

WESTERLEY HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. 2008-05

(Policy and Procedures Concerning the Regulation of Vehicles and Parking)

WHEREAS, Article VIII, Section VIII.1(c) of the By-Laws states that “The Board of Directors shall have power to exercise for the Corporation all powers, duties, and authority vested in or delegated to this Corporation, not reserved to the membership, or other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;” and

WHEREAS, Article VIII, Section VIII.1(a) of the By-Laws states that “The Board of Directors shall have power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;” and

WHEREAS, Article III, Section III.3(c)(2) of the Declaration states that “The Board of Directors shall have the power and obligation to establish rules and regulations for the use of the Property;” and

WHEREAS, Article VI, Section VI.1(h) of the Declaration states that “Use and storage of all vehicles and recreational equipment upon the Common Area and Lots, or upon any street, public or private, adjacent thereto shall be subject to rules promulgated by the Board of Directors;” and

WHEREAS, the Board has determined that it is in the best interest of the Association to adopt a formal automobile parking policy; and

WHEREAS, in order to assure safe and attractive parking areas, the Board wishes to establish a comprehensive policy with respect to the parking and storage of vehicles; and

NOW THEREFORE, BE IT RESOLVED THAT the following parking policies be adopted by the Board:

I. RESTRICTIONS ON THE PARKING AND STORAGE OF VEHICLES

A. GENERAL

1. The types of vehicles listed in subsections (a) through (k) below may not be parked or stored in open view on residential lots, Common Area parking spaces, or on Common Area open space or public rights-of-way within the boundaries of the Westerley Homeowners Association, except in such areas, if any, designated for such purpose by the Board of Directors. Any such vehicle may be stored in a garage out of open view.

- a. Any boat or boat trailer;

- b. Any motor home or self-contained camper;
 - c. Any camper slip-on where the back of the camper is higher than the roof line of the cab of the truck; except that if a truck-mounted camper is to be an Owner's primary means of transportation, it shall not be considered a recreational vehicle, providing it meets the following conditions: (1) the vehicle is moved on a daily basis; (2) it is parked within a garage or driveway; and (3) if the camper is removed, it shall be stored in an area screened from all surrounding property;
 - d. Any mobile home, trailer or fifth wheel vehicle;
 - e. Any pop-up camp/tent trailer or similar recreation oriented portable vehicle or transportable facility or conveyance;
 - f. Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies, non-operational automobile collections or other automotive equipment not licensed for use on the highways of Virginia;
 - g. Any vehicle defined as a commercial vehicle by the Code of Virginia, including but not limited to those vehicles that have equipment such as extension ladders and landscaping equipment.
 - h. Any vehicle with commercial signs, advertising or visible commercial equipment;
 - i. Private or public school or church buses.
 - j. Any vehicle exceeding eighteen (18) feet in length and/or eight (8) feet in width or is more than three (3) tons gross weight, irrespective of whether or not such vehicle would otherwise be permitted in accordance with other terms of this Resolution.
 - k. Any vehicle covered by a car cover.
2. Junk or derelict vehicles may not be parked or stored in open view on residential lots, Common Area parking spaces, streets or on Common Area open space within the boundaries of the Westerley Homeowners Association.
- a. A vehicle shall be deemed to be a derelict vehicle if it is missing any necessary parts, such as, but not limited to, tires, wheels, engine, etc., that are necessary for operation of the vehicle on public streets. A vehicle shall also be classified as a derelict

vehicle if it does not have a current state inspection sticker, current license, or current county sticker.

3. Recreational vehicles, such as but not limited to antique cars or trucks shall not be parked in or on common area parking for extended periods of time as determined solely at the discretion of the Board of Directors. Such vehicles that are not regularly used shall be parked in the driveways or the garages.
4. No portion of the property shall be used for the repair of motive vehicles, including painting and the drainage of automobile fluids.
5. Car Dealerships' and Vehicle Repair facilities are expressly prohibited from operating or occurring within a residential community, and prohibited within the Community.
6. Vehicles may not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks.

