

NEWINGTON FOREST COMMUNITY ASSOCIATION

POLICY RESOLUTION NO. 2

(Related to Vehicular Parking on Association Property)
(6/15/21)

WHEREAS, Article IV, Section 4.01 of the Bylaws provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, Section 6.07 of the Declaration states that “No commercial truck, commercial bus or other commercial vehicle of any kind shall be permitted to be kept or parked overnight upon any portion of the property without the written approval of the Covenants Committee”; and

WHEREAS, Section 6.08 of the Declaration states that “Of a temporary character, motor home or portable vehicle other than automobiles shall not remain parked in a location visible from any roadway for a period exceeding four (4) calendar days in any consecutive seven (7) day period without the written approval of the Covenants Committee”; and

WHEREAS, Section 8.03 of the Declaration states that “A right of entry on any Lot or Common Area is hereby granted to law enforcement officers, fire and rescue personnel as needed to carry out their duties, including enforcement of cleared emergency vehicle access”; and

WHEREAS, the Board has determined that it is in the Association’s best interest to promulgate rules and regulations regarding vehicular parking within the Association, which includes all common areas and lots within the Association;

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

I. RULES AND REGULATIONS

A. Single Family Detached Homes

1. No person shall keep or park overnight a commercial vehicle¹ on the driveways or pipe stem (driveway) in the single family detached homes’ sections of the Association without the written approval of the Association.² However, one resident of each single-family detached home may park one vehicle licensed and registered in the Commonwealth of

¹ See Appendix A for the definition of a commercial vehicle.

² The Association’s Architectural Review Committee (ARC) and office staff have been assigned responsibility for reviewing and approving certain Architectural Change Requests (ACRs), with the Board having oversight and appeals authority over both.

Virginia as a taxicab or limousine on their driveway. Taxicabs with large advertisements mounted on the roof from the vicinity of the front windshield to the rear window of the vehicle are prohibited. Any Association-approved commercial vehicle parked on a residential private driveway shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

In addition, residents may apply for and receive approval to park a maximum of one commercial cargo trailer on their lot. The trailer must not exceed the following dimensions: the exterior trailer "box" shall not exceed 5.5 feet in width and 8.5 feet in length; or have a height that exceeds 7.0 feet, including the roof rack. If a roof rack is on a trailer, no items shall be stored or kept over-night on the roof while the trailer is parked in the driveway. The total length of the trailer shall not exceed 12 feet from the trailer's tongue to the rear bumper. The trailer must also not have any commercial advertisements on it. When parked at your residence, the trailer must be parked entirely within the driveway. It is preferable that a trailer has a solid body color (such as all white or black paint) but the Association may approve other solid colors.

If a commercial vehicle that violates Virginia code or the Governing Documents is parked on a lot's driveway beyond the time periods legally allowed, it must be located entirely within the garage and not extend outside the plane of the closed garage door.

2. No vehicle, permitted trailer, motorcycle, or moped/scooter shall remain on a private driveway unless it has current state license plates and a current inspection sticker or it meets other state or local code requirements to legally park and remain on a driveway. The vehicle shall be in good working order and not have the appearance of being inoperable or neglected.
3. When moving possessions into or out of the Association, commercial vehicles shall **NOT** be parked on a driveway of any single family detached homes greater than 48 hours.
4. Recreational Vehicles: Any motor home, self-contained camper, mobile home, boat, all-terrain vehicle, dune buggy, boat trailer, pop-up camper/tent trailer, horse trailer, any trailer or semitrailer used for transporting wave runners, jet skis, unregistered motorcycles (such as dirt bikes), 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, shall **NOT** be parked on any single family driveway for a period exceeding four (4) calendar days in any seven (7) day period without the approval of the Association. See Rules and Regulations, Section A, paragraph 11

(Driveways) for exemptions. If a recreational vehicle is parked on a lot's driveway beyond the time allowed above, it must be located entirely within the garage and not extend outside the plane of the closed garage door.

After approval from the ARC, these vehicles may be parked in the driveway during the recreational season, April 1 through December 1.

