

ASHBROOK HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2015- 1

(Resolution Relating to Parking and Towing of Vehicles)

WHEREAS, Article VII, Section 1 of the Ashbrook Homeowners Association, Inc.'s (the "Association") By-Laws states that the business and affairs of the Association shall be managed by the Board of Directors and that the Board of Directors shall have all the powers and duties necessary for the administration of the affairs of the Association including, but not limited to, adopting any reasonable rule and regulation not inconsistent with the Association's documents; and

WHEREAS, Section 9.2.1 of the Association's Declaration states that, except for non-commercial trucks and automobiles with valid license plates, no other vehicle, including, but not limited to, a house trailer, trailer, tractor trailer, boat, boat trailer, camper, recreational bus or commercial truck or van, shall be temporarily or permanently parked or stored in the open on any Lot, street, parking area or any other portion of the Commons; and

WHEREAS, Section 9.2.11 of the Association's Declaration states that "no junk vehicles, inoperable vehicles, unlicensed or uninspected vehicles, recreational vehicles, trailers or commercial industrial vehicles... shall be regularly or habitually parked within the Property," except with the written approval of the Architectural Committee or if it is properly garaged, and the Association may remove such a vehicle after ten (10) days' notice to the owner of the vehicle; and

WHEREAS, Section 9.2.12 of the Association's Declaration provides that "no commercial vehicle of any kind may be kept or parked overnight on the Property except if properly garaged;" and

WHEREAS, Section 9.2.13 of the Association's Declaration prohibits the repair of automobiles on the Property and the parking of any vehicle that is not a private automobile, properly licensed and in an operable condition and that the Association may remove such a vehicle after ten (10) days' notice to the owner of the vehicle; and,

WHEREAS, Section 8.8.2 and Section 9.6 of the Association's Declaration provides that the Association may enter a Lot to terminate a violation after providing the Owner of the Lot fifteen (15) days notice of the violation; and,

WHEREAS, Section 5.3.5 of the Association's Declaration states that the Association shall have the authority to suspend the rights of any Owner to use the Commons for a period not to exceed sixty (60) days for any infraction of the Rules and Regulations; and,

WHEREAS, the Board of Directors of the Association believe it to be in the best interest of the Association to adopt rules and regulations as to the parking of vehicles within the Association.

NOW THEREFORE, the Board of Directors hereby adopts the following rules and regulations relating to the parking and towing of vehicles, which supersede and replace all prior policies and rules and regulations relating to the same subject.

I. RESTRICTIONS

A. Vehicles

1. Restricted Vehicles. The following vehicles are restricted ("Restricted Vehicles") from parking in the open on any Lot, street, parking area or any other portion of the Commons within the Association:

- a. Commercial Vehicles. Any motor vehicle, trailer, semitrailer, and/or combination thereof that (a) has a registered gross weight in excess of 10,000 lbs, (b) is carrying commercial equipment (such as ladders, tools, machinery, etc.); (c) cannot be parked entirely within a parking space designed to accommodate a standard automobile, (d) is a special purpose vehicle including, but not limited to, limousines and taxicabs, tow trucks, tractors, ambulances, or construction vehicles, unless these vehicles are performing services on the Property; and/or (e) meets the definition of a "commercial vehicle" as defined in the laws and regulations of the Commonwealth of Virginia and/or Loudoun County.
- b. Recreational Vehicles. Any of the following types of vehicles; motor homes, self-contained campers, mobile homes, boats, all-terrain vehicles, snowmobiles, dune buggies, trailers, boat trailers, pop-up camper/tent trailers, horse trailers, any trailers or semitrailers used for transporting waverunners, jet skis, snowmobiles, motorcycles, 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. Disabled Vehicles. Junk vehicles that are inoperable.

d. Unlicensed Vehicles. Vehicles that have not been inspected and/or do not have current and valid license plates.

2. **Exceptions.** Notwithstanding the restrictions contained in Article I, Section (A)(1) of this Resolution, Restricted Vehicles may be allowed to park within the Association under the following circumstances.

a. Architectural Committee Approval. A Restricted Vehicle shall be permitted to park in in the open on any Lot, street, parking area or any other portion of the Commons within the Association if written approval from the Architectural Committee to do so has been received provided, however, that no vehicle bearing signage may be parked overnight on any portion of the Property.

b. Properly Garaged Vehicles. A Restricted Vehicle shall be permitted to be parked within the Association if it is properly garaged in an enclosure on a Lot.

