

HERITAGE SQUARE HOMES ASSOCIATION

POLICY RESOLUTION 07-13

RELATING TO MOTOR VEHICLES AND PARKING

Originally adopted as Policy Resolution 13 at the regular meeting of the Board of Directors on July 8, 1992.

WHEREAS, the Virginia Property Owners' Association Act ("Act"), at Section 55-515, and Article VIII of the Declaration of Covenants, Conditions and Restrictions ("Declaration") charge all Owners with compliance with the Declaration, Bylaws, and Rules and Regulations of the Association; and

WHEREAS, the Act and Article VI, Section 1(a) of the Bylaws, authorize the Board of Directors on behalf of Heritage Square Homes Association ("Association") to establish, adopt, publish, and enforce rules and regulations with respect to the use of the Common Areas and with respect to such other areas of responsibility assigned to the Association; and

WHEREAS, Section 55-513 of the Act and Article VI, Section 1(a) of the Declaration empower the Association Board of Directors ("Board") to establish penalties for the violations of the Declaration or rules and regulations; and

WHEREAS, the Board of Directors of the Association recognizes that orderly procedures are required with respect to the management of privately owned motor vehicles on the common areas of Heritage Square, and the Board desires and intends to adopt reasonable restrictions on parking and on the use of the Common Area parking lots;

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board of Directors of the Association duly adopts the following resolution. The following regulations governing motor vehicle operation on the Common Areas and parking within the Common Area paved parking lots and roadways are hereby adopted. This Resolution is intended to and hereby supercedes any previous resolutions or policies with regard to parking. These parking regulations are in effect at all times and in all parking spaces. New residents should familiarize themselves with the regulations in order to avoid the possibility of ticketing or towing.

A. Motor Vehicle Operation

It is required that all owners, tenants, residents, guests and agents of the foregoing will operate their motor vehicles in a safe and responsible manner while in Heritage Square. The following rules and regulations shall be observed at all times.

1. The speed limit while on the property of Heritage Square Homes Association is 10 miles per hour.

2. No motorcycles, cars, or trucks may be driven over any of the Common Area grass or sidewalks without express authorization from the Board of Directors through the property management company.
3. Vehicle owners will be responsible for the repair of any ruts or other damage caused by the operation of their motor vehicle on the Common Area grass.
4. Motorcycles may be walked over the Common Area grass for storage inside backyards provided that the ground is not marshy.
5. All motor vehicle regulations, laws, statutes and ordinances of the County of Fairfax and the Commonwealth of Virginia shall be applicable to Heritage Square to the extent not otherwise applicable by existing law.
6. Homeowners and members shall be responsible for the repair of any ruts or other damage caused by their tenants, guests, invitees, or licensees, including any contractors or likewise agent so hired, during the operation of motor vehicles on the Common Grass or any other of the Association's common property such as the roads and sidewalks. It is the homeowner's responsibility to inform their tenants, guests, invitees, licensees, or agents of this association policy. Should the tenant, guest, invitee, licensee, or agent fail to comply, the homeowner will be held liable for all repairs.

B. Parking

1. Resident Parking
 - a. Each home is entitled to the use of not more than two numbered parking spaces. Both parking spaces assigned to a particular home are designated by the house number.
 - b. The Association makes absolutely no exception for homes whose residents have more than two motor vehicles, unless it is a required accommodation under the Federal Fair Housing Act, 46 U.S.C. §3601 *et seq.* or the Virginia Fair Housing Act, Va. Code Ann § 36-96.1 *et seq.* The Association expects that such residents will not deprive others of their assigned parking spaces.
2. Visitor Parking
 - a. All visitor parking spaces are marked with the designation "Visitor." Visitor parking spaces are for the use of visitors only.
 - b. **Visitor parking spaces may not be used by owners or residents under any circumstances.** If an owner or resident parks his or her personal vehicle in a visitor parking space, that vehicle is subject to towing.