5. Repairs: Vehicle repairs or maintenance that cannot be completed within one (1) day shall be kept either inside the resident's garage or off the property per Section 6.02 of the Declaration. For safety reasons, vehicles that are placed on lifts or other raised supports must not be left unattended or outside on a driveway overnight. Inoperative or junk vehicles that do not meet code requirements cannot be stored for more than thirty (30) days on driveways and after this time period are subject to Association enforcement sanctions. The dumping, disposal or leaking of oil, grease, or any other chemical residual substance, or any substance or particles from holding tanks of any vehicles, is not permitted within the Association.
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 common property.
8. Per Section 6.02 of the Declaration, if a vehicle's security system interferes within the right of quiet enjoyment of the community for more than fifteen (15) uninterrupted minutes when parked on a private driveway, the vehicle is in violation of the Association's regulations and the Owner is subject to the enforcement sanctions allowed by the Governing Documents and/or state and local law.
9. Owners must ensure that their family members, tenants, guests, and/or contractors comply with these rules and regulations.
10. Owners shall be liable to the Association for any costs incurred by the Association to repair or repaint any part of its parking facilities or private streets damaged by the negligence or intentional act of the Owner, his or her tenants, or invited guests.
11. Driveways. All vehicles, trailers, motorcycles, and mopeds/scooters parked at a single family detached home shall be parked **ENTIRELY** on the paved driveway. At no time shall any vehicle or trailer be parked on the grass.

B. Townhome Courts: Association Owned Streets, Townhouse Parking, and Common Areas

1. Use of Parking Areas: Residents may not use the townhouse parking areas for any purpose other than vehicular parking.³ No person shall keep or park overnight a commercial vehicle or trailer on the streets and parking areas in the townhouse sections of the Association without the written approval of the Association. However, each townhouse may park one (1) taxicab or limousine, licensed and registered in the Commonwealth of Virginia in their designated parking space. Taxicabs with large advertisements mounted on the roof from the vicinity of the front windshield to the rear window of the vehicle are prohibited. Any Association approved commercial vehicle parked on a resident's designated townhouse parking space shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked. Side mounted ladders and other racks are not permitted on vehicles parked on townhouse courts. Guest, Visitor Parking, or open parking spaces in the townhouse areas shall **NOT** be used to park commercial vehicles, trailers of any type, or cabs. These vehicles will be towed by the Association. All vehicles parked on a townhouse court shall be parked only on the paved parking lot. **AT NO TIME** shall any vehicle be driven or operated on the common areas of the community or parked in the backyard of a townhouse except as authorized by the Association.
2. Valid Operation of Vehicle: No vehicle, motorcycle, or moped/scooter shall remain on a townhome parking area unless it has current state license plates and a current inspection sticker or it meets other state or local code requirements to legally park and remain in the townhome parking area. The vehicle shall be in good working order and not have the appearance of being inoperable or neglected. Townhouse residents shall be responsible for reporting vehicles to the Association office to assist the staff in maintaining the appearance of the court in reference to the aforementioned vehicles.
3. Assignment of Parking: Each townhouse lot shall be assigned one or more reserved parking spaces depending on the location of the particular lot. On townhouse courts where two (2) parking spaces have been assigned, Owners and their tenants or guests shall park only in the space designated for their use or in unmarked spaces. If the majority of the Owners on a townhouse court with one (1) assigned parking space petition the Board for the addition of a second assigned parking space, the Board shall approve the plan if it fairly allocates the parking spaces. If the Owners on a townhouse court cannot reach a consensus regarding the allocation of additional assigned parking spaces, the Board may assign additional spaces to Owners on a uniform basis, as the Board, in its discretion, deems

³ See Sections I.B.3 and VI for exceptions to this requirement.

necessary. All residents of a court shall abide by any parking plan approved by the Board.

For any of the townhouse courts that have unmarked spaces, the residents of that court may petition the Board to have some or all of the open spaces designated as ‘**Visitor Parking**’. A majority of the Owners on the court must vote in favor of making this change before open spaces will be marked as ‘**Visitor Parking**’.

No person shall park any commercial or recreational vehicles on the Association owned streets or common areas without written Association approval. When moving possessions into or out of the Association, commercial vehicles shall not be parked on Association owned areas for more than 48 hours.

4. **Recreational Vehicles:** Any motor home, self-contained camper, mobile home, boat, all-terrain vehicle, dune buggy, boat trailer, pop-up camper/tent trailer, horse trailer, any trailer or semitrailer used for transporting wave runners, jet skis, unregistered motorcycles (such as dirt bikes), 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 shall **NOT** be parked on any townhouse court unless it fits fully within a parking space designated for that specific Owner’s use/lot. Guest, Visitor Parking, or open parking spaces in the townhouse areas shall **NOT** be used to park recreational vehicles and these vehicles will be towed by the Association. Recreational vehicles shall **NOT** remain parked in an Owner’s parking space for a period exceeding four (4) calendar days in any consecutive seven (7) day period without the written approval of the Association.

