

**HILLSDALE COMMUNITY ASSOCIATION
POLICY RESOLUTION NO. 16-1**

(Parking Policy)

WHEREAS, Article VII, Section 1(a) of the By-Laws provides the Board of Directors with the powers and responsibility to adopt and publish rules and regulations; and

WHEREAS, Article VII, Section 1(c) of the By-Laws provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, the Declaration obligates each member of the Association to comply with the rules and regulations promulgated by the Board;

WHEREAS, the Board has previously adopted Policy Resolution No. 01-01 (Parking Policy); and

WHEREAS, the Board has determined that it is in the Association's best interest to promulgate rules and regulations regarding vehicular parking on Association Property.

THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following rules with respect to vehicular parking on all areas of Association Property.

I. UNAPPROVED VEHICLES

The following categories of vehicles may not park on Association Property overnight:

- A. Commercial Vehicles. Any commercial vehicle, as defined in Section 82-5-7 of the Fairfax County Code, including the following examples:
1. any uncovered vehicle licensed and registered to be hired for transport, including, but not limited to, taxis, limousines, or buses;
 2. any vehicle with uncovered exterior logos, signs, letters, numbers, advertising, or irregular and distinct coloring, that creates the appearance of a commercial vehicle;
 3. any unmarked vehicle with commercial paraphernalia or equipment attached, strapped, or affixed to the exterior of the vehicle, including, but not limited to, ladders or pipes;
 4. any unmarked 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; or
 5. any van designed for the transport of furniture, goods, equipment, animals or scheduled transportation.

- B. Recreational Vehicles. Any motor home, self-contained camper, mobile home, boat, all-terrain vehicle, dune buggy, trailer, boat trailer, pop-up camper/tent trailer, horse trailer, any trailer or semitrailer used for transporting wave runners, jet skis, motorcycles, or all-terrain vehicles, whether or not such trailer or semitrailer is attached to another vehicle, and any other type of vehicle primarily designed for recreational use, as opposed to conventional passenger use.
- C. Inoperative Vehicles. Any vehicle with a malfunction of an essential part required for the legal operation of the vehicle or any vehicle which is partially or totally disassembled as a result of the removal of tires, wheels, engine, or other essential parts required for legal operation of a vehicle.
- D. Abandoned Vehicles. Any vehicle left unmoved in an unassigned parking space for more than 14 consecutive days, unless the owner provides written notice to the Board in advance that he or she will be away and unable to move the vehicle for a period greater than 14 days. In cases where a violation is committed, a notice will be placed on the vehicle, and if no response is received within seven (7) days, the Board may authorize towing of the vehicle not inconsistent with any Association towing policy.
- E. Other Equipment and Machinery. Any agricultural, industrial, construction or similar machinery or equipment.
- F. Government Vehicles. Police cars and other vehicles which are owned by or contain the logo of a County emergency service provider shall not be considered a commercial vehicle under this Resolution.

II. RULES AND REGULATIONS

- A. Use of Parking Areas. Residents may not use the parking areas for any purpose other than vehicular parking. Residents may park vehicles only in designated parking spaces and areas. All unapproved vehicles are prohibited from the parking spaces except when picking up or delivering passengers or merchandise, or during the performance of work or services at the location.
- B. Fire Lanes and No Parking Zones. Residents may not park vehicles in fire lanes or no-parking zones marked with a painted yellow curb. Any vehicle parked in such zones may be subject to immediate towing not inconsistent with any Association towing policy.
- C. Unreserved Parking Spaces. All vehicles parked in an unreserved parking space must display a parking pass hanging from the rear view mirror of the vehicle. Failure to display a valid parking pass hanging from the rear view mirror may result in immediate towing. If a resident loses a parking pass, they may submit a request for a new parking pass along with a replacement fee of \$25 to the Board or its agent. The Board or its agent will provide a replacement parking pass to all residents who submit to the Board a request, the \$25 replacement fee, and are current in the payment of their assessments.