- c. **Each home will be issued one Visitor Hangtag to give to a guest who will park in a Visitor parking space.** The Visitor Hangtag should be clearly displayed in any guest vehicle that will be parked in a Visitor parking space.
- d. **A Visitor Hangtag is required for all visitors' vehicles that will be parked in a Visitor parking space.** The Visitor Hangtag must be clearly displayed according to the instructions.
- e. Any vehicle parked in a Visitor parking space that does not display a Visitor Hangtag is subject to towing without notice.
- c. A Visitor Hangtag is valid for a maximum of 72 hours.
- d. Replacement Visitor Hangtags are available from the Property Manager. A charge of fifty dollars (\$50.00) will be assessed for each replacement Visitor Hangtag.
- e. All residents, homeowners, and members are responsible for informing their tenants, guests, invitees, licensees, or agents of all parking regulations of the Association.
- f. No commercial vehicle may park in visitor parking except for delivery of services to a Lot or home in the community on the day of delivery. The term "commercial vehicle" includes, but is not necessarily limited to moving vans, tractors, trailers, wreckers, tow trucks, hearses, and buses; any vehicle in which the driver is ordinarily hired for transport, including, but not limited to, limousines, buses (including private or public school or church buses) or taxis; any vehicle which has commercial plates; any vehicle with exterior lettering, equipment or tools; any vehicle with commercial equipment or supplies (including, but not limited to: pesticides, paint buckets, propane tanks, cabling, uncovered or unsecured tools, or other supplies) within the interior of the vehicle readily visible from the windows of the vehicle; or any vehicle, which, because of its irregular height, length, shape, or weight, is not a conventional passenger vehicle and is more suited for a commercial purpose.

C. Prohibited Vehicles and Activities; Reservation of Rights

1. No junk vehicles, boats, house trailers, travel trailers, motor homes, or camping trailers may be parked or kept on any private lot, or on any portion of the Common Area including all parking areas. The term "junk vehicle" includes, but is not limited to, any vehicle which is inoperable, and which it would not be economically practical to make operable, or a vehicle that has not passed the state vehicle inspection and which it would not be economically practical to repair so it could pass the state vehicle inspection. In addition, the term "junk vehicle" includes any vehicle with expired license plates or inspection stickers.

2. The storage of extensively damaged vehicles which cannot safely be operated on the roadways is prohibited for any length of time within the confines of the Association's property, even if such vehicles meet all other requirements of these Rules and Regulations. A 48-hour warning period will apply before such vehicles are eligible to be towed.
3. **Areas Where Parking is Prohibited** All vehicles are prohibited from parking in the following areas:
 - a. Along curbs so as to interfere with the flow of traffic or impede the access of emergency or snow removal vehicles;
 - b. Within 15 feet of any fire hydrant or along any curb where parking has been prohibited by the Association as indicated by yellow paint on the curb;
 - c. On any portion of the Common Area other than those specifically designated for parking;
 - d. Along the access road leading from Liberty Bell Court to the playground; and
 - e. In the travel portion of any Association road behind legally parked vehicles.
4. Temporary parking restrictions may be imposed in any area by the Association where access is required for repairs or maintenance to the Common Area.
5. No extensive repairs or maintenance of vehicles may be conducted upon the Common Area grounds, parking areas or streets. Any minor repairs undertaken must be completed on the same day. Each vehicle owner shall be responsible for the proper disposal of waste created as the result of maintenance on motor vehicles. The Association reserves the right to hold residents, homeowners, and members, and their tenants, guests, invitees, licensees, and agents legally responsible for any damage caused to the Association Common Area roadways or parking areas by the use, repair, or maintenance of their vehicle, including any damage that is the result of negligence or violation of these rules and regulations, whether on the part of the unit owner, his family, tenants, visitors, invitees, or agents.
6. Dumping, disposal, or leaking of oil, grease, or any other chemical substance, or any substance or particles from the holding tanks of any vehicle is not permitted on Association Property. The Association reserves the right to hold residents, homeowners, and members, and their tenants, guests, invitees, licensees, and agents legally responsible for any damage caused to the Common Area by the leaking or spilling of any type of fluid or substance from the holding tanks of any vehicle.
7. Gasoline, oil, or transmission fluid leaks shall be promptly repaired by the vehicle owner. The vehicle owner shall be responsible for any clean-up or repairs to Association

property damaged as a result of such leaks, including asphalt replacement where severe damage has occurred.

