

**WESTERLEY HOMEOWNERS ASSOCIATION**

**RESOLUTION NO. 2015-02**

**Effective November 1, 2015**

**(Adoption of Regulations and Restrictions on Parking and Storage of Vehicles)**

**WHEREAS**, Article V, Section 1 of the By-Laws of Westerley Homeowners Association (“By-Laws”) provides that the affairs of Westerley Homeowners Association (“Association”) shall be managed by a Board of Directors (“Board”);

**WHEREAS**, Article VIII, Section 1(c) of the By-Laws provides that that Board shall have the power to exercise for the Association all powers, duties, and authority vested in or delegated to the Association that is not reserved to the Association membership by other provisions of the By-Laws, the Articles of Incorporation, or the Declaration of Covenants, Conditions or Restrictions (“Declaration”);

**WHEREAS**, Article VI, Section 1(v) of the Declaration provides that from time to time the Board shall adopt rules to implement the provision of Article VI of the Declaration and that such rules may be adopted or amended by a two-thirds vote of the Board;

**WHEREAS**, Section 55-513 of the Act grants the Board the authority to establish, adopt, and enforce rules and regulations with respect to such other areas of responsibility assigned to the Association by the Declaration;

**WHEREAS**, Article VI, Section 1(h) of the Declaration provides that no portion of the property shall be used for the repair of motor vehicles and that the 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;

**WHEREAS**, Article VI, Section 1(h)(a) of the Declaration provides that all motor vehicles including, but not limited to trail bikes, motorcycles, dune buggies, and snowmobiles shall be driven only upon paved streets and parking lots and that no motor vehicles shall be driven on pathways or Common Areas, except such vehicles as are authorized by the Association as needed to maintain, repair or improve the Common Area;

**WHEREAS**, Article VI, Section 1(h)(b) of the Declaration provides that parking of all commercial and recreational vehicles and related equipment, including boats and boat trailers, other than on a temporary and non-recurring basis, shall be in garages or in areas approved by the Association for such parking, but that no such area for approved parking is currently contemplated by the Association;

**WHEREAS**, Article VI, Section 1(h)(b) of the Declaration further provides that there shall be no parking of commercial and recreational vehicles anywhere within public view and that parking of commercial and recreational vehicles shall be restricted entirely to garages;

**WHEREAS**, Article VI, Section 1(h)(b) of the Declaration further provides that if a truck-mounted camper is to be an Owner's primary means of transportation it shall not be considered a recreational vehicle, provided it meets certain conditions contained therein;

**WHEREAS**, Section 55-515.A of the Virginia Property Owners' Association Act ("Act"), provides that every owner, and all those entitled to occupy a lot shall comply with all lawful provisions of the Act and the Declaration and any lack of compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief, or for any remedy available at law or in equity;

**WHEREAS**, the Board has determined that there is a need to establish orderly and equitable regulations and procedures for the use of the parking facilities within the Association by Members, their families, guests, tenants and subtenants of such Members.

**NOW, THEREFORE, BE IT RESOLVED** that the following parking policies are hereby adopted by the Board and shall supersede and replace all rules and regulations set forth in any prior parking policy.

**A. GENERAL PROVISIONS**

1. Parking is allowed only on paved areas of the community. Parking spaces shall be clearly designated.
2. The types of vehicles listed in subsections (a) through (h) below may not be parked or stored in open view on residential lots, Common Area (including townhome streets and parking lots), or public rights-of-way within the boundaries of the Westerley community, except in such areas, if any, designated for such purpose by the Board. Any vehicle listed below may be stored fully within a garage, out of public 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) the vehicle 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) Between the hours of 9pm and 6am, any vehicle defined as a commercial vehicle by the County of Loudoun or having any of the following characteristics:
  - (1) Any vehicle exceeding eighteen (18) feet in length and/or eight (8) feet in width and/or is more than three (3) tons gross weight,
  - (2) Any vehicle with visible commercial signage/advertising (including taxi signs),
  - (3) Any vehicle with ladders on top and/or other visible commercial equipment (ladders, 5-gallon buckets, toolbox, etc.) stored on an ongoing or repeating basis,
  - (4) Any vehicle with commercial, dealer, limousine, or taxi license plates.
  - (5) Any agricultural, industrial, construction, or similar machinery or equipment.
- g) Private or public school or church buses;
- h) Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies, golf carts, non-operational automobile collections, or other automotive equipment not licensed for use on the highways of Virginia.

3. Inoperable vehicles may not be parked or stored in open view on residential lots, Common Area (including townhome streets and parking lots), or public rights-of-way within the boundaries of the Westerley community.

- a) A vehicle shall be deemed to be an inoperable vehicle if it is missing any parts, such as, but not limited to, tires, wheels, engine, etc., that are necessary for operation of the vehicle on public streets.

4. Vehicles may not be parked or stored unattended anywhere in open view in a hazardous condition, including, but not limited to, vehicles on jacks or blocks.

