

# **STERLING PARK SOUTH TOWNHOUSE ASSOCIATION**

## **POLICY RESOLUTION NO. 2015-01**

**(Parking and Towing Policy for Sterling Park South Townhouse Association)  
(Supersedes all prior parking resolutions and rules and regulations)**

**WHEREAS**, Article II, Section (c) of the Articles of Incorporation of Sterling Park South Townhouse Association (the "Association") authorizes the Association to "enforce any and all covenants running with the land and restrictions applicable to The Properties in any lawful manner, and to perform all of the duties and obligations of the Association set forth in any Declaration of Covenants [or] Conditions and Restrictions;" and

**WHEREAS**, Article VII, Section 1(b) of the Bylaws of the Association states that the "Board of Directors shall have power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;" and

**WHEREAS**, Article VII, Section 2(g) of the Bylaws for the Association provides in relevant part that "it shall be the duty of the Board of Directors to cause the Common Area to be maintained;" and

**WHEREAS**, Section 55-513(A) of the Virginia Property Owners Association Act grants the Board of Directors the authority "to establish, adopt, and enforce rules and regulations with respect to use of the common Areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members," and

**WHEREAS**, Article VIII, Section 1(a) of the Bylaws of the Association provides, in relevant part, that the "Board of Directors shall have the 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 V, Section 1(d) of the Declaration of Covenants, Conditions and Restrictions ("Declaration") states, in relevant part, that "every member shall have the right and easement of enjoyment in and to the Common Area...subject to the right of the Association to suspend the voting rights and right to use of the recreational facilities by a member for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed 60 days for any infraction of its published rules and regulations;" and

**WHEREAS**, Article V, Sections 1(a) and 1(f) of the Declaration states, in relevant part, that the right of easement of enjoyment is subject to the right of the Association to "... limit the number of guests of members ..." and "the right of individual owners to the exclusive use of parking spaces as provided in this Article ...;"

**WHEREAS**, Article X, Section 14 of the Declaration states, in relevant part, that "[n]o commercial truck, commercial bus, or other commercial vehicle of any kind shall be permitted to be parked overnight upon any portion of The Properties ...;" and,

**WHEREAS**, Article X, Section 15 of the Declaration states, in relevant part, that "[n]o portion of The Properties shall be used for the repair of automobiles, nor shall any vehicle other

than a private automobile be parked in any parking space maintained by the Association ...;" and,

**WHEREAS**, Article X, Section 15 of the Declaration states, in relevant part, that [a]fter ten (10) days written notice to the Owner of any vehicle parked in violation of this covenant , the Association may remove the vehicle at the expense of the Owner thereof ...;" and,

**WHEREAS**, the Board deems it necessary to the enjoyment of the parking areas within the Common Area designated for the exclusive use of the lot owners/members within Sterling Park South Townhouse Association to establish rules and regulations implementing the provisions of the Declaration and Bylaws and regulating vehicles in the lots within the Common Area designated for the exclusive use of the lot owners within the Association and providing for the removal of motor vehicles that are not in compliance with the Declaration, Bylaws, and Rules and Regulations of the Association.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following rules are adopted for parking and operation of motor vehicles on the Property and for the removal of vehicles not in compliance with the Declaration, Bylaws, and Rules and Regulations of the Association.

## **I. DEFINITIONS**

A. Approved Vehicles. Any conventional passenger car, motorcycle, truck or van of less than 10,000 pounds gross weight that is registered and licensed in the Commonwealth of Virginia and bear the current county and state inspection permits unless the owner of the motor vehicle is exempt from these licensing and registration requirements under Virginia law (e.g. active duty military personnel, full-time student in an accredited school in Virginia, and not employed, and non-resident temporarily living in Virginia), displaying a current Association approved parking PERMIT (e.g. hangtag, sticker) and which is not specifically excluded elsewhere in this Resolution.

B. Unapproved Vehicles shall include the following:

1. Commercial Vehicles. The Board shall use the following criteria to determine whether a motor vehicle is a Commercial Vehicle: (a) any motor vehicle that is included in the commercial vehicle definition in the Code of Virginia or the Code of Ordinances of Loudoun County Virginia, which provides that a "commercial vehicle" means: (1) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, even if any of the foregoing are parked on a truck, trailer, or semitrailer; (2) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (3) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; (4) any vehicle licensed for use as a contract carrier or limousine; (5) any vehicle more than 21 feet in length or more than eight feet in height including appurtenances attached to the vehicle or with a width of 102 inches or more, or with a gross weight of 12,000 or more pounds; (6) any trailer, semitrailer, or double axle utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle; or (7) any vehicle of any size that is being used in the transportation of

hazardous materials as defined in § 46.2-314.4 of the Code of Virginia; or (8) any vehicle with three or more axles.

2. Recreational Vehicles. Any boat, boat trailer, motor home, self-contained camper, mobile home, trailer, pop-up camper/tent trailer, dune buggies, all-terrain vehicles (ATVs), horse trailer or similarly oriented vehicle. Private or public school or church buses are unapproved vehicles under both this section and the commercial vehicles section.

3. Junked Vehicles. Any motor vehicle with a malfunction of an essential part required for the legal operation of the vehicle or which is partially or totally disassembled by the removal of tires, wheels, engine, or other essential parts required for legal operation of the vehicle.

4. Unregistered Vehicles. Any motor vehicle that is not licensed and registered in the Commonwealth of Virginia shall be considered an Unregistered Vehicle unless the owner of the motor vehicle is exempt from these licensing and registration requirements under Virginia law (e.g. active duty military personnel, full-time student in an accredited school in Virginia and not employed, or a non-resident temporarily living in Virginia for a period of six months or less). Variances for exempt motor vehicles must be submitted in writing to the Association. Vehicles with vehicle covers that obscure the proper permit or license, registration or inspection stickers shall be considered unregistered vehicles.