- D. Registration Requirements. The Association shall issue one parking pass per townhome to the Townhome Owner(s) of record or to his or her tenant only if the following criteria are met:
1. Each Townhome Owner must be current in the payment of Association assessments, including special assessments, charges, and legal fees charged to the account before the Board will issue parking passes.
 2. Each Townhome Owner must be fully compliant with the Association's rules, regulations and covenants before the Board will issue a parking pass to the Townhome Owner or their tenant.
- E. Repairs. Major repairs or maintenance to vehicles, or painting of vehicles, is not permitted anywhere on the Association Property, except that repairs or maintenance of a minor nature, such as the repairing of a flat tire or the recharging of a dead battery, are permitted.
- F. Dumping of Materials. The dumping, disposal or leak of oil, grease, or any other chemical residual substance, or any substance or particles from holding tanks of any vehicles, is not permitted on the Association Property.
- G. Operator's Responsibilities.
1. Residents may park only one (1) vehicle within each parking space; however, if a resident wishes to park a motorcycle in the same parking space as an approved vehicle, the resident may do so, provided the resident parks the motorcycle immediately parallel to the curb so that the approved vehicle remains completely parked within the parking lines. Under no circumstance may a resident park a motorcycle in any manner which a) interferes with the parking space rights of any other resident or b) causes the approved vehicle to extend beyond the parking lines into the vehicular pathway of the street.
 2. The parking of any vehicle, including motorcycles, on any sidewalk, individual lot, or common grounds of the community is strictly prohibited.
 3. Residents may not park vehicles in any manner which impedes the normal flow of traffic, blocks any mailbox, or prevents ingress and egress of any other vehicle to adjacent parking spaces or the open roadway.
 4. No vehicle may be parked in such a manner that it extends beyond the lengths of the parking lines or crosses over the parking lines into an adjoining parking space.
 5. Residents may not park any vehicle perpendicular to the marked parking spaces.
 6. Residents may operate vehicles only on the paved roadways of the Association.

7. Residents must have a proper operating license in order to operate a motorized vehicle on Association Property.
 8. If a vehicle's security system interferes with the right of quiet enjoyment of the community for more than five (5) uninterrupted minutes, the vehicle is in violation of the Association's regulations and subject to removal through towing.
- H. Townhome Owner's Responsibilities. All Townhome Owners must ensure that their family members, tenants, guests, and/or contractors comply with these rules and regulations.

III. PARKING SPACES

- A. Assignment. Each household shall be assigned two numbered parking spaces, subject to the Board's authority to revoke a resident's parking privileges as described herein.
- B. Owners Liability. Townhome Owners shall be liable to the Association for any costs incurred by the Association to repair or repaint any part of the parking facilities damaged by the negligence or intentional act of the Townhome Owner, his or her tenants, or invited guests.
- C. Towing of Unauthorized Vehicles. Recipients of a reserved parking space have the right to tow any vehicle parked in their designated assigned parking space without the vehicle owner's consent. In such cases, the parking space recipient is responsible for contacting the towing company and assumes all risks and liabilities associated with the towing that are not covered by the towing company. The Association shall not assume any of the responsibility for such towing or any risks or liabilities associated with such towing.

IV. ENFORCEMENT

- A. In General
 1. Vehicle Removal. The Board of Directors shall have the authority to have any vehicle not in compliance with the provisions of this Resolution removed from the Association Property, **not inconsistent with any provision herein or with any Association towing policy.** All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner
 2. Violations Subject to Immediate Towing. Any vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane, (b) occupying more than one (1) parking space, (c) extending beyond the parking lines, (d) parked perpendicular to the marked parking space or on a grassy area or sidewalk, (e) impeding access to sidewalk ramps or mailboxes, (f) parked in a parking space reserved for another townhome, (g) constituting a safety hazard, (h) that is parked in an unreserved parking space without a valid parking pass, or (i) whose security system has been triggered and allowed to

continue unattended for more than five (5) minutes, shall be subject to immediate removal without notification to the owner of the vehicle.

