

UNION MILLS COMMUNITY ASSOCIATION

REGULATORY RESOLUTION NO. 2010 -01

PARKING REGULATIONS

WHEREAS Article 3, Section 3.8 (*Easements - Easement for Use of the Common Area - Use and Enjoyment*) of the Amended and Restated Declaration (“Declaration”) grants to “each Owner and each Person lawfully occupying a Lot a non-exclusive right and easement of use and enjoyment in common with others of the Common Area (other than any Limited Common Area or Reserved Common Area)...”; and,

WHEREAS Article 3, Section 3.9 (*Reserved Common Area and Limited Common Area*) confers upon the Board of Directors the “power in its discretion from time to time to grant revocable licenses in the Common Area by designating portions of the Common Area as Reserved Common Area”; and,

WHEREAS, Article 6, Section 6.6 (*Parking and Transportation Services*) applies the aforementioned authority to the designation of reserved parking spaces on the Common Area; and,

WHEREAS Article 7, Section 7.3 (*Rules and Regulations*) of the Declaration empowers the Board of Directors to “...adopt, amend and repeal Rules and Regulations restricting and regulating the use and enjoyment of the Property or of any portion thereof...the Property shall be occupied and used in compliance with the Rules and Regulations”; and,

WHEREAS Va. Code § 55-513.B (*Virginia Property Owners Association Act - Adoption and enforcement of rules*) confers upon the Board of Directors the power, “...to the extent the declaration or rules and regulations duly adopted thereto expressly so provide, to (i) suspend a member’s right to use facilities or services...for nonpayment of assessments which are more than sixty (60) days past due, to the extent that access to the lot through the common areas is not precluded...”; and,

WHEREAS, Union Mills Community Association Policy Resolution No. 95-01 (*Due Process Procedure*) sets forth the remedies and due process procedures available to the Association for rule violations or assessment delinquencies; and,

WHEREAS, Union Mills Community Association Policy Resolution No. 93-11-1 establishes the Reserved Parking Plan for the Association; and,

WHEREAS it is the intent of the Board of Directors to establish and update (where applicable) parking regulations, and to also include in such regulations a provision whereby use of the common area (including the Reserved Common Area) for parking by a member, his tenants or his guests shall be subject to suspension for any period during which the assessment against his lot remains in arrears by more than 60 days;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors adopts the following regulations, which are enforceable as regulations of the Association, to become effective September 1, 2010.

1. Privilege. Most of the roads and parking areas in Union Mills Community Association ("Association" or "Community"), particularly in the town-home portion of the Community, are common area of the Association and are therefore private in nature. The Association is responsible to maintain this common area. Much of the parking in the Union Mills Community is thus in the nature of a privilege arising from lawful residency therein and is subject to the Association's regulatory authority, as that authority is set forth in the Virginia Property Owners' Association Act (Va. Code Section 55-508, *et seq.*) and the Amended and Restated Declaration for Centreville Green (now known as Union Mills Community Association) ("Declaration"). Only that portion of Ruddy Duck Road from Union Mill Road to the turnaround area at Darter Court is part of the state secondary system of roadways and is therefore publicly maintained. All of the roads in the single-family section of the Community are public roadways except for common driveways. In addition to the covenants set forth in the Declaration, all applicable Commonwealth of Virginia motor vehicle laws apply to vehicles parked within the Community. Residents and guests are responsible for obeying parking regulations set forth herein. Residents are responsible for informing their guests of Community parking regulations.

2. General. Parking in the Community is restricted to private, passenger-type vehicles normally associated with personal use. There is no designated Common or Reserved Common Areas set aside for other types of vehicles. There is no open parking in the town-home area other than the parking areas adjacent to the pools. Reserved parking spaces are to be used solely by the owners to which the spaces are assigned, or the owner's authorized designees (*e.g.*, tenant, guest)

3. Licensing. The Community's licensing requirements for personal vehicles permitted to park on the Common Area (including Reserved Common Area) are the same as enforced by the Commonwealth of Virginia and Fairfax County. Vehicles failing to meet these requirements will be immediately reported by any resident to police for action in accordance with the laws of the Commonwealth and the ordinances of Fairfax County. Fairfax County Police are hereby authorized to enforce all provisions of the Commonwealth of Virginia's Motor Vehicle Code within the boundaries of the Association.

4. Limitations.

(a) The owner of a lot to which a Reserved Common Area parking space has been assigned has the exclusive right to use the designated space unless otherwise restricted by these Guidelines.

(b) Parking space assignments do not transfer or convey ownership of the parking areas. The assigned parking spaces remain the Common Area of the Association, albeit Reserved Common Area.

(c) Parking space assignments are not conveyed by a conveyance of the lot to which they are assigned; however, upon the conveyance of a lot from one owner to another, the parking space(s) assigned to that lot shall remain in force and effect unless and until modified or rescinded by the Board of Directors.

5. Parking Restrictions.

(a) Common Driveways. There shall be no parking within Common Driveways at any time except for delivery and/or emergency vehicles.