B. **Vehicle Repairs**. Except for minor adjustments, repairs to motor vehicles and the painting of motor vehicles is prohibited on the Property. Any adjustment or repair such as the draining of any automotive fluids is prohibited on the Property. Any cost from property destruction of the Property associated with motor vehicles leaking fluids or fluid spills will be the responsibility of the owner of the vehicle as well as the Owner of the Lot at which the owner of the motor vehicle resides or is a guest, invitee, tenant or licensee.

II. ENFORCEMENT

C. **Vehicle Removal**

1. **Authority.** The Board of Directors shall have the authority to have any vehicle not in compliance with the provisions of this Resolution removed from the open on any Lot, street, parking area or any other portion of the Commons within the Association. This authority may be delegated to a Manager. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.

2. Notice of Towing

- a. Removal From the Commons; The owner of any vehicle parked in the street, parking area or any other portion of the Commons within the Association not in compliance with any of the other rules and regulations in this Resolution shall be notified of the violation in writing and delivered by certified mail or hand delivery to the address of the Owner who is in violation, if the Association knows the identity of the Owner of the vehicle, or, otherwise, by posting of a notice on the vehicle. If the vehicle is not brought into compliance within ten (10) days, it will be subject to removal by towing.
- b. Removal from a Lot; The owner of any vehicle parked in the open on a Lot not in compliance with any of the other rules and regulations in this Resolution shall be notified of the violation by delivering a written notice by certified mail or hand delivery to the Owner of the Lot on which the Restricted Vehicle is parked. If the vehicle is not brought into compliance within fifteen (15) days, it will be subject to removal by towing.
- c. Immediate Towing; Any vehicle: (a) parked in a Fire Lanes or in other No Parking Areas (e.g. pedestrian areas, crosswalks, fire hydrants, etc.), (b) parked in handicapped parking space (except those vehicles displaying valid disabled windshield placards, permits or licenses plates), (c) obstructing the flow of traffic through the Common Area, in and out of the Common Area or Lots, and/or the use of the sidewalks, (e.g. vehicle not parked completely within the confines of the parking space), and/or (d) posing a safety hazard shall be subject to immediate towing without notice to the owner of said vehicle.

- 3. **Suspension of Privileges.** In addition to any possible towing of the vehicle, violations of this Resolution may result in the matter being referred to the Board of Directors for their action. The Board of Directors may suspend privileges for infractions and violations of the Association Documents and the rules contained in this Resolution in accordance with Section 55-513 of the Virginia Property Owners' Association Act and the Association's Documents.

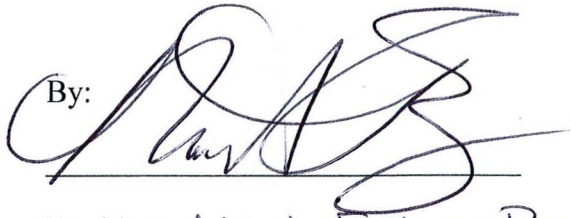
III. EFFECTIVE DATE

This Resolution will take effect within thirty (30) days of the enactment date and be fully enforceable as of that date and shall supersede and replace any previously adopted Policy Resolution or rules governing parking.

We attest and certify that this Policy Resolution No. 2015- 1 was duly adopted by the Board of Directors at a duly noticed meeting of the Board of Directors at which a quorum was present on the 2 th day of September, 2015.

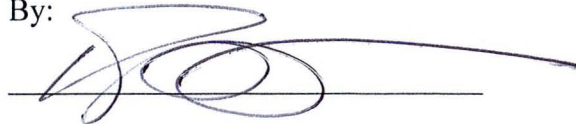
ASHBROOK HOMEOWNERS ASSOCIATION, INC.

By:



President, Marla Fortner Pegin

By:



Secretary, Tony K. Shamloo

CERTIFICATE OF MAILING

I HEREBY CERTIFY, this 18 day of Sept, 2015 that the foregoing Policy Resolution No. 2015- 1 was mailed via first class mail, postage prepaid, to all Owners at their address of record on file or the Lot address (if the Owner has not provided an alternative address), in accordance with the requirements of Section 55-513(A) of the Virginia Property Owners' Association Act.



Carol Stirner
Millenium Management, Inc.
Community Manager for the
Ashbrook Homeowners Association, Inc.

ASHBROOK HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 2015-
(Resolution Relating to Parking and Towing of Vehicles)

Duly adopted at a meeting of the Board of Directors for Ashbrook Homeowners Association, Inc. on September 2, 2015.

Motion by: Marla Fortner Regan Seconded by: Tony K. Shamloo

Officer

Vote

Yes

No

Abstain

Absent

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Marla Fortner Regan

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President

Vice-President

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Treasurer

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Attest:

Tony K. Shamloo

Secretary