

Definitions

In these house rules, 'the HA' refers to the 'De Mariastichting' Parking Garage Homeowner Association in Haarlem and 'Board' refers to the HA Board.

'HR' refers to these house rules. 'DD' refers to the Deed of Division (Splitsingsakte) dated 21 December 2005.

The 'parking garage' refers to (DD p. 1, 2) the underground parking garage of the 'De Mariastichting' complex in Haarlem, the entrances and exits thereof (also insofar as located above ground level), the general entrance with accompanying lift system, staircase and other fixtures and fittings, as well as the fire escapes and paraphernalia.

'Owner' refers to (DD p. 190) the person who, as owner, leaseholder or holder of another limited right of enjoyment in rem, has the right of exclusive use of a private section of the parking garage and has the co-use of common sections and/or common services in the parking garage.

'User' refers to (DD p. 190) the person who, other than as an owner, leaseholder or holder of another limited right of enjoyment in rem on a condominium, has the right of exclusive use of a private section and has the co-use of common sections and/or common services.

'Tenant' refers to the user who rents a parking space as per Section 4 of this HR.

'Visitor' refers to a person who is given access to the parking garage other than as an owner or user, either for the purpose of parking or collecting his vehicle or for any other purpose.

'Parker' refers to a person who parks a car or motorbike in the car park in one of the parking spaces provided for that purpose.

'Company' refers to a commercial party, other than a private person, which owns one or more parking spaces in the parking garage.

'Car' refers to a passenger car, as intended in the Netherlands Road Traffic and Traffic Signals Regulations (RW)

'Motorcycle' means:

- 1) A motorbike, as intended in Art. 1 sub Y of the Road Traffic Act;
- 2) A moped as referred to in Art. 1 paragraph 1 sub e (a to c) of the Road Traffic Act.¹

¹ Explanatory notes: In practice, there is hardly any externally discernible difference between scooters and motorbikes with a cylinder capacity of more than 50cc and (especially) mopeds and scooters. Disabled people should also be able to use the car park to park a four-wheeled moped.

General rules

1. Access to the car park is prohibited to unauthorised persons (Art. 461 of the Penal Code). Owners and tenants must not allow unauthorised access. They shall abide by the management rules set up by the board to prevent unauthorised access as much as possible. The HA board shall ensure that the entrances to the garage are managed in such a way as to prevent unauthorised entry as far as possible.²
2. The car park may be entered on foot or on/in a vehicle. The rules of the Road Traffic Act and its implementing decisions apply in the car park. The speed limit is 5 km per hour (DD p. 195).³
3. Use of the car park is at your own risk. The HA shall not be liable for any damage resulting from the use of the car park and the storerooms located therein.⁴
4. Unless an owner – such as the company – has given notice (whether for payment or not; DD p. 193) to make their parking space(s) available for general use – for example, in the form of visitor spaces – owners and tenants may only park in their own parking space (purchased or leased). The use of visitor parking spaces is subject to the normal rules of the HR. If the owner referred to here – such as the company – wishes to impose conditions on the use of these parking spaces by car and motorbike parkers – such as limited parking time, for example – it is up to the owner to enforce these conditions. Furthermore, for an authorised organisation (DD p. 190) that owns one or more parking spaces and makes them available to third parties (tenants) (see DD p. 196), the organisation shall make a concerted effort to ensure that these third parties only use the organisation's parking spaces. The HA does not ensure that these third parties (tenants) who use the organisation's spaces use the spaces allocated to them. In case of permanent rental of a parking space, Art. 24 of the Model Regulations in conjunction with Art. H 15.1 (DD p. 195) of the deed of division applies.⁵

² Explanatory notes: It is in the interest of all owners that as few unauthorised people as possible can enter the garage. Unauthorised persons could otherwise easily and virtually unseen cause damage to property. The board may take management measures to this end, and it is important that all owners and tenants comply with such measures.

³ Explanatory notes: This establishes that the normal traffic rules (e.g. priority rules and rules related to reversing) apply. Due to the presence of pedestrians and limited visibility, a low speed limit is required.