After approval from the ARC, these vehicles may be parked within a parking space designated for that specific Owner’s use/lot during the recreational season, April 1 through December 1.

5. Residents may park only one (1) vehicle within each townhouse parking space. However, if a resident wishes to park a registered motorcycle or moped/scooter in the same parking space as an approved vehicle, the resident may do so, provided the resident parks the motorcycle or moped/scooter 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, or moped/scooter 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. Mopeds/scooters can **only** be operated on the Association’s paved streets and parking lot.

6. Fire Lanes and No Parking Zones: Residents may **NOT** park vehicles in Fire Lanes marked by signs and/or painted yellow curb; within fifteen (15) feet of a fire hydrant; or in No-Parking Zones marked with a painted yellow curb or properly marked signage.
7. Repairs: Repairs or maintenance to vehicles, or painting of vehicles, is **NOT** permitted anywhere on the Association owned roadways, parking areas, and common areas, except that repairs or maintenance of a minor nature, such as the repairing of a flat tire or the charging of a dead battery, are permitted. Inoperative or junk vehicles that do not meet state or local code requirements cannot be stored for more than thirty (30) days on townhouse parking spaces and after this time period are subject to Association enforcement sanctions. Guest, Visitor Parking, or open parking spaces in the townhouse areas shall **NOT** be used to park inoperative or junk vehicles and these vehicles will be towed by the Association. The dumping, disposal or leaking of oil, grease, or any other chemical residual substance, or any substance or particles from holding tanks of any vehicles, is **NOT** permitted within the Association.
8. Residents may not park vehicles in any manner, which impedes the normal flow of traffic, blocks any mailbox or sidewalk, or prevents ingress and egress of any other vehicle to adjacent parking spaces or the open roadway, in front of, or within ten (10) feet to either side of a sidewalk in Association-owned areas.
9. Residents may operate vehicles only on the paved roadways of the Association.⁴
10. Residents must have a proper operating license in order to operate a motorized vehicle on Association property.
11. Owners must ensure that their family members, tenants, guests, and/or contractors comply with these rules and regulations.
12. Owners shall be liable to the Association for any costs incurred by the Association to repair or repaint any part of its parking facilities or private streets damaged by the negligence or intentional act of the Owner, his or her tenants, or invited guests.

II. ABANDONED VEHICLES AND TOWING

- A. Abandoned Vehicles: Any vehicle left unmoved in an unassigned townhouse parking space for more than seven (7) consecutive days, unless the Owner

⁴ See Sections 1.17 and 8.01 of the Governing Documents and state and local codes regarding the use of easements for an exception to this restriction.

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 seven (7) days, shall be considered abandoned and/or as inoperative or junk vehicles. 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, it will be subject to the Association's towing policy.

- B. Towing of Unauthorized Vehicles: Recipients of a reserved townhouse 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. Residents are encouraged, but are not required, to follow the "Good Neighbor" policy attached in Appendix B.

III. ENFORCEMENT

A. In General

1. Vehicle Removal: The Board of Directors President, Vice President, or designee shall have the authority to have any vehicle not in compliance with the provisions of this Resolution removed from Association-owned property. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's Owner.
2. Violations Subject to Immediate Towing or Ticketing: Any vehicle on townhouse courts or on other common areas specifically maintained by the Association
 - (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane,
 - (b) occupying more than one (1) parking space unless they are both assigned to the same address,
 - (c) extending into the travel lane of the parking lot so as to inhibit vehicles from passing or parking in nearby parking spaces
 - (d) parked perpendicular to the marked parking space or on any common 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 has been unremoved for a period of at least seven (7) days without approval in Visitor Parking, guest or open-space parking spaces, or
- (i) recreational vehicles, commercial vehicles, and cabs parked in Visitor Parking, guest or open-space parking spaces, shall be subject to immediate removal without notification to the Owner of the vehicle.

3. Citation Notices: In the case of all other situations on the Community Facilities, not addressed in Section III.A.2 above, 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 or shall issue a written notice to the Owner of the vehicle. No other form of notice is required. If the Owner of the vehicle does not bring the vehicle into compliance within seven (7) days of the date of the notice or contact the Association Staff, the vehicle will be subject to removal by towing.

Relocating a vehicle with invalid plates and/or without a current inspection sticker in the townhouse parking areas does not restart the seven (7) day clock. An Owner will receive only one notice and it covers all areas of the Association's common grounds.