3. Citation Notices. In the case of Violations not subject to immediate towing, the Board or its designated representative shall post a citation notice on any vehicle not in compliance with the rules and regulations of the Association. No other form of notice is required. If the owner of the vehicle does not bring the vehicle into compliance within seven days of the date of the notice or contact a member of the Board, the vehicle will be subject to removal by towing.
 4. Subsequent violations committed within any consecutive 3 month period shall subject the violating vehicle to immediate towing without notification and may result in the suspension of parking privileges.
 5. Any requests from Townhome Owners for enforcement of this parking policy by the Association against another resident must be directed to the Board in writing.
 6. Pursuant to the Board's authority under Article VI, Section 9 of the Declaration, the Board may revoke a resident's parking privileges for repeated violations of this parking policy. In the event that a resident has been found in violation of this parking policy no less than three times in a calendar year, the Board may issue a notice to the resident of an intent to revoke the resident's parking privileges. The notice shall specify the date and time on which the Board will hold a hearing on the matter, which the resident may attend and participate. Following the hearing, the Board may vote to revoke the resident's parking privileges for at least a specified duration not to exceed one calendar year. The Board may reassign any parking space(s) subject to this revocation during the specified duration. The resident may petition for reinstatement of parking privileges after the specified duration has elapsed, but the Board shall not be responsible for reinstating any parking privileges absent a petition from a resident.
 7. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents or the laws of Virginia and Fairfax County.
- B. Commercial Vehicles. With regard to commercial vehicles, the Board of Directors shall enforce this policy resolution as follows:
1. Absent the receipt of a written complaint from a Townhome Owner, the Board of Directors shall not be required to take any action to enforce this policy resolution with respect to commercial vehicles.
 2. Board owners may file complaints only in their capacity as individual owners. If a Board owner (or an occupant of his/her household) files a written complaint, the Board owner must recuse himself/herself from all of the

enforcement proceedings.

3. If a complaint is signed, dated, and sufficiently clear and credible in the establishment of probable cause that a Townhome Owner or tenant has committed or is committing a violation of this parking policy by parking a commercial vehicle at Hillsdale, the Board shall send a notice of complaint to the Townhome Owner and/or tenant alleged to be in violation.
4. The notice shall provide the Townhome Owner and, if applicable, tenant with information about the complaint and request the Townhome Owner or tenant to a) cease parking the alleged commercial vehicle at Hillsdale or b) offer the Board a written explanation or denial of the allegation.
5. If the Board of Directors finds that Townhome Owner and/or tenant's response is not satisfactory, the Board reserves the power to send a second notice. The Board shall send second notices by certified mail, return receipt requested. The Board shall deem the notice effective if any Townhome Owner and, if applicable, tenant, fails or refuses to sign for any certified mailing from the Association.
6. The Board's second notice shall clearly state the nature of the complaint and provide the number of days within which the owner must undertake action to become compliant. The second notice should also warn the Townhome Owner and/or, if applicable, tenant, of the Board's power to impose monetary charges for offenses of the Association's regulations and inform the Townhome Owner and/or, if applicable, tenant, of his/her right to request a hearing before the Board of Directors to contest the complaint. The second notice shall request the Townhome Owner and/or, if applicable, tenant to confirm in writing by a certain date his/her desire for a hearing to contest the complaint.
7. When a Townhome Owner or tenant requests a hearing in writing by or before the deadline, the Board of Directors shall set the time, date and place of the hearing at its discretion. The Board shall deliver written notice of the time, date and place of the hearing to the Townhome Owner or tenant by hand or registered or certified mail, return receipt requested, at least fourteen (14) days in advance of the hearing date. At the hearing, the Board of Directors shall provide the Townhome Owner and/or tenant with a reasonable amount of time to present any and all defenses to the complaint. The Townhome Owner and/or tenant may have counsel present at the hearing.
8. Following the evidentiary portion of the hearing, the Board of Directors reserves the power to deliberate in executive session to discuss whether it received satisfactory proof of the alleged violation, and if so, whether it should impose monetary charges.
9. When the Board's judgement is unfavorable to the Townhome Owner and/or tenant, the Board may revoke the parking privileges enjoyed by the

Townhome Owner and/or tenant. In particular, the Board may vote to continue the revocation of the resident's parking privileges for at least a specified duration not to exceed one calendar year from the date of the hearing. The Board may reassign any parking space(s) subject to this revocation during the specified duration. The resident may petition for reinstatement of parking privileges after the specified duration has elapsed, but the Board shall not be responsible for reinstating any parking privileges absent a petition from a resident.