⁴ Explanatory notes: Of course, the normal liability rules – including the traffic rules – apply. In particular, it may be assumed that the person who violates the rules (e.g. parks a bicycle in front of their car, which causes damage to another car if it falls over) is usually liable for the consequences.

⁵ Explanatory notes: There are multiple types of parking spaces in the garage: 1) the spaces sold 'simply' annexed to an apartment; 2) the spaces acquired and (co-)leased by a company; 3) the spaces owned by a company and made available to visitors (and users of offices yet to be built and leased) against payment or not. The HA acts only in case of misuse of the spaces as per 1). As long as the declarations referred to in Art. 24 of the Model Regulations in conjunction with H 15.1 of the deed of division have not been submitted to the board, the space will be considered as an owner's space and the tenant will be parking unauthorised with all the consequences that entails. The HA does – of course – see to it that the company's spaces are used as per these regulations and thus are not used for parking vehicles other than passenger cars and motorbikes, with the intention for working on them, washing them, etc.

5. If an owner/tenant finds their parking space occupied, they shall report it to the board, if possible giving the registration number of the vehicle encountered and a photograph of the situation.⁶

6. The use of other owners’ or tenants’ parking spaces is allowed only with the consent of the relevant owner or tenant. If such use is systematic (parking spaces are actually exchanged by mutual agreement), those involved shall notify the board (user declaration). The owner or lessee who assigns a parking space in temporary use to another person – such to include the temporary provision of spaces to visitors by the company, whether or not for payment – is responsible to the other owners and the HA for ensuring that such temporary use takes place as per the provisions of the DD and this HR.⁷

7. The parking decks are used only for parking vehicles and moving by vehicle or on foot to and from storage units, vehicles, etc. The parking decks will not be used for any form of storage of items (cupboards, bins, rubbish bags, containers, household goods, building materials, etc.). Aside from vehicles, owners and users shall ensure that all their items are stored in the storage units. It is prohibited to take bicycles, mopeds, scooters, mobility scooters and other vehicles into the lift belonging to the general access.⁸

8. The board shall submit changes in the layout of parking decks proposed by the board to the members’ meeting for approval. Modifications relate e.g. to better accessibility of escape routes, or space for manoeuvring, etc. Changes that (also) concern a space already allocated to an owner may only be made after obtaining that owner’s consent.⁹

9. If there is an escape route in a private section, the owner must provide free passage to other owners and users of the building in an emergency (DD p. 194). Cars and motorbikes should never be positioned so that this prevents optimal access to fire extinguishers.

10. The storage of flammable, fire-hazardous and/or explosive substances is prohibited in the building – including in the storage units and walkways. (DD p. 194).

11. It is not permitted to close off the building’s ventilation system or parts thereof, or to carry out actions or place obstacles preventing this system from functioning properly (DD p. 194, 195).

⁶ Explanatory notes: Without disclosure, the board cannot check whether reports of improper use are true.

⁷ Explanatory notes: A distinction must be made between (semi-permanent) use of spaces (as in rental) and temporary permitted use (the owner provides a friend with the access key to use the parking space for a short time). In the latter case, the responsibility for correct use cannot be placed on the user, as they will not be offered a copy of these regulations and the deed of division in advance. It is reasonable for short use to place the responsibility on the owner.

⁸ Explanatory notes: The parking garage serves two purposes: it accommodates owners’ and tenants’ storage units and it accommodates – outside the storages – authorised vehicles. The semi-public section of the garage (all space outside the storage units) is not zoned as storage.

⁹ Explanatory notes: In practice, it will have to be demonstrated that the layout is adequate on completion, or whether it is, for example, potentially dangerous or could lead to damage. A new layout shall be submitted to the membership meeting for approval. If consideration needs to be given to equipping sections of the parking decks for bicycle parking, then this provision may be used.