4. See Appendix C for actions the Board may take to suspend parking privileges for nonpayment of assessments and covenants violations.
5. Any requests from Owners for enforcement of this parking policy by the Association against another resident must be directed to the Board in writing.
6. Per Section 8.03 of the Declaration, the Board authorizes traffic and parking law enforcement by the Fairfax County Police Department (Fairfax County Code 82-1-3) on the Association owned roads and parking areas. Fairfax County is responsible for enforcement of any violations of its commercial vehicle or other restrictions concerning parking laws on the public roadways/easements and private lots, and residents may report any violations directly to the proper county authority.
7. The Association reserves the right to impose sanctions and exercise all other powers and remedies provided by the Association's Governing Documents or the laws of Virginia and Fairfax County for violations of this policy resolution.

- B. Owner's Responsibilities: If the Association must enforce this resolution through any form of legal action, the offending Owner shall be responsible for all

expenses and/or attorneys' fees incurred by the Association in enforcing the provisions of this resolution.

- C. Liability: The Association assumes no responsibility for the provision of any security service to protect vehicles parked in the Association owned parking areas, and it disclaims responsibility for any damage to any vehicle parked, operated on, or towed from Association property.

IV. **DISABLED PARKING**

The Association is not obligated to provide an assigned and accessible parking space for a resident living in a townhome with a disability. The Association will assist townhome residents in need of handicapped parking where possible.

Residents needing a handicapped parking space must make a specific request for a "reasonable accommodation" from the Association. That request should be for an assigned and accessible parking space, either in writing or verbally. A written request is preferred, but a verbal request meets the requirements of the Fair Housing Act and American Disabilities Act. The request should not be for an accessible public parking space, with its required signage, but an accessible space assigned only for the resident's use. Along with the request, the Association requires that the resident provide documentation or justification, such as a copy of a valid disabled parking placard or plate and the requirements for the parking space (for example, van accessible or location of access aisle).

V. **COMMUNITY CENTER PARKING**

The Community Center has a designated Staff parking area and a general parking area for use by the members. During the summer, the general parking area is used by the members and public to conduct business with the Association Staff or for pool and tennis/multi-use court parking.

During the non-pool season the Association has a limited number of parking spaces that can be used for restricted vehicle storage between September 10 and May 1. The storage period occurs during the fall, winter, and spring time periods and is designed to avoid conflicts with activities designed to open and close the pool. Parking in this area must be approved by the Association Staff before vehicles can be left in this area. All vehicles must be registered at the Association office using a **Community Center Parking Lot Recreational Vehicle Storage Form** and must be parked in their designated space after approval. Any vehicle that has not been registered will be towed. Vehicles shall only be parked in the approved parking area. No vehicle or trailer longer than seventeen (17) feet or wider than seven and a half (7.5) feet can be accommodated.

Parking in the Restricted Vehicle Storage Area is done on a first come, first served basis and is limited to one (1) space per Newington Forest address. Applications must be resubmitted each year and are accepted after Labor Day of each year. There is no

guarantee that individuals who used the lot the prior year will have priority for a space in the next parking season. Individuals who use this area must also be able to temporarily move their vehicle on short notice if necessary. The NFCA is **NOT** responsible for any damages or theft of the property left at the Community Center parking lot and provides no security for any vehicles left in this area. Forms for parking in this area can be obtained by contacting the Association Staff or at the Association website (www.NewingtonForest.org).

VI. TEMPORARY PORTABLE STORAGE CONTAINERS

- A. Temporary portable storage containers (e.g., “PODS”) shall be allowed in any private driveway or assigned townhome parking space, subject to all of the following:
1. Single family detached dwellings:
 - (a). Temporary portable storage containers shall be permitted at a single family detached residence for a period not to exceed thirty (30) consecutive days within a six (6) month period. However, a temporary portable storage container may be allowed for a longer time period with written approval from the Association.
 - (b). Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet.
 - (c). Temporary portable storage containers must fit completely within the home’s driveway, unless the Association approves an alternative location in writing.
 2. Townhome Units
 - (a). Temporary portable storage containers shall be permitted for a period not to exceed two (2) consecutive days within a six (6) month period. However, a temporary portable storage container may be allowed for a longer time period with written approval from the Association.
 - (b). Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square.
 - (c). Temporary portable storage containers must fit completely into one of the townhome’s assigned parking spaces and may not impede the use of adjacent parking spaces.
 3. Temporary portable storage containers shall not exceed eight and one-half (8½) feet in height.

4. Temporary portable storage containers shall not be located on any open space, landscaped area, Association owned street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.

