

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 5

(Rules for Use of the Common Area)  
(8/17/21)

WHEREAS, Article IV, Section 4.01, of the Bylaws assigns the Board of Directors with "...all the powers of the Association, except such as are, by the laws of Virginia, the Articles of Incorporation, the Declaration or these Bylaws, conferred upon or reserved to the Members"; and

WHEREAS, Article II, Section 2.01 of the Declaration enables the Board to adopt and publish reasonable rules and regulations governing use of the Community Facilities and the personal conduct of Owners and their guests thereon, and establish penalties for the infraction thereof; and

WHEREAS, a "common area" refers to any area with open access to community members, including trails, open areas outside residential property boundaries, "tot lots", ballfield and unfenced basketball courts owned or leased by the Association. Trees are governed under a separate policy resolution.

WHEREAS, the common areas were permanently set aside to maintain the natural beauty of the area, to create natural buffers between housing clusters, and to provide a form of recreation and education for those interested in the plants and wildlife inhabiting these areas; and as such are a great natural asset for Association members and their families and are an essential part of the cluster community concept; and

WHEREAS, the Board wishes to protect these areas;

NOW, THEREFORE, BE IT RESOLVED THAT the following rules be adopted for the common areas of the Association:

1. Owners, residents and/or guests ("Members") shall not disturb plants, topsoil, or humus. Members shall further refrain from cutting up or digging up of plants or trees. Members shall not establish gardens in the common area. The Board may authorize the use of designated areas for gardens in the future. If this use of the common areas is established, the Board will create, at that time, the process necessary to apply for and use a garden space. At this time, no communal garden areas have been established.
2. Members shall not dispose of excessive yard waste (to include leaves, branches, and limbs) in the common areas. Small amounts may be placed into these areas, but members must appropriately disperse natural and biodegradable yard waste.

3. Members shall not hunt or trap on the common areas. Members shall not discharge, use, or brandish any weapon of any kind while on the common area.
4. Members shall not litter the common areas. Members shall not store fire wood or other materials on the common area.
5. Members shall not place play equipment (swings, tents, baby pools, or similar items) overnight on the common areas without approval from the ARC or Board. Members shall not construct fences, dog pens, or other permanent structures on the common area.
6. Members shall not operate, park, or store motorized vehicles of any kind on the lawn, wooded areas, or sidewalks/trails in the common area.
7. Members shall not race or recklessly operate bicycles or motor vehicles. See Policy Resolution No. 2 for additional rules affecting the use of the Association's Community Center and townhouse parking areas and access roads.
8. Members shall not be loud or boisterous on the common areas.
9. The Association's tot lots, basketball and tennis courts, and the ballfield are considered closed after dark.
10. Members shall not use the grassy and tree-lined areas in and adjacent to the townhouse courts in any manner which would cause damage or deterioration to such areas.
11. Members who damage or destroy any tree, shrub, structure, or grassy area belonging to the Association shall be held liable for the cost of repairing or replacing any such item or area. Parents and/or guardians shall be liable for damage caused by their minor children. Failure to promptly repay such amounts demanded by the Association for damages or destruction shall be cause for suspension of membership privileges.
12. Items that are placed, stored, or constructed on the lawn and wooded common areas without prior written approval from the Association are subject to immediate removal without notice by the Association. The Board or Association staff **may** provide a Member up to 10 days to remove an item by placing a "removal notice" on the offending item. No notice will be given for motor vehicles parked on the lawn, wooded areas, or sidewalks. See Policy Resolution No. 2.

EFFECTIVE DATE OF RESOLUTION

This resolution shall replace and supersede any previously-adopted resolutions concerning the rules for the use of the common area.

I hereby certify that this Policy Resolution was duly readopted by the Board of Directors at a regular meeting on August 17, 2021.

NEWINGTON FOREST COMMUNITY  
ASSOCIATION, INC.

By: \_\_\_\_\_  
Tina L. Ward, President