8. The dumping of motor oil, antifreeze, and/or other petroleum products into the storm sewers is a direct violation of Virginia's Water Control laws and may lead to civil penalties, assessed charges, and cleanup costs for the responsible parties.
9. All parking spaces may be used only for Class 1 vehicles (such as passenger cars, pick-up trucks, SUVs, and minivans), and motorcycles.
10. Vehicles shall be parked only between the white marker lines identifying each parking space. Parked vehicles may not be parked over either line separating one space from the next. In addition, neither the vehicle nor any equipment on the vehicle may extend beyond the parking space in any direction. Unsightly or objectionable storage in or on a vehicle will not be permitted.
11. All vehicles parked within the community must be maintained in an acceptable state of repair and must not present a hazard or nuisance by reason of noise, emissions, or leaking fluids.
12. No unlicensed vehicles, including but not limited to automobiles, trucks, SUVs, minivans, motorized bicycles, motorcycles, mini-bikes and go-karts, may be operated or parked on the Property. Licensed vehicles only shall be operated on the common roadways and parking areas of the Association. Unlicensed motor vehicles including such vehicles as motorized mini-bikes, mopeds, go-carts, and all other similar self-propelled vehicles shall not be operated, parked or stored within the confines of the Association property.
13. Only one vehicle may be parked in any parking space.
14. In order to avoid damage to underground utilities, no vehicle may be driven or parked off the asphalt roadway and parking lots. This includes vehicles used for moving. Vehicles may be parked only in front of or beside a residence where an asphalt roadway or parking lot is present.
15. The Association, its Board of Directors, its employees and agents assume no responsibility for the provision of any security for vehicles parked in the parking areas, and disclaim responsibility for the theft of, or damage to: 1) any vehicle parked or operated on Association Property, or 2) its contents, including personal property.

D. Enforcement

1. Enforcement of the above regulations is the joint responsibility of all members and the Association. It is expected that minor violations (such as parking over a line delineating a space) will be dealt with by the member whose rights have been infringed upon by the

violation. The Association has specific authority to remove any vehicle found to be in violation of any of the above regulations.

2. Towing Policy

- a. The following vehicles may be towed without notice at operator's/owner's risk and expense:
 - i. any parked vehicle which presents a safety or security concern;
 - ii. any vehicle parked in any area where parking is prohibited;
 - iii. any vehicle that is parked so as to impede the normal flow of traffic on Association roads or to prevent the ingress or egress of any other vehicle to or from Visitor parking spaces or any Association road.
 - iv. Vehicles parked in no-parking zones or fire lanes designated by yellow lines and/or signs, or vehicles blocking fire hydrants, other vehicles, or public or Association streets and entrances may be ticketed by the appropriate legal authority and/or removed with no notice by or on behalf of the Association at the risk and expense of the vehicle owner.
 - v. Any vehicle parked in a Visitor parking space without a Visitor Hangtag clearly displayed.
 - b. Other than the infractions mentioned above, the Association or its agent shall post a citation or warning notice on any vehicle parked or kept in violation of these rules and regulations, any other rules and regulations of the Association, or the Declaration. No other form of notice is required. Once a citation is posted on the vehicle, if the vehicle's owner does not bring the vehicle into compliance within forty eight hours (48 hrs) of the date of the citation notice (or such other longer compliance period as the notice may specify), the vehicle will be subject to towing without further notice at the operator's/owner's expense and risk. The Association reserves the right to assess charges for any violation.
3. If a member's parking privileges have been suspended or revoked, vehicles belonging to Residents or their family or visitors may not park anywhere on Association property. Such vehicles are subject to immediate towing.
 4. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's operator/owner.
 5. For the purpose of this resolution, the Property Manager, Officers, and members of the Board of Directors are empowered to serve as agents of the Association.
 6. Vehicles Parked Without Permission in a Numbered Resident Space. The Association is not solely responsible for towing a vehicle that is parked without authorization in a resident's assigned parking space, and will not be responsible for any towing charges or damages. Accordingly, it is the responsibility of the owner of the lot to which the