Parking

12. Parking is allowed only in the numbered parking spaces and within the stripes.¹⁰

13. The parking spaces are exclusively for parking a passenger car and/or motorbike (DD p. 194). A maximum of 1 car and 1 motorbike may be parked in 1 parking space. If no car is parked, 2 motorbikes may be parked. The parking spaces may not be used for placing other vehicles and things. If bicycles, trailers or other vehicles (such as vans, (boat) trailers) or items are parked in violation of this provision, the board shall take measures to have them removed. The cost of this and of storing the vehicle or items elsewhere as well as any collection costs shall be borne by the owner or lessee concerned.¹¹

14. The parking spaces may not be used for running a transport or car rental business or for car sales (DD p. 194). So-called working on cars and motorbikes is not allowed outside of carrying out emergency repairs. The car park may not be used for the exercise of any other form of business or profession and, in particular, not for any activity related to erotica, drugs and drug use and gambling and games of chance.¹²

15. In the building – including in the storage units and walkways – the disposal or storage of waste is prohibited. Waste should be removed and taken outside the building where it should be deposited in the appropriate waste bins and containers.¹³

16. It is not allowed to use the car park (or have it used) as a playground for children, for practising sports activities (e.g. playing football), for parties or other gatherings or for walking pets.

17. It is not allowed to deface the walls, floors, pillars and other parts of the car park (e.g. graffiti) or to affix announcements on them.

¹⁰ Explanatory notes: This provision speaks for itself. Driving lanes, spaces in front of doors, lifts, etc., are not to be used as parking areas. This also leads to unsafe situations prohibited by the fire brigade. Failure to park within the lines creates a nuisance for parkers in adjacent spaces.

¹¹ Explanatory note: The parking spaces are designed for parking purposes. The space between the line and a parked car is important here, especially for getting in and out. If there were walls where the lines are, the parking spaces could hardly be used (without damage). For this reason, it is important that – as per the deed of division – the spaces are not used for any other purpose. So the owner is not free ‘within the lines’ to do what he/she likes with the space. So the spaces should – obviously – not be fitted with cupboards, etc. Bicycles and the like parked beside or in front of cars pose damage risk in case of falls, etc. The ban on trailers, caravans, vans, etc. (as per the deed of division), is aimed at ensuring that the garage maintains a clean appearance and is not used for business or professional purposes. There is also too little manoeuvring space for cars with trailers at various areas in the garage. Bicycles should be stored in storage units (unless the board, in consultation with the members’ meeting, decides to set up one or more bicycle storage areas, in which such a storage area should be used).

¹² Explanatory note: Working on vehicles easily leads to nuisance and environmental damage. In terms of undesirability, the remaining activities speak for themselves.

¹³ Enforcement of this provision is in the interest of all owners. High cleaning costs should be avoided.

18. Owners and users of a parking space are not allowed to use it as a washing area (DD p. 195).¹⁴

19. Loading and unloading vans (provided they do not exceed the height of the bar placed at the entrance!) is allowed provided this does not cause a nuisance to other users. The owner responsible for the relevant vehicles shall ensure that they leave the garage immediately after loading or unloading.

20. Procedures apply for entering and exiting the garage. The board shall announce them to the owners and arrange for the posting of signs, indicating the procedures. If the procedures are not followed, in many cases the barrier and/or speedgate cannot be opened. The board shall provide a clear manual. The board shall ensure that a service organisation has the ability to 'reset' the system so that the person can still enter or exit. A number of designated owners shall have a key available in case of emergency. A list of service numbers and telephone numbers of available owners is posted in a visible place for this purpose.

In case of incorrect use, the person who caused the fault will pay the cost of the call, plus the administration fee.¹⁵

Storage units

21. The owner, tenant or user of a storage unit may not place and use any equipment in the unit that consumes electricity for long periods, such as refrigerators, freezers and electric heaters. (DD p. 195) The owner, tenant or user is not allowed to change the electrical connection in the storage unit and make it suitable for lighting and/or electrical equipment with a higher capacity than currently available.¹⁶

Registration, penalties

22. The HA keeps a record of access keys. All owners or tenants shall cooperate with this registration. Missing keys should be reported to the HA as soon as possible so that the relevant key can be blocked. The cost of blocking and/or replacing keys shall be borne by the owner and shall be equal to the cost charged by the company, plus € 25 administration fee for the account of the HA.¹⁷

23. Damage and/or defects to the general areas in the parking garage should be reported to the board of the HA.

¹⁴ Comment: car washing leads to nuisance and environmental damage.

