



GECOSEI

GESTIONE CONDOMINI SERVIZI IMMOBILIARI
di Giuseppina Napolitano

Piazza L. Spallanzani, 3C - 42019 Scandiano (RE)
Cell. 3389532782 Tel. 0522390512 Fax 05221840907
www.gecosei.it info@gecosei.it info@pec.gecosei.it
C.F. NPLGPP77R42A509I Partita IVA 02652830353



Can cars of non-residents in the condominium access the courtyard?

Condominium parking: who can use it? Can people outside the condominium park with their car?

All the rules to know.

Mariano Acquaviva - Court of Salerno 20/05/2021

Finding a parking space is always difficult, even when you have to park near your home. Unless you have provided for the designation of customized parking areas, that is intended for residents, it is really difficult to find a free stall, both in the city center and in the suburbs.

The same problem arises for those who live in a condominium where access to the **parking lot** and / or courtyard is free, i.e. not impeded by devices such as a gate or an automatic barrier.

What to do if the condominium areas used for parking cars are occupied by people outside the team? **Can the cars of non-residents in the condominium access the courtyard?**

Condominium parking: how does it work?

According to code provisions (Article 1117, first paragraph, nr. 1), all the **areas intended for parking** in the condominium constitute **common parts** and, therefore, can be freely used by each condominium, provided that the enjoyment that others can make is not totally excluded. of the same area.

In other words, each condominium can park in the designated areas, as long as it does not prevent others from doing the same.

This does not mean that all condominiums must be able to park **at the same time** (think of a restricted space in the face of a multiplicity of owners), but that, in the abstract, it is not possible to deprive even one of the condominiums of his right to park the his vehicle.

The ideal solution adopted by many condominiums is, for example, to establish a **shift use** of the parking lot.

What has just been said does not apply if the **contractual regulation** provides otherwise, for example by assigning parking exclusively to some condominiums, while denying it to others.

What happens, however, if **people from outside** the condominium occupy the parking spaces? Can the cars of non-resident individuals enter the **courtyard**?

Customers, friends and relatives: can they park in the condominium?

Non-residents in condominiums undoubtedly include **customers, friends and relatives** of the owners. Can these subjects occupy parking spaces, perhaps by accessing the courtyard with their vehicle?

Well, it must be considered that the use of the parking areas by subjects linked to the condominiums is **lawful**, in the sense that, if the normal rules of the highway code are respected (according to which, for example, parking must take place at the inside the stall as delimited by the horizontal **signs**), then nothing can be contested to them.

Therefore, it is the right of the customer of one of the condominiums to park inside the condominium area. Think of those who go to the **lawyer or dentist** who receives in a studio located inside the condominium building. Ditto for customers of various merchants and resellers.

What has just been said also applies to **friends, family and relatives** who visit one of the condominiums: they can access the condominium areas and park their **vehicle**.

In this sense, therefore, we can say that even non-residents, if linked to condominiums by one



of the constraints we have just seen, can park in the condominium.

The parking of customers, friends, relatives and family members is however lawful as long as the **regulation** does not provide otherwise, for example by reserving the parking space exclusively for resident condominiums.

Only if there is an **explicit parking ban for non-residents**, the latter are not allowed to park their car in the shared courtyard. Moreover, it is hardly necessary to specify that the parking ban for non-residents can be imposed with a simple **resolution of the shareholders' meeting**, since unanimity of consents is not necessary.

Car sold to a non-resident family member: can parking be prohibited?

What has just been mentioned in the previous paragraph also applies in the event that a condominium lends his car to a non-resident family member, who parks it in the free condominium area, thus subtracting space from other residents.

In such a case it is not possible to oppose as each owner has the right to lease or lease the goods he owns **free of charge**, with the consequence that whoever has the use of these goods takes over all the rights of the owner, even in reference to condominium assets.

This means that, when parking is allowed for all condominiums without any restrictions (not even with reference to the number of owned cars that can be parked), even those who have the car on loan have the right to leave the car. in the **yard**, just like the owner of the vehicle.

The fact that he is not resident in the condominium has no relevance in reference to the rights recognized by law regarding the use of common goods, and it is not possible to impose any restrictions from this point of view because it would affect the **real rights** of the owners, like, in fact, that of transferring the assets owned or prohibiting those who borrow them from using them in his place.

Strangers and non-residents: can they park in the condominium?

The situation is different for non-resident people who are **completely extraneous** to the condominium structure. Parking in the condominium area of totally external people is therefore illegal.

Think of those who, while living in a completely different place, park their car inside the condominium courtyard only because they have not found space elsewhere.

In such a case, the stranger's parking could be contested by the condominiums. However, since this is a private area, it is not possible to appeal to the police or call the **tow truck** for forced removal. The only thing that can be done is to report the incident to the administrator so that:

- contact the owner of the vehicle, with an invitation to move it;
- promotes an **emergency civil action** (appeal pursuant to Article 700 of the Code of Civil Procedure) to obtain the removal of the vehicle, in the event that the stop causes serious damage to the condominiums.

In the event that the non-resident's car is parked in such a way as to prevent other condominiums from entering or exiting the area, then it is theoretically possible to file a **complaint for private violence** pursuant to art. 610 of the Criminal Code; this is the case, for example, of someone who voluntarily left his off-road vehicle at the entrance to the parking lot, thus preventing others from being able to use it

Source: <https://www.condominioweb.com/parking-condominiale-chi-puo-utilizzarlo-le-persone-estranee-al-condominio.18115>

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