B. COMMON AREA PARKING SPACES

1. Only Owners or their lessees or guests may park in the community. The Board may assign and reassign such common area parking spaces at the Board's discretion.
2. Owners and their guests are entitled to use Common Area parking spaces on a first-come, first-served basis to the extent not assigned to specific dwellings by virtue of the approved site plan or by the Board of Directors or reserved for the use of handicapped persons.
3. Vehicles must be parked so as not to obstruct other parking spaces, sidewalks or ingress and egress areas.
4. No vehicles other than those clearly indicated as operated by or for a handicapped person shall be parked in spaces reserved for handicapped parking.
5. Vehicles may be parked only in designated parking spaces. All vehicles must comply with "No Parking" areas as posted or designated.
6. Any vehicle not falling into one of the above categories shall be permitted or prohibited by the Board on a case by case basis.

7. The Association may prohibit parking of any vehicle on the Common Area by members who have been determined to be not in good standing.
8. Owner's, their lessees or guests are permitted to use the parking spaces for the pool as additional resident parking while the pool facility is closed.

II. ASSOCIATION NOT RESPONSIBLE

Nothing in this resolution shall be construed to hold the Association or the Board of Directors responsible for damage to vehicles or the loss of property from vehicles parked on the Common Areas.

Owners shall be held liable for any expense incurred by the Association as a result of any damage done to the Common Areas by the user, repair or maintenance of their vehicle, or as a result of negligence in the use, repair or maintenance of a vehicle, whether on the part of the owner, his family, tenants, guests or agents.

This Resolution is intended to serve as a protection to Members to ensure that their rights are protected and to serve as a guideline for the Board as it carries out its duties to enforce the Regulations. The Board may determine the specific manner in which the provisions of this Resolution are to be implemented, provided that due process is afforded. Any inadvertent omission or failure to conduct any proceeding in the exact conformity with this Resolution shall not invalidate the results of such proceeding, so long as a prudent and reasonable attempt has been made to ensure due process according to the general steps set forth in this Resolution.

III. ENFORCEMENT


- A. The Managing Agent shall have the authority to issue a warning notice to vehicles which are in violation of this parking policy. The notice (Exhibit A of this resolution) shall be placed on the vehicle and a carbon copy retained by the Managing Agent.
- B. Any unauthorized vehicle parked (1) in a designated parking space, (2) parked in a reserved space(s) of other residents, (3) parked in such a manner as to obstruct ingress or egress into or out of a space, (4) that impairs the Association's ability to maintain the Common Areas, (5) parking in a posted fire land or within fifteen (15) feet of a fire hydrant or in a designated fire lane, (6) occupying more than one (1) parking space, (7) parking perpendicular to the marked parking space, (8) parked on a grassy area or sidewalk, (9) impeding access to the sidewalk and/or sidewalk ramps or mailboxes or (10) parked in a manner that constitutes a safety hazard shall be subject to immediate removal without notification by a licensed towing company contacted by a Board Member.

- C. Vehicles parked on Common Area parking spaces, are subject to being towed at the owner's risk and expense, **seventy-two (72) hours** from the date of tagging, except that any vehicle previously posted for violation of any of these regulations shall be subject to towing without notice for a repetition of said violation.
- D. Vehicles of owners that have been determined to be members not in good standing are expressly prohibited from parking on the Common Areas and are subject to immediate towing without notice.
- E. **Persons Authorized to Tow.** Only a Member of the Board, designated agent or a designated Committee member may authorize towing of any vehicle. The members of the designated Committee and/or the Board of Directors shall have the absolute unfettered discretion to authorize or not authorize the towing of a vehicle after receiving a complaint, or upon the observation of a violation of this regulation, or other applicable ordinance.
 - (i) Lot owners or lessees to whom the parking space is reserved may request the towing of the vehicle so parked, without notice. The lot owner or lessee requesting the tow must notify the agent that a tow is requested, and must be present at the site of the offending vehicle at the time the tow truck arrives. It is the responsibility of the resident to maintain markings clear of ice, snow, and leaves, or other obstructions, and to notify the Association in writing in the event the markings become faint or illegible due to normal wear. **NO NOTICE IS NECESSARY PRIOR TO REMOVAL.**
- F. Vehicles in violation, which are not parked in Common Areas are subject to a monetary charge of \$50.00 for tagging, and may be subject to a monetary sanction of ten dollars per day for each consecutive day of each infraction, seventy-two (72) hours from the date of tagging. Any vehicle previously tagged for a violation of any of the regulations shall be subject to immediate monetary sanctions at ten dollar per day from the time of posting of the violation notice. All violation notices shall have the time of posting on the Notice and is conclusive as to the time a vehicle is tagged for a violation for purposes of the monetary sanction.