¹⁵ Explanatory note: The system can be disrupted by misuse in various different ways. The barrier and/or speedgate must then be opened manually and the system reset. If this work has to be outsourced, the garage will be blocked until the technician arrives. Therefore, owners (volunteers) are trained to do this work. If a technician is still required, the cost of this will be borne by the person causing the malfunction. This measure is partly intended as an incentive to take procedures seriously.

¹⁶ Parking garage electricity is not allocated individually. This means that only sparing use of the available facilities, as currently constructed, may be allowed.

¹⁷ Missing keys must be reported immediately to prevent unauthorised use of the garage. Requesting and creating a new key takes some time. Total settlement may take around 2 weeks.

Damage resulting from violation of the provisions of these rules may be recovered by the HA from the owner or tenant who tolerated or caused the said violation. Damage and/or defects to private property is the responsibility of the individual owner or tenant.

24. In case of non-compliance with the provisions of these rules, the board is authorised to impose the following penalties.

Distinction is made between:

a) violations, compromising safety, or impeding or restricting the free use of the garage;

b) infractions by an unknown person;

c) other infractions.

A) If objects are found in/on the common areas of the garage which are placed in such a way – e.g. on the lanes, in front of an (emergency) exit, in front of a ventilation shaft, etc. – that may endanger safety in the garage or obstruct or limit the free use of the garage, the management shall be entitled to have these objects removed immediately, regardless of whether this requires damage to the property (such as breaking locks, etc.). If the owner is known, they will first be given the opportunity to arrange for their own removal, if possible. The costs of removal and storage will be charged – plus a sum of €250 for administration costs and a fine – to the offender. If the owner has not reported to the board within 1 week, the board is entitled to have the items sold to meet the costs of removal, storage and the amount of €250 from the proceeds. The amount of €250 will be deposited in the HA's treasury.¹⁸

B) Items found in/on the common areas of the garage other than those referred to under A), such as bicycles, trailers (without registration), motorbikes (not parked in a parking space) and other items whose owner is not known, shall be issued with a 'yellow card' by or on the order of the board with instructions to remove the item in question within 48 hours. Thereafter, they shall be removed from the property by or on the order of the board and at the owner's expense regardless of whether damage to the property (such as breaking of locks, etc.) must be done to facilitate removal. If the owner has not reported to the board within 1 week, the board is entitled to have the items sold to meet the costs of removal, storage and the amount of €250 from the proceeds. The amount of €250 will be paid into the HA's treasury.¹⁹

C) For all other violations by a known owner, tenant or user, the provisions of Art. 29 of the Model Regulations shall apply. The board may ensure the registered letter referred to in this provision is preceded by a 'yellow card'. However, the 30-day period only starts to run after the registered letter is sent. If the violation is not terminated within 30 days of sending the registered letter, the offender is liable to a fine of €125 per violation to the HA per day. (DD p. 202)

¹⁸ Comment: if safety is compromised or use is impeded, immediate action should be possible.

¹⁹ Note: There are also several 'empty spaces' in the garage where unauthorised items and vehicles may be placed without danger. Immediate action is not necessary here. Advance warning can be given.

The company or other owner who makes its spaces available to third parties for a fee or free of charge ('visitor spaces') does not count as a 'known owner' for this purpose. If items other than passenger cars or motorbikes are found in these parking areas, such items will be considered as belonging to an unknown person and will be treated as described above under B).²⁰

D) If the violation has not subsequently ceased within 30 days, the board may block the relevant owner's access keys (DD p. 197) until it is established to the board's satisfaction that the behaviour will not be repeated. In that case, the owner or tenant has no claim against the HA in relation to reduced enjoyment of use. During the time that the person is denied entry, the fine referred to under C) shall continue, and the contribution to the homeowner association shall remain due. The board may decide to maintain the blockade until the owner has paid the fine.

25. In case an owner does not meet his monthly financial obligations, the board can decide to deny access to the garage until any outstanding claim have been settled. The administrative manager will send a payment reminder at least twice in advance after which the board will inform the owner by registered letter about the impending blockage.

