obligate yourself to comply with the Restrictive Covenants attached to the property. In effect, you give up the unrestricted right to do certain things, one of which is how you park your vehicle on the public streets within the subdivision. This is no different than any other type of civil contract that you voluntarily enter into. The Association is NOT proclaiming it owns or controls the public streets; rather, it's restricting the permitted activity of its Members within the subdivision under the Restrictive Covenants. This is a subtle distinction but is critical to understand.

**Q: How can I comply? I have too many drivers / cars in my household. I have guests coming. I have my kids home from college for the holidays, summer vacation, etc.**

**A:** The Board initially considered a process for granting temporary waivers for residents with circumstances that might make it difficult to comply. Upon review, our attorney advised the Board that it lacks such authority under the Association's governing documents. The Board can elect not to enforce a violation but the Board cannot waive a violation such that it is not a violation. While the Board may choose not to enforce known parking violations, doing so is not in the long-term best interest of the Association. Therefore, the Board, on behalf of the Association, is obligated to enforce the restriction as written in a uniform, consistent manner and strives to do so.

**Q: Why are "No Parking" Signs needed now?**

**A:** As our neighborhood has increased in maturity so has the number of drivers and cars. Because of this the number of cars being parked on the streets is causing a safety issue and at times made it difficult for emergency personnel. Signage should have been installed once the roadway(s) were completed, but were not. The Town is now agreeing to implement them as part of their traffic calming efforts.

**Q: Who will enforce the “No Parking” Signs?**

**A:** The Nolensville Police Department will be enforcing the "No Parking" areas.

**Q: Will the sign locations outlined in this document be the only signs in the community?**

**A:** These locations are the initial locations of “No Parking” signs. More signs could be added if the Town of Nolensville believes it is necessary.

**Q: Who needs to obey these signs?**

**A:** Everyone. Here are some pointers from NPD:

- Do not park within 15’ of a fire hydrant. This is curb distance not line of sight distance.
- Do not park a car on a public street pointing the car in the wrong direction. When parking on the side of the road is permitted, park in the direction of traffic.
- Do not park on the sidewalk.
- Do not park closer than 30’ on either side of a Stop sign. This is curb distance not line of sight distance.
- Do not park an unregistered car on a public street.

**Q: Can I park on the curb?**

**A:** No, in the event you or any guest is parking on the street, all four tires must be on the paved right-of-way.

**Q: What if someone I don't know parks in front of my house. Will I get cited or fined?**

**A:** No, NPD will ticket the owner of the car. It is expected that the vast majority of complaints will be for residents habitually using the street as an extension of their driveway.

**Q: Who do I call to report a violation?**

**A:** To report a violation, call the Nolensville Police Department's non-emergency line at (615) 776-3640.

**Q: Can I put trash cans and bulk trash on the side of the street where there are “no parking” signs?**

**A:** Yes, you will continue to be able to put trash cans and bulk trash out.

**Q: Can I park my commercial vehicle on the street?**

**A:** No, commercial vehicles should be parked in the garage.

**Q: Where can I learn more?**

**A:** The Tennessee Drivers handbook is a great resource and can be found here by visiting [https://www.tn.gov/content/dam/tn/safety/documents/DL\\_Manual.pdf](https://www.tn.gov/content/dam/tn/safety/documents/DL_Manual.pdf)

**Q: What if I have additional questions?**

**A:** Please contact the board, and we’ll do our best to get an answer and may update this FAQ as well.