This Resolution supersedes all previously adopted Resolutions governing vehicles and parking.

The effective date of this Resolution shall be April 21st, 2008.

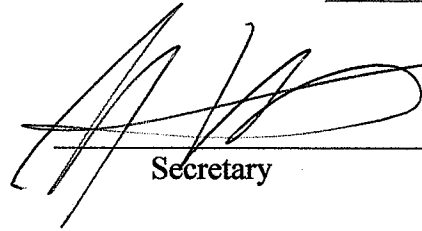
WESTERLY HOMEOWNERS ASSOCIATION


 President

FOR ASSOCIATION RECORDS

The Secretary hereby attests that this Policy Resolution was approved and adopted by the Board of Directors on this 21st day of April, 2008 and the Resolution was mailed or hand-delivered to the addresses of record of the owners on this 30 day of APRIL, 2008.

4/21/08
Date


Secretary

WESTERLEY HOMEOWNERS ASSOCIATION

RESOLUTIONS ACTION RECORD

Resolution Type Policy Resolution No. 2008-05

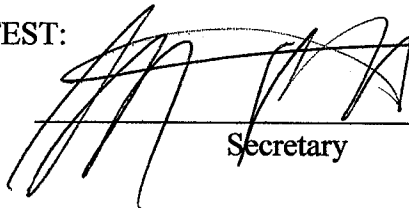
Pertaining to: Policy and Procedures Concerning the Regulation of Vehicles and Parking

Duly adopted at a meeting of the Board of Directors of the Westerley Homeowners Association, held 4/21/08.

Motion by: DP Seconded by: EB

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
K. Gilkeder	President	✓			
D. Pantiff	Vice President	✓			
C. Hammes	Director	✓			
E. Berrow	Treasurer	✓			
S. Reed	Secretary	✓			

ATTEST:


Secretary

4/21/08
Date

EXHIBIT A

WESTERLEY HOMEOWNERS ASSOCIATION

YOU ARE IN VIOLATION OF THE DULY ADOPTED VEHICLE POLICY OF WESTERLEY HOMEOWNERS ASSOCIATION

Date: _____ Time: _____

Desc: _____ ID: _____

Homeowner Address: _____

- PROHIBITED VEHICLE TYPE:** Vehicle type not permitted to be parked on lots or Common Area parking spaces.
- JUNK, DERELICT OR ABANDONED VEHICLE:** Vehicle not in operating condition.
- RECREATIONAL VEHICLE/ ANTIQUE:** Vehicle not regularly used parked in Common Area.
- IMPROPERLY PARKED VEHICLE:** Occupies more than one marked space, parked in a "No Parking" area, blocking sidewalk, parked on any Common Area or Lot which is not designated for parking, improperly parked in a reserved parking space.
- PROHIBITED AUTO REPAIRS:** Vehicle left unattended in a visibly disassembled condition.
- OTHER:**
- RECURRING OFFENSE:**
 - o DATE OF INITIAL TAGGING: _____ LOCATION: _____
 - o VEHICLE TOWED FINED \$ _____

VIOLATORS ARE SUBJECT TO BEING TOWED FROM COMMON AREA PARKING AND/OR CHARGED MONETARY SANCTIONS AFTER SEVENTY-TWO (72) HOURS FROM THE DATE OF THIS NOTICE AT OWNER'S RISK AND EXPENSE. The Association assumes no responsibility whatsoever for any damage to vehicles towed.

ANY VEHICLE PREVIOUSLY POSTED FOR A VIOLATION OF ANY OF THESE REGULATIONS SHALL BE SUBJECT TO TOWING AND/OR CHARGED MONETARY SANCTIONS WITHOUT NOTICE FOR ANY SECOND OR SUBSEQUENT VIOLATION OF ANY OF THESE REGULATIONS.

FOR FURTHER INFORMATION -- CONTACT Legum & Norman, Inc. at (703) 600-6000 or The Community Coordinator via email at: COMMUNITYCOORDINATOR@westerley.org

Location Parked: _____ *Date Towed _____

*Posted By: _____ *Time Towed _____

*Time posted: _____

Signature: _____ *Towed By _____

Vehicle Description: _____

The above vehicle was received by and towed to the above location on the above stated date.

By: _____ (Signature of Towing Agent)