

**Magnolia Ridge
Homeowners Association, Inc.
Office of the Directors**



**P.O. Box 142354
Fayetteville, GA 30214**

June 1, 2018

To: Magnolia Ridge Homeowners, Lessees, Licensees and Occupants

Re: Vehicle Parking in Magnolia Ridge

The Board of Directors receives numerous complaints about vehicle parking within the neighborhood. In particular neighbors identify as offensive:

- Street parking;
- Yard parking;
- Parking on sidewalks;
- Parking of Commercial Vehicles;
- Parking of boats, campers, motor homes and recreational vehicles; and
- Abandoned motor vehicles.

Magnolia Ridge is a covenant protected neighborhood. Therefore, all owners, lessees, licensees and occupants are bound by the Articles of Incorporation; Declaration of Covenants, Conditions and Restrictions (the “Declaration”); and By-Laws of the Association; as well as state, city and county laws, health and building codes.

In some cases, the Declaration may be more restrictive than state or local code. In those cases, the Declaration is the controlling authority. The Association’s documents are available for viewing and download at www.magnoliaridgehoa.org/index.html and using the “Documents” drop down feature. Specific Declaration sections controlling vehicle parking are as follows:

ARTICLE VI of the Declaration at **Section 4.**, provides in part:

“ . . . Boats, motorcycles, campers or other recreational vehicles shall be parked or stored within the garage or placed behind the residence; however, in no event shall such vehicles be visible from the street which runs in front of the property.”

ARTICLE VI at **Section 9.**, also provides in part:

- “Compliance with Law.** Each owner, Lessee, Licensee or occupant shall comply with all governmental requirements.”
- “Parking.** No automobiles, trucks, vans, buses, motorcycles, motorhomes or any other vehicles of any nature or kind shall be allowed to park on any street within the subdivision. . . . No commercial vehicles, including vans, trucks and buses shall be kept on any property within the subdivision. “Commercial Vehicle” shall be defined as any vehicle having more than a three-quarter (3/4) ton hauling capacity or having more than four wheels.”
- “Driveways.** All driveways and parking areas shall be constructed of concrete. Any other material must be specifically approved by the Committee. . . .”

The Declaration’s prohibitions reflect and expand upon the City of Fayetteville, GA Code of Ordinances. Fayetteville Code adopts in its entirety **The Uniform Rules of the Road** as codified in the State of Georgia Code of Ordinances (O.C.G.A. Title 40, Chapter 6)

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<https://opb.georgia.gov/services/official-code-georgia-annotated>. See in particular **Article 10. Stopping, Standing and Parking** thereof.

Chapter 82 – TRAFFIC AND VEHICLES of the Fayetteville Code at **Article V. – Stopping, Standing, Parking** provides additional governance for parking in residential areas of the city https://library.municode.com/ga/fayetteville/codes/code_of_ordinances. See in particular Sec. 82-136 through Sec. 82-145 thereof.

See also **Article VII – Abandoned Vehicles** at Sec. 82-206 which provides that any vehicle parked or left unattended upon a public street for more than 24 hours shall be presumed to have been abandoned by the owner. Such abandoned vehicles are subject to removal, storage and disposal by the city at the owner's sole costs. Violations of these sections are police matters.

Fayetteville code also regulates residential vehicle parking, for example:

- Sec. 58-32 prohibits the land storage of abandoned, wrecked, junked, dismantled or inoperative motor vehicles. *A vehicle with an expired license plate or tag is defined as abandoned or junked.*
- Sec. 94-156 permits storage of no more than two of the following in side or rear yards only: Pleasure boats, unoccupied camper trailers, motor homes and recreational vehicles.
- Sec. 94-281 prohibits vehicle parking in the front yard. In the case of corner lots and double frontage lots, vehicle parking is prohibited in both street-side yards;
- Sec. 94-282 prohibits parking of tractor trucks, semi-trailers and tractor trailers;
- Sec. 94-286 prohibits overnight parking of commercial vehicles on a residential lot;
- Sec. 94-287 prohibits overnight parking of commercial vehicles on a public street; and
- Other sections too numerous to mention regulate various aspects of vehicle parking (a search can be performed within the code).

Violations of these sections are typically code enforcement matters and not police matters.

The express intent of the Declaration is to preserve the values of all lots that comprise Magnolia Ridge, its Amenity Areas and Common Properties. The Board of Directors also looks to state and local codes for assistance in preserving value. Therefore, where appropriate, it is the Board's intent that vehicle parking offenses brought to its attention will be referred to the City of Fayetteville Police Department and/or Code Enforcement for an enforcement action – unless the offense is specific to Magnolia Ridge as set forth in the Declaration. We encourage you to do the same by calling the Fayetteville Police Department at their non-emergency number (770) 461-1441 or (770) 461-4548. Potential violations of the City's ordinances can be reported on-line <https://fayetteville-ga.gov/city-departments/community-development/code-enforcement/> or by calling (770) 719-4150.

If the Association is required to bring an enforcement action against a Magnolia Ridge offending owner, lessee, licensee or occupant, then a cease and desist letter will be issued. Failure to comply fully with any such demand letter will be cause for the Association to take any and all corrective actions provided by law and the Declaration, including bringing an action at law and/or in equity at the offending party's sole expense.

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