(b) Fire Lanes. All roads within the town-home area are County designated fire lanes identified by yellow curbing. There is no open parking within the town-home area other than in the pool area, and such parking is restricted to the parking spaces adjacent to the pool facilities. Vehicles parked in a fire lane are subject to towing 24 hours a day.

(c) Sidewalks. Sidewalks shall not be obstructed by vehicles, personal property, snow, construction materials, plants and trees, etc. Sidewalks must be kept clear at all times.

(d) Grass. Parking is not permitted on common and private grass areas at any time.

(e) Visitor Spaces. No vehicle may be parked in an unassigned (common area) parking space (designated "visitor" space) for a period in excess of four hours on three (3) consecutive calendar days without written permission of the Board of Directors. Any vehicle remaining in an unassigned parking space in excess of three (3) consecutive calendar days shall be subject to enforcement action, to including towing of the vehicle at the owner's risk and expense.

(f) Improperly Parked Vehicles. Anyone who may park a motor vehicle within the lined parking spaces, shall position their vehicle as close to the center of the parking space between the painted lines as possible. In general, overlapping the painted lines which separate parking spaces or parking at an angle to the curb is prohibited. However, residents with two Reserved parking spaces immediately next to one another may occupy both of their Reserved parking spaces with one vehicle if they so choose.

(g) Non-Resident Vehicle Storage – Visitor vehicles may be parked in visitor spaces only during a visit with a Union Mills Resident. No other non-resident vehicles may not be stored anywhere within the community for any reason, to include commuter parking.

6. Repairs. Vehicle repair work is not permitted on Association common areas, roads and streets, driveways, designated parking spaces, and private property. Repair work in closed garages is permitted.

7. **Tradesmen.** Vehicles of companies making repairs, replacements, deliveries, etc., are permitted between 7 a.m. and 9 p.m. Companies needing all-day parking should park in visitor spaces or the homeowner's designated parking space. No overnight parking of commercial vehicles is permitted. The term "commercial vehicle" is defined in Section 21 of the Design Guidelines and is further defined in Section 9(d) below. During normal daytime business hours (7 am to 9 pm), a commercial vehicle owned by a company which has been contracted to provide service within the community may park in any visitor space and/or the reserved space of the driveway of the owner who is contracting their services. Commercial vehicles may not be parked in fire lanes or other non-designated spaces within the community.

8. **Towing.**

(a) The Association has a standing arrangement with a commercial towing company to provide both on-demand towing and towing of all vehicles parked in fire lanes, parked across sidewalks, and parked on common area grass. Unless as required herein, any vehicle parked in violation of the Declaration or these regulations shall be subject to immediate towing without notice or process.

(b) The Association is not responsible for the enforcement of the reserved parking space plan except as noted above. Homeowners who find an unauthorized vehicle in his or her assigned space may initiate a tow in accordance with Exhibit B of UMCA Policy Resolution No. 93-11-1. As set forth therein, homeowners who authorize the towing of a vehicle assume all responsibility and liability arising from that act.

(c) **Signs.** The Board of Director shall post towing signs at all entrances to Union Mills Community Association as required by the Fairfax County Zoning Ordinance and Fairfax County Code.

9. **Vehicle and Trailer Restrictions**

(a) **Boats.** Parking of boats and other water-borne craft is not permitted on Association common areas, roads and streets, driveways, designated parking spaces, and private property. Storage in closed garages is permitted.

(b) **Buses.** Buses of any type, including, but not limited to, school, church, and private, shall not be parked on Association common areas, roads and streets, driveways, designated parking spaces, and private property.

(c) **Campers.** Camper slip-ons not mounted on the vehicle shall not be stored on Association common area, roads and streets, driveways, designated parking spaces, and private property. Storage in closed garages is permitted.

(d) **Commercial Vehicles.** Parking of commercial vehicles in open view within the community is not allowed. A commercial vehicle is defined as any vehicle that (i) bears any visible commercial advertising signs, names logos, dealer tags, letterings or initials (not including bumper stickers or similar sized stickers); or (ii) is used, or intended for use, as a car for hire or a work vehicle, which may be evidenced by open carriage of pipes, lumber or other

work-related construction, equipment, machinery, materials or ladders, including but not limited to ladder racks, pipe racks, tools or other equipment; or (iii) vehicles designed or intended for use as commercial buses, cargo vans, express vans, delivery vans, flatbeds or trucks used for any other purpose other than for private/consumer use. Advertising is defined to include, but not be limited to the display of a company name and/or product name and telephone number and/or email address.

(e) Government Vehicles. Police and County government sedans may be parked on the Property in accordance with the Declaration and these regulations.

(f) Mobile Homes. Any type of mobile home, motor home, or self-contained camper shall not be parked or stored on Association common areas, driveways, designated parking spaces, and private property.

(g) Motorcycles, Motorized Bikes, and Scooters. Any two-wheel motorized bike must be parked only in a designated parking space or private driveway.