VII. TEMPORARY PARKING BY ASSOCIATION STAFF OR BOARD MEMBERS

- A. During daylight hours the Association Staff or Board members may be conducting repairs or inspections in the townhouses areas, (e.g., repairs of playground equipment, removal of trees in adjacent common areas, or annual or issue driven surveys). Association Staff and Board members will try to use unreserved parking spaces, but it may be necessary to park in a reserved space. When a vehicle on official Association business is parked in a reserved townhouse space, a placard will be placed on the windshield so the resident will know that an individual is in the immediate area. Please contact the driver, and he/she will immediately remove the vehicle from your parking space. This temporary parking will normally occur during the regular work week when many residents are at work and the townhouse parking areas are generally in a low level of use.

VIII. 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 parking policy.

IX. EFFECTIVE DATE

I hereby certify that this policy resolution was duly amended and adopted by the Board of Directors at a regular meeting on June 15, 2021.

NEWINGTON FOREST COMMUNITY
ASSOCIATION

By: _____
Tina L. Ward, President

DEFINITIONS

The following information is cited from the Code of Virginia and/or Fairfax County ordinances/zoning. The Board wants the Fairfax County Police Department to enforce the laws pertaining to commercial and inoperative vehicles within the area of the Association.

Code of Virginia: § 46.2-341.4

”Commercial motor vehicle” means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity. The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer’s farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b) members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

Par. 16 of Article 10 of the **Fairfax County Zoning Ordinance** regulates commercial vehicles on residential lots and defines a commercial vehicle as “a vehicle which bears or displays indicators that the vehicle is designed or used for commercial purposes, regardless of capacity, or is licensed as a ‘for hire’ vehicle.”

One (1) commercial vehicle may be parked on a residential lot provided that it is owned and/or operated by the occupant of the residence, and is not a prohibited commercial vehicle.

Prohibited commercial vehicles include:

- Vehicles greater than 21 feet long or 8.5 feet wide or 8 feet high, including appurtenances;
- Towing and recovery vehicles;
- Vehicles carrying commercial freight in plain view;
- Trailers used for transporting equipment, whether attached or unattached to another vehicle;
- Vehicles with three (3) or more axles;
- Solid waste collection vehicles, tractors and/or trailers of trucks, dump trucks, cement mixer trucks, construction equipment, or similar such vehicles or equipment;
- Food Trucks.

Code of Virginia: § 15.2-905. Inoperable Motor Vehicle

A. The governing bodies of the Counties of Albemarle, Arlington, Fairfax, may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable. The locality in addition may by ordinance limit the number of inoperable motor vehicles that any person may keep outside of a fully enclosed building or structure.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. The provisions of this section shall not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove there from any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

Fairfax County's rules for storing Inoperable Vehicles:

- Chapter 110 of the County Code and Article 10 of the Zoning Ordinance regulates Inoperable Vehicle storage.
- An Inoperable Vehicle is a car, truck, or other vehicle that...
 - ◆ Does not move under its own power and is not in operating condition;
 - ◆ Does not display a valid license plate; and/or
 - ◆ Does not display a valid safety inspection decal, or displays a decal that is expired.
- Inoperable Vehicles must be repaired or stored inside a fully enclosed building or structure (such as a garage) or be completely screened from view (a fitted car cover is acceptable, but tarpaulins are not allowed).
- To make a complaint about five (5) or fewer Inoperable Vehicles located on private property OR about any number of Inoperable Vehicles located on a public or private road, call the Police Department's Traffic Division Impound Section at 703-280-0716 or email fcpdjunkvehicle@fairfaxcounty.gov.

GOOD NEIGHBOR TOWING POLICY

In an effort to promote a “good neighbor” policy with respect to the towing of vehicles by individual residents from townhouse assigned parking spaces, the Board recommends that Owners consider the following guidelines:

(1) RESPECT THE PLAN

Enforcement of the Association’s parking plan with respect to assigned spaces shall be based upon the reliance of each resident to be a “good neighbor” and respect the spaces assigned for use by other residents.

(2) NOTIFY YOUR GUESTS

In an effort to prevent unnecessary towing of guests’ vehicles, all residents are responsible for notifying their guests of the parking restrictions in the Association.

(3) PLACE WARNING NOTICE ON VEHICLE

If a resident discovers a vehicle is improperly parked in his or her parking space, the Board recommends that the resident place a notice on the vehicle and/or send a copy of the violation notice to the Owner before resorting to towing. The notice should state the violation, request that the vehicle be removed within a specific period of time, and notify the Owner that the vehicle will be towed at the Owner’s expense unless moved.

