

# EchoJournal

A Journal for Community Association Leaders

By Bert Dean

## It's the Season for Paving

Every spring property managers check their maintenance lists, and each 3 to 5 years they find it is time to seal coat and restripe the parking area once the temperature gets over 60 degrees. Be prepared for this routine maintenance, always keeping in mind that an important objective is to have the parking areas ready for work without having to tow your residents' cars to get them out of the way.

Once the decision to reseal or restripe the parking lot has been made and the paving company selected and a start date set, a board or association manager can follow a three-step approach with the residents.

**1. Providing timely advance notification to residents is critical to organizing a paving job with the least disruption to your residents.** Three weeks before the paver starts the job, the manager needs to notify residents that the paver requires all vehicles removed from the parking lot at 7:00 a.m. (whatever time they need) and specify the day the work starts and how long the parking lot will be unusable. Management needs to allow residents the opportunity for not being towed. Remind residents that if they plan to be out of town, they need to have made arrangements for their vehicle to be out of the parking area or it will be towed at their expense. This advance notice is necessary to have them prepared to remove their vehicle before they leave for vacation. If residents have not been properly notified, it is not fair to tow their vehicle at their

expense. While it may be legal to remove their vehicles at their expense, it is simply not good business practice for an association to fail to prepare residents with advance notices.

**2. Notify your regular contract private property tow company a week in advance to be available for paving on the scheduled date.** Failure to notify the tow company in advance could result in a costly delay to the paving company for the start of the job. A tow company needs to have its dispatcher prepared to provide contracted services and its drivers scheduled to be at the work site. It is not good if the tow company has dispatched drivers on calls that could have been handled later instead of having trucks available at the time any vehicles need to be towed.

**3. One week before the paving is scheduled to start, management should post an appropriate notice about the upcoming work** at driveway entrances, on telephone poles on the site, on carport poles, in all entrances to buildings, on any bulletin boards, and in the pool and recreation facilities to make sure residents have had every chance to be reminded to have their vehicles removed from the paving area by 7:00 a.m. on specific dates. The format of this notice can be same as the notice your city uses to notify the public of street work or street sweeping days. If the resident is not reminded before the job starts, it is not fair to have their vehicle towed at their expense.

Associations should take the high road

and help their residents understand they need to move their vehicles.

Early on the day of the paving job is not the appropriate time to go door to door telling residents to move their vehicles. Nevertheless it may be necessary to resort to this tactic, no matter how well you have noticed the work in advance. If residents have been professionally told and reminded in preparation of the paving work, then it is time to tow vehicles at a vehicle owner's expense.

There is one important exception to this process: The rules for San Jose are different from those for the remainder of California. San Jose requires each property to obtain a Tow Permit costing \$358 and submit it to the City Permits Unit before any vehicles can be towed, even for paving work. Towing vehicles without the Tow Permit could be reason for the city to issue a costly fine up to \$500 per car, especially if a resident complains because his or her vehicle was towed. Several weeks are required to process the permit, and any tow company will be happy to process that permit for the property. The requirements in San Jose are the following:

- Signs must be hung at every entrance/exit to the property or they must be inspected by the City Permits Unit to ensure they are properly hung and the language on the sign meets with the city's requirements;
- All fees must be paid, and

- Only one approved tow company can be permitted to tow from that permitted property. If a firm other than the permitted tow company is used, there is a potential fine of \$500 per vehicle.

In all other cities or counties in California, properties are required only to have the required tow warning signs posted at the entrance/exit to the property, but no inspection is required and property management can use any tow company they want to retain. That helps because as long as you have qualified private property tow companies available you can have a second or third company on standby depending on the number of vehicles that may need to be removed. Again you should always notify your tow company a week in advance so they can be scheduled to service your towing needs.

Remember, if towing is done right, California State law CVC 22658 holds the property manager and tow company harmless for removing vehicles as regulated from the property to a qualifying vehicle storage facility.

It is not legal to touch or move a vehicle unless it is removed to a qualifying storage facility by a properly licensed, insured and trained tow company. Moving a vehicle to another spot on the property makes the tow company and the property management liable for any claimed damages or claimed missing personal property. Never allow anyone to open, touch, or move a vehicle other than a qualified tow company, and then only remove it to its vehicle storage facility.

Good management is firm but fair. Association boards and managers should do their due diligence, but if

vehicles are in violation of property rules, they should be towed. And don't obligate your residents to something you have not investigated thoroughly. Make sure that any tow company with whom you do business qualifies with insurance, workers' comprehensive insurance and all applicable licenses. Be sure to inspect the facilities of that company because that is where your residents go to claim their vehicles if they have to be towed. Remember that local police regulate vehicles on public streets, but association management regulates vehicles on its private property. E]

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