10. If the Board's judgment is unfavorable to the Townhome Owner and/or tenant, either the Townhome Owner or, if applicable, tenant may appeal that decision to the membership. Any revoked parking privileges shall remain revoked during the appeals process. Any appeal must be filed with the Board in writing within 10 days of the date of the Board's decision. If the Townhome Owner or tenant appeals, the President shall call a special meeting of the membership to hear and decide the appeal. However, if the appeal is filed within 45 days of the regularly scheduled annual meeting, the Board, in its sole discretion, may decide to hold the appeal hearing at the annual meeting. If the hearing is to take place at a special meeting, the Board must provide written notice of the special meeting to each member of the Association entitled to vote at least 15 days before the meeting. Such notice shall specify the place, day, hour and purpose of the meeting. The appealing Townhome Owner and/or tenant is responsible for all costs associated with such special meeting, including the costs of mailing notice and must pay those costs at the time the appeal is filed. The appealing Townhome Owner and/or tenant, and the President of the Board, shall have an opportunity to address the membership attending the special meeting prior to any vote on the appeal. A vote by a majority of the votes cast, either in person or by proxy at such meeting, is necessary to overturn the Board's decision and to grant the Townhome Owner and/or tenant's appeal. All votes shall be cast by secret ballot. However, if a quorum of 10 percent of the votes entitled to vote at such a meeting are not present at the meeting either in person or by proxy, the vote shall be advisory only and is not binding on the Board. No director or officer of the Association shall be liable for failure to perform his or her fiduciary duty for failure to enforce the Association's restrictive covenants and this resolution if a decision by the Board that a vehicle is a noncomplying commercial vehicle is subsequently rescinded by a vote of the membership pursuant to this section, and the Association shall indemnify such director or officer against any damage resulting from any claimed breach of fiduciary duty arising therefrom.

C. Nothing contained herein shall preclude the Board of Directors from seeking injunctive relief or any other remedy available to it in a court of equity.

D. Owner's Responsibilities. If the Association must enforce this resolution through any form of legal action, the offending Townhome Owner shall be responsible for all expenses and/or attorneys' fees incurred by the Association in enforcing the

provisions of this Resolution.

- E. Liability. The Association assumes no responsibility for the provision of any security service to protect vehicles parked in the parking areas, and it disclaims responsibility for any damage to any vehicle parked or operated on Association Property.

V. REPEAL OF PRIOR POLICIES

The rules and regulations set forth in this Policy Resolution supersede and replace all rules and regulations set forth in any prior Policy Resolution relating to the subject matter addressed herein.

VI. GRANDFATHER CLAUSE

Any individual that is currently a member of the Association who has previously received permission by vote of the membership to park his or her commercial vehicle on the Association's property shall continue to have permission to park his or her commercial vehicle on the Association's property, notwithstanding that such a vehicle would otherwise be prohibited from the Association's property under this parking policy.

VII. EFFECTIVE DATE

The rules and regulations set forth in this policy resolution are effective as of 5/27/16.

HILLSDALE COMMUNITY ASSOCIATION


Larry Mikesell, President

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors of the Hillside Community Association held on MARCH 23, 2016.

Motion by: JOSHUA BRADY Seconded by: Nancy Landson

VOTE:

OFFICER	YES	NO	ABSTAIN	ABSENT
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<u>Larry Mitchell</u> President	X	_____	_____	_____
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<u>Scott Lynd</u> Vice President	✓	_____	_____	_____
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<u>Nancy Landson</u> Secretary	✓	_____	_____	_____
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<u>BRADY</u> Treasurer	✓	_____	_____	_____
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<u>Joseph Lev</u> Director	_____	_____	_____	_____
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<u>Judith MacLeod</u> Director	✓	_____	_____	_____
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_____ Director	_____	_____	_____	_____
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ATTEST:

Nancy Landson
Secretary

3-23-2016
Date

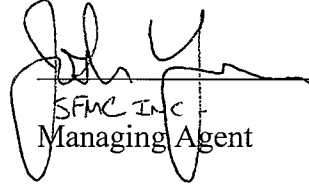
Resolution effective: 5-27-16.

CERTIFICATE OF MAILING OR DELIVERY

The Managing Agent hereby attests that this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Townhome Owners on this 28th day of April, 2016

4/28/16

Date


SFMC INC
Managing Agent