5. Vehicles may not be parked in such a manner as to obstruct a sidewalk (including the driveway apron).
6. The use of Common Area parking facilities by car dealerships or vehicle repair facilities are expressly prohibited.

**B. COMMON AREA PARKING SPACES**

1. Common Area parking spaces are reserved for the exclusive use of Lot Owners, their families, lessees, guests, business invitees, and those others authorized by the Board to park in the community.
2. Common Area parking spaces are available on a first-come, first-served basis and are not assigned to a specific Lot.
3. Vehicles must be parked only in designated parking spaces, in between the white lines, in a manner that does not obstruct other parking spaces, sidewalks, grassy areas, or ingress and egress areas. All vehicles must comply with parking restriction signs installed or posted by the Association.
4. No portion of the Common Area shall be used for the repair of automotive vehicles (except in the case of emergency), including, but not limited to, painting and the drainage of automobile fluids.
5. Vehicles may not be stored or abandoned in Common Area parking spaces for more than fourteen (14) consecutive days. If a Lot Owner or resident requires an extension of this period, such a request should be made to the Management Company. Extensions will be given by the Board or Board designee on a case-by-case basis. Requests should be made in advance and the approval notice must be displayed while the vehicle is stored.

**C. ENFORCEMENT**

1. The Loudoun County Sheriff's Office is authorized to enforce all state and County regulations on all Westerley streets.
2. This Resolution may be enforced pursuant to adopted due process procedures which may result in the imposition of charges or filing suit for non-compliance with the provisions of this Resolution or the Declaration.

3. It is the responsibility of individual Lot Owners and residents to comply with this policy and, to ensure guests are provided with parking instructions. Similarly, it is the responsibility of residents to report violations of this policy to the Board.
4. The Management Company, Board of Directors, Parking Committee, towing company, and any Board designee shall have the authority to issue a warning notice to and/or authorize the towing of any vehicle which is in violation of this parking policy. All costs and risks of towing and impoundment will be the sole responsibility of the vehicle's owner.
5. The following shall be subject to immediate towing by a licensed towing company without warning or notice: Any unauthorized vehicle (1) in violation of restriction signs installed or posted by the Association, (2) parked in such a manner as to obstruct ingress or egress into or out of a space, (3) that impairs the Association's ability to maintain the Common Areas, (4) parked in a posted fire lane, (5) occupying more than one parking space, (6) parked perpendicular to the marked parking space, (7) parked on a grassy area or sidewalk, (8) parked on the Common Area in a manner that constitutes a hazardous condition.
6. Vehicles parked in the Common Area that have a flat tire or parked in a driveway in a manner that constitutes a hazardous condition shall receive a warning notice. After seventy-two (72) hours, if the vehicle has still not been fixed, it will be subject to towing without further notice.
7. Vehicles in violation (other than the violations in part 5 or 6 above) in Common Area parking spaces for the first time are subject to being towed at the owner's risk and expense seventy-two (72) hours from the date of the citation. Subsequent violations committed within any consecutive twelve (12) month period shall subject the violating vehicle to immediate towing without notice for the repeated violation.
8. A vehicle that has not been moved for eleven (11) consecutive days may receive a warning notice. After seventy-two (72) more hours, if the vehicle has still not been moved, it will be subject to towing without further notice.

#### **D. LIABILITY**

1. 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 Common Area.

2. The Association assumes no responsibility for any damage, theft or loss to any vehicle parked on Association Common Area. Members shall be held liable for any expenses incurred by the Association as a result of any damage done to the Common Area by the use, repair or maintenance of a vehicle or as a result of any damage done to the Common Area by the use, repair or maintenance of a vehicle or the result of negligence, whether on the part of the Lot Owner, the family of such Owner, or by any invitee, licensee or lessee of such Owner.

3. This Resolution and the parking policy contained herein is intended to protect Association Members to ensure the rights of Association members are protected and to serve as a guideline for the Board as the Board exercises its duty to enforce the governing documents and rules and regulations.

4. The Board may determine the specific manner in which the provisions of this parking policy are to be implemented, provided that due process is afforded as required by law. Any inadvertent omission or failure to conduct any proceeding in the exact conformity with this parking policy 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 parking policy.

WESTERLEY HOMEOWNERS ASSOCIATION

RESOLUTIONS ACTION RECORDED

Resolution Type: Policy

Pertaining to: Parking

Duly adopted at a meeting of the Board of Directors held 2015-09-24.

Motion by:

Seconded by:

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>Anthony Poldoritis</u> President	✓			
<u>Jeff Marsh</u> Vice President	✓			
<u>Stephanie Byers</u> Secretary	✓			
<u>Angela Ojedz</u> Treasurer	✓			
<u>Trushant Mehta</u> Director	✓			
_____ Director				
_____ Director				

ATTEST:

Stephanie Byers  
Secretary

9/24/15  
Date

FILE:

Resolution effective: November 1, 2015.