(h) Private Vehicles. Any four-wheel vehicle normally associated with personal and family use may be parked on driveways, designated parking spaces, and private property provided that it meets all Commonwealth and County licensing requirements. Parking on grass areas is prohibited at all times.

(i) Recreational Vehicles. Any recreational-type vehicle not defined above which could not normally or regularly be used for daily transportation, including, but not limited to, dune buggies, non-operative automobile collections, or other automotive or motorized equipment not licensed for use on Commonwealth highways, roads, and streets, shall not be parked or stored on Association common areas, roads and streets, driveways, designated parking spaces, and private property.

(j) Trailers. Any pop-up camper/tent trailer, boat trailer, house trailer, fifth-wheel trailer, or other similar recreation-oriented portable, or transportable facility or conveyance, shall not be parked or stored on Association common areas, roads and streets, driveways, designated parking spaces, and private property.

(k) Oversized Vehicles: No vehicle shall park in a reserved space, visitor space, or in the pool parking lot if the length of the parked vehicle in any space encroaches on the fire lane, thereby reducing fire lane clearance to be less than the 24 ft required by Fairfax County fire codes. Fairfax County requires 24 ft clearance in all fire lanes. In addition, no vehicle shall exceed 86 inches in width and Vehicles with Dual Wheels on the rear axle are not permitted. Also, no vehicle shall block an adjacent vehicle parked anywhere in the community. (i.e., inside corners where spaces turn 90 degrees).

(l) Junk vehicles. No junk vehicles and no economically irreparable or inoperable vehicle shall be permitted to remain or be parked on any Common Area, including Reserved Common Area. A "junk vehicle" shall be defined as, but such definition shall not be limited to, a vehicle not in operating condition, or not displaying valid license plates, or not displaying a valid inspection decal.

(m) Vehicle & Motorcycle Covers and Motorcycle Tents. Residents may use car covers, but they must keep valid tags, maintain a valid inspection and the vehicle must be in operating condition. Car covers must be stored out of sight when not in use. Motorcycle tents or garages are not permitted in the reserved or visitor spaces.

10. Suspension of Parking Privilege. Pursuant to Va. Code § 55-513B (*Virginia Property Owners Association Act - Adoption and enforcement of rules*), the Board of Directors shall have the power to suspend the parking privilege, which power shall be deemed to also include suspending the revocable license to park in reserved spaces, as well as open spaces and pool parking, for any member of the Association or his/her lawful occupant or resident, in the event that the member's assessment account becomes more than sixty (60) days past due. Such suspension shall not preclude the member (or his/her lawful tenant/occupant) from accessing the lot through or over the common area. Prior to any such suspension being imposed, the due process requirements set forth in the aforementioned statutory provision and Section 11.1 of the Declaration shall be observed by the Board of Directors. After the imposition of such a suspension, the member's vehicle (or the vehicle of the member's tenant or occupant) shall be subject to immediate towing without notice, at the vehicle owner's risk and expense, in the event that the vehicle is found parked within the boundaries of the Association. Such suspension shall be indefinite in duration and shall remain in effect until the member's assessment account is brought current, to include payment of any costs and attorneys' fees incurred by the Association in the collection of the account. Upon payment in full of the arrearage and any costs and fees, the suspension shall be vacated and the owner shall receive notice in writing from the Board of Directors of the restoration of the parking privilege.

11. Liability for Personal Property. Nothing in this Resolution shall be construed to hold the Association, the Board of Directors, or any designated agent thereof, responsible for damages to vehicles or loss of property from vehicles parked on the Common Area, including Reserved Common Area.

12. Damage to Parking Areas. Owners and drivers of vehicles that cause damage to the parking areas or other Common Area shall be liable for the cost of repair of such damage, including, but not limited to, pavement, curbing, sidewalks, and signs and landscaping.

13. Conflict. In the event of a conflict between these regulations and the Declaration, the Declaration shall govern. The terms used in this document shall be read to comport with the definitions of those terms set forth in the Declaration.

UNION MILLS COMMUNITY ASSOCIATION

REGULATORY RESOLUTION NO. 2010 -01

RESOLUTION ACTION RECORD

Resolution Type: Regulatory

No. 2010-01

Pertaining to: Parking Regulations

Duly adopted at a meeting of the Board of Directors of the Union Mills Community Association held August 4, 2010.

Motion by: _____ Seconded by: _____.

VOTE:

	YES	NO	ABSTAIN	ABSENT
Joan Devine, Member	_____	_____	_____	_____
Jane Duncan, Member	_____	_____	_____	_____
Eric Strauss, Member	_____	_____	_____	_____
Mike Shipley, Member	_____	_____	_____	_____
Chris Hamby, Member	_____	_____	_____	_____

ATTEST:

Secretary

Date

Book of Minutes – 2010

Book Resolutions:	Book No.	Page No.
Policy	_____	_____
Regulatory	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: _____, 2010.