

HAYFIELD VIEW HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 22-01

(Adoption of Revised Regulations and Procedures Relative to the Parking Facilities)

WHEREAS, Article V, Section 1(a) of the Declaration of Covenants, Conditions and Restrictions for