(4) TOWING

If the suggested notice method was used and failed to correct the violation, a resident may then tow the vehicle. Residents must be aware that they assume ALL liability associated with the tow. In addition, the resident is responsible for calling the tow company, signing the impound slip, notifying the police department (state law requires that the local police department be notified before a vehicle is removed from private property by towing), providing verification of your authority to tow, and paying any fees the tow company may charge to the person initiating the tow.

TOWING INFORMATION

The company used by the Association is Dominion Towing, Inc., 703-730-1177. This company requires the vehicle’s Owner to pay a storage fee as well as a tow fee. The tow company may charge the resident requesting the tow a fee if the vehicle he requested towed has been moved before the tow company arrives at the property. Residents may use any tow company of their choice.

**Suspension of Parking Privileges for Non-payment of
Assessments and/or Covenants Violations**

WHEREAS, Section 55-513(B) of the Virginia Property Owners' Association Act provides the Board of Directors with the power to suspend a member's right to use facilities or services provided directly through the Association for nonpayment of assessments which are more than 60 days past due; and

WHEREAS, Section 2.01(d) of the Declaration provides the Board with the right to suspend the right of any Owner or resident of a lot to use Community Facilities for so long as any Annual, General, or Special Assessments for such lot remains unpaid and overdue.

WHEREAS, Section 4.08 of the Declaration states that any Annual, General, or Special Assessments not paid within thirty (30) days after the due date shall be delinquent.

WHEREAS, the Board of Directors has determined that it is in the Association's best interest to adopt, publish, and enforce a policy in which the Association shall suspend or limit an Owner's privilege to park in the Association's parking facilities if the Owner's account with the Association is more than 60 days past due or an Owner fails to correct covenants violations in a timely manner.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors does hereby adopt the following rules for the suspension of parking privileges:

- A. Delinquent Annual, General, or Special Assessments
 - 1) In any instance where an Owner of the Association fails to pay any assessment (or installment thereof) for a period of more than 60 days the Board of Directors may suspend that Owner's privilege to:
 - a. have exclusive authority to use designated parking spaces on their townhouse court (section), or
 - b. park a vehicle in the Association's Community Center parking facility and/or direct a tow contractor to tow the vehicle if the Owner will not remove it after being given ten (10) day written notice that their right to use a space has been rescinded for nonpayment of an assessment.

Actions taken under this part of the resolution are based on authority granted to the Board under Sections 2.01 and 4.08 of the Declaration.

B. Covenants Violations

- 1) The Board may also suspend an Owner's privilege to have exclusive authority to use designated parking spaces on their townhouse court (section) for failure to correct covenants' violations.
- 2) Prior to removing an Owner's designated parking spaces or suspending an Owner's right to park a vehicle on the Association's Community Center parking facility, the Association shall:
 - a. Send the Owner at least one notice by certified mail or hand-delivery. See Policy Resolution 11 for a more complete description of this process. The notice will provide the Owner with a reasonable period of time/opportunity to correct the alleged violation(s).
 - b. If the violation remains uncorrected after a reasonable time is afforded to cure the violation, the Board shall issue a Notice of a Hearing. This Notice of Hearing shall set forth the date, time and location of the hearing on the violation, the nature of the violation and the action that may be taken if such Owner is found to be in violation of the Association's covenants. The Owner shall be given at least fourteen (14) days' notice of the hearing.
 - c. At the hearing, the Owner shall be given a reasonable amount of time to present any defense and may be represented by counsel.
 - d. Following the hearing, the Board of Directors may meet in Executive Session to discuss the merits of a particular case, and if so, whether it should suspend the parking privileges of the Owner for a covenants' violation.
 - e. When the Board's judgment after a hearing is unfavorable to the Owner, the Board reserves the power to suspend the Owner's parking privileges as designated in the Notice until the Owner corrects the covenants' violations. Within seven (7) days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association.
- 3) The Board is not precluded from exercising other enforcement procedures and remedies authorized by the Association's legal documents including, but not limited to, all remedies available under Article IV, Section 4.08 of the Declaration, all remedies available under the Association's Book of Resolutions as well as all remedies available under the Virginia Property Owners' Association Act.

- 4) If the Association enforces this policy against an Owner who resides off-site, the Association may send a copy of the notice to the unit address, marked "Tenant". However, any Owner who receives a suspension of parking privileges shall be responsible for notifying his tenant of the suspension.