



KAMAN & CUSIMANO L.L.C.

COMMUNITY ASSOCIATION ATTORNEYS

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VIA ELECTRONIC MAIL ONLY: rickmonjr@hotmail.com

Concord Square Village Master
c/o Rick Montalvo, President
6476 State Road, #H-16
Parma, Ohio 44134

Re: Snow Ban Authority

Dear Mr. Montalvo:

On behalf of the Board of Directors of Concord Square Village Owners' Association, you advised that due to past issues with getting the streets snow plowed, the Master Board wants to implement a parking ban during snow accumulations. We were asked to determine whether the Master Association has the authority to implement a parking ban on all Concord Square Village roads and to tow cars parked in violation of the parking ban. My response to the Board's request is based on my review of the information received, review of the Concord Square Village Master Declaration and Bylaws, research and review of the Ohio Planned Community Act, and on our experience in representing community associations throughout Ohio.

In my opinion, the Master Board does have the authority to adopt rules restricting parking during times of snow accumulation and to have cars towed. Please allow me to elaborate.

Bylaws Article II, Section C states that one of the main responsibilities of the Master Association is to operate, maintain, repair, replace, and improve Concord Drive. Bylaws Article II, Section C.1. goes on to state that the Master Association is responsible for "reasonable snow removal from Concord Drive and all other roads within the Concord Square Village Condominiums "A" through "O" inclusive". Based on these provisions, the Master Association is responsible for the operation, maintenance, and snow removal of Concord Drive and the roads within the Concord Square Village sub-associations.

Bylaws Article IV, Section 8(D) gives the Master Board the authority to hire contractors and enter into contracts related to the operation and maintenance of the roads. Bylaws Article IV, Section 8(J) states that the Master Board has the authority to:

Adopt and promulgate Rules, by written notice to the Members and Owners, as the Board deems advisable for the maintenance, conservation, and beautification of the Property, and/or for the health, comfort, safety, and general welfare of the Owners and Occupants, and/or to govern the operation and use of the Property or any portion thereof, and to establish a procedure for levying and collecting reasonable enforcement Assessments for any infractions of the Rules, or any covenant, condition, restriction, or responsibility of these Bylaws.

Under these provisions, the Master Board has the authority to enter into contracts to engage a contractor to perform snow removal services on Concord Drive and other roads within the Concord Square Village sub-associations and to adopt and enforce reasonable rules related to parking during snow falls to allow the contractor to complete the snow removal. The Master Board needs to adopt rules that clearly state when parking restrictions are in place during snow accumulations and those rules must be delivered to the owners of each sub-association before they can be enforced. In doing so, the Master Board can include an enforcement procedure for levying enforcement assessments when owners and occupants do not comply with the parking rules.

As part of the parking ban, the Master Board can include the option to have cars that are parked in violation of the ban towed if the following steps are taken. The Master Association can have a vehicle that is parked in violation of the rules towed only if the property is marked as a private tow away zone. To do so, signs that are visible and at least 18" x 24" in size must be posted at each entrance to the Association property and that include the following information:

- A statement that the property is a tow-away zone;
- A description of when parking on the street is not allowed (for example - no parking when snow accumulation exceeds 2 inches and subject to all Association rules);
- The telephone number and address from which a towed vehicle may be recovered; and
- A statement that the failure to recover a towed car may result in the loss of title to the vehicle.

Once signs complying with the above requirements are posted at every entrance, the Master Association can have vehicles towed that are improperly parked on the property. Under Bylaws Article II, Section C, the Master Association is responsible for the operation of the roads. This responsibility gives the Master Association the right to install proper signage for the safe operation of the roads.

In summary, the Master Board has the authority to adopt rules restricting parking during times of snow accumulation. The Master Association can have cars towed if proper signage is posted throughout the community.

I trust the above responds to the Board's request. Should you or any of the other Board members have any questions or wish to further discuss this matter, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in blue ink that reads "Jennifer Cusimano". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JENNIFER B. CUSIMANO

JBC:kea