parking space is assigned to decide whether to have the unauthorized vehicle towed from the parking space. This means that:

- a. The Owner of the lot must contact the towing company and show proof of residence in order to have a vehicle towed from their reserved space(s). The Association and/or Management Company will not be responsible for contacting the towing company.
 - b. For the purpose of this regulation only, any Owner who calls the towing company to have an unauthorized vehicle towed from his or her assigned parking space shall be considered an agent of the Association, as that term is used in the Fairfax County Code.
 - c. Any Owner who authorizes the towing of a vehicle from his or her parking space is responsible for any improper towing or resultant damage.
 - d. Indemnification. Any Owner who authorizes the towing of a vehicle from his or her parking space, by so doing, agrees to indemnify and hold the Association harmless for any and all claims, costs, attorneys' fees and/or damage related to towing of the vehicle in question.
7. The Association strongly recommends that Owners make an effort to locate the person parked in their space before having the vehicle towed from one's assigned parking space. Specifically, the Association recommends that owner/residents take the following steps upon discovering a vehicle improperly parked in their numbered space.
- a. Try to find the owner. Contact your neighbors in your immediate vicinity to try to find the owner of the vehicle.
 - b. Call the Towing Company. If the owner cannot be located, contact the towing company directly. During that call, please provide the towing company with: 1) the date and time of call, 2) your name, address, phone number, parking space number; and 3) violator's license plate number, make, model, and color of the vehicle.
 - c. The homeowner/resident requesting the tow must be present when the tow truck arrives to sign the form authorizing towing. When the towing service responds to the call, the complainant **must** sign a waiver form. This will ensure that the correct vehicle is towed. The towing service will not tow a vehicle unless the waiver form is signed by the homeowner/resident. If the homeowner/resident refuses to sign, the vehicle cannot be removed.
 - d. Cancel the call if the violator moves his or her vehicle prior to tow-truck arrival.

- e. Report the incident to a Board member or the community manager.

8. Violation Charges and Other Remedies

- a. The Association reserves the right to assess violation charges, pursuant to Section 55-513 of the Act and Article VI, Section 1 (a) of the Bylaws, against Owners who violate this resolution.
- b. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents and/or the laws of Virginia and Fairfax County. Additionally, all expenses and/or attorney's fees incurred by the Association in enforcing the provisions of this Resolution shall be the sole responsibility of the vehicle's operator/owner.

The remedies stated herein shall not constitute an election of remedies and all remedies shall be deemed cumulative.

This Resolution is effective on June 12, 2007.

HERITAGE SQUARE HOMES ASSOCIATION

Resolutions Action Record

Resolution Type: Policy No. 07-13

Pertaining to: Motor Vehicles and Parking.

Duly adopted at a meeting of the Board of Directors held on the ____ day of _____, 2007.

Motion by: _____ Seconded by: _____

VOTE:	YES	NO	ABSTAIN	ABSENT
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ATTEST:

_____ Secretary	Date
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FILE:
Book of Minutes _ 2007
Book of Resolutions:

	Book No.	Page No.
Policy	____	____
Administrative	____	____
Special	____	____
General	____	____

Resolution effective: _____, 2007.