26. In special cases, the board shall, upon request, grant exemption from any of the provisions of these regulations. The members' meeting is informed annually about exemptions granted by the board. As far as possible, these are also made known on site (by an indication on the road surface, a sign or the like).

27. If the house rules do not include a certain provision, the board shall decide on the matter.

Board Homeowner Association Parking Garage 'De Mariastichting'

Mail: vveparkeer@hotmail.com

²⁰ Clarification: this provision is in accordance with the provisions of Art. 29 of the Model Regulations. However, it is not realistic to charge or fine the company for the use of visitor spaces (as yet not) provided by the company. Especially since it is certain that the company will not in any case use these spaces for parking trailers, storage of construction material, rubbish and the like, anything found in these places can be considered as belonging to an unknown person.

PARKING GARAGE 'DE MARIASTICHTING'

USER MANUAL

OWNERS/TENANTS OF A PARKING SPACE

Driving in:

- Drive up to the barrier at the entrance.
- Hold the tag (code fob) against the blue plate with the sensor on the intercom pole.
- The light in the sensor changes from red to green.
- The barrier at the entrance opens.
- Drive on within 40 seconds until just before the 'gate'.
- Gate opens, wait for the light to turn green.
- Drive through to the barrier giving access to your personal parking space at -1 (turn right) or -2 (straight ahead).
- Hold the tag against the sensor on the intercom pole.
- The light in the sensor changes from red to green.
- The barrier to the private area opens.

Driving out:

- Drive up to the barrier of the private area.
- Hold the tag against the sensor on the intercom pole.
- The light in the sensor changes from red to green.
- The barrier opens.
- Drive on until just before the gate.
- Gate opens, wait for the light to turn green.
- Drive through to the barrier at the exit ramp.
- Hold the tag against the sensor on the intercom pole.
- The light in the sensor changes from red to green.
- The barrier at the exit will open and you can exit.

NOTE:

The tag can be used only once to enter or exit. If you have driven in then the barrier cannot be opened until you have driven out again, and vice versa. If the red light on the sensor of the intercom post starts flashing, it means you are already registered as 'entered' or 'exited'. Solution: report the error via the red button on the touchscreen (entrance and exit) or the push button on the yellow post (private area).

You will then be asked via the intercom to give your name and tag number, after which the barrier will be opened 'remotely'. The error message is registered.

It is important to always use your tag when entering and exiting, even when the barrier is open! If you have more than one parking space, make sure to always use the same tag for entering and exiting each time.

Tags for level -1 and level -2 are not interchangeable. NOTE:

On entry, you have a maximum of 40 seconds to drive through to the gate. If you take longer, the gate will not open. Solution: turn around, exit and re-enter.

VISITORS

Driving in:

- Drive up to the barrier at the entrance.
- Report via the intercom to the resident or office you are visiting. Using the touchscreen, you search for the house number or the name of the occupant/office.
- The resident/office verifies via the videophone system who is at the entrance and opens the barrier.
- Drive on within 40 seconds until just before the gate.
- Gate opens, wait for the light to turn green.
- Drive through to a visitor space at -1 (turn right);
- Leave the garage via the general exit at Block 11 (De Hoge Hout).

Driving out:

- If the address you are visiting does not have direct access to the car park: go to the general entrance at Block 11 (De Hoge Hout);
- Report via the intercom to the resident or office you are visiting. Using the touchscreen, you search for the house number or the name of the occupant/office.
- The resident/office verifies via the videophone system who is at the entrance and opens the entrance door, allowing you to walk to your car.
- Drive up to just before the gate.
- Gate opens, wait for the light to turn green.
- Drive through to the barrier at the exit ramp.
- Report via the intercom to the resident or office you are visiting. Using the touchscreen, you search for the house number or the name of the occupant/office.
- The resident/office verifies via the videophone system who is at the exit and opens the barrier.
- The barrier at the exit will open and you can exit.

NOTE:

When the barrier is opened, only one car may pass through at a time, so each guest has to be let 'in' and 'out' separately.

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Mail: vveparkeer@hotmail.com