5. Nuisance Vehicles. Any vehicles that are a hazard or nuisance by reason of noise, exhaust emission, fluid emission, appearance or otherwise, or are operated in a manner that disturbs residents.

6. Other Equipment and Machinery. Any agricultural, industrial, construction or similar machinery or equipment, except grounds maintenance equipment, which may be stored and maintained on The Properties with the prior written approval of the Board of Directors.

C. Any motor vehicle not falling into one of the above categories may be permitted or prohibited by the Board of Directors on a case by case basis.

## II. RULES AND REGULATIONS

A. Use of Parking Areas. Parking areas shall be used solely for the parking of Approved Vehicles as defined herein. All motor vehicles other than Approved Vehicles are prohibited from entering upon The Properties except when picking up or delivering passengers or merchandise or during the performance of work or services at The Properties, or as otherwise provided herein. Motor vehicles shall be parked only in designated parking spaces and areas. The parking areas in the Association are available for use only by owners and residents of Lots within the Association.

B. Suspended Parking Privileges – Failure to Pay Assessments. Parking spaces are for use by members and residents of the Lots within the Association. In order to be able to park in the Common Area, members will need to be current on their assessment obligations to the Association. Specifically, it is the policy of the Association that the parking privileges will be suspended if a Lot is more than sixty (60) days delinquent in the payment of assessments to the Association. In Accordance with Section 55-513(C) of the Virginia Property Owners'

Association Act, the Association will notify the member, in writing, of the delinquency and of the member's right to be given an opportunity to be heard and to be represented by counsel at a hearing to determine if parking privileges should be suspended. Additionally, after a hearing and a finding by the Association that privileges are to be suspended, and after proper notice of the hearing result is given to the owner, then the owner's vehicle will be SUBJECT TO IMMEDIATE TOWING FROM THE PROPERTY WITHOUT WARNING. The owner shall bear the cost of the towing.

C. Unsafe Vehicles. Vehicles shall not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks. Tires supporting vehicles on Common Areas must be inflated at all times to within 10 psi of the manufacturer's recommended pressure so that they can be moved in the event of an emergency. Any motor vehicle that presents an imminent threat to person or property is subject to immediate towing.

D. Stored Vehicles. Vehicles shall not be stored on The Properties for a period that exceeds fifteen (15) days.

E. Tenant Parking. It shall be mandatory for the owner of any Lot, who is renting his/her Lot to a tenant and whose tenant wish to park in the Association's Common Area, to notify the Association in writing of the tenant's information as detailed in Exhibit A.

F. Registration. All vehicles parked in Common Area parking spaces must display an Association parking permit.

1. Each Lot will receive up to two (2) resident parking permits. No Lot will receive more than two (2) permits. All parking is first come, first served.

2. Permits will be distributed to residents who own or lease motor vehicles and who can show proof of proper vehicle registration. Temporary permits will be issued to residents for up to sixty (60) days to allow for proper registration. Residents must be named on the current Parking Registration form to receive a parking permit. For rented/leased Lots, the resident's name must also appear on the Lease and Lease Addendum.

3. There is a \$100.00 replacement fee for lost parking permits.

### III. ENFORCEMENT:

A. Vehicle Removal. The Board of Directors shall have the authority to have any motor vehicle not in compliance with the provisions of this Resolution removed from the common parking areas. This authority may be delegated to the Board or the Management Agent. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.

1. Violations Subject to Immediate Towing Without Warning. Any motor vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane; (b) not displaying an Association parking permit; (c) occupying more than one (1) parking space; (d) parked on a grassy area or sidewalk, (e) if parking privileges have been suspended for failure to pay assessments; or (f) constituting a safety hazard or impeding access to other parking areas, shall be subject to immediate removal without notification.

2. Notice of Violation. The owner of any motor vehicle not in compliance with any of the other rules and regulations in this Resolution shall be notified of the violation by the posting of a notice on the vehicle. If the motor vehicle is not brought into compliance within ten (10) days or such other period as delineated by the Board of Directors, the vehicle will be subject to removal by towing. A record of such action will be entered into the Management Agent's violation records.

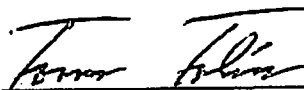
D. Subsequent violations committed within any consecutive twelve (12) month period shall subject the violating motor vehicle to immediate towing without notification.


E. The Association reserves the right to exercise all other power and remedies provided by the Association's Governing Documents or the laws of Virginia and Loudoun County, Virginia.

F. The Effective Date of this Policy Resolution is January 1, 2016.

We attest and certify that this Policy Resolution adopted and approved by the Board of Directors of the Sterling Park South Townhouse Association on this 8th day of October, 2015 and supersedes all prior rules and regulations governing parking on the Property as of the Effective Date.

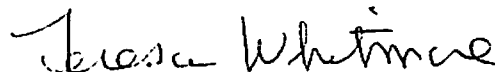
**STERLING PARK SOUTH TOWNHOUSE  
ASSOCIATION**

By:   
President

By:   
Secretary

**FOR ASSOCIATION RECORDS**

I hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the owners of Sterling Park South Townhouse Association on this 4 day of Nov. 2015 and that a copy of this Resolution shall be posted on the Association website.

  
Teresa Whitmore, PCAM®,  
TWC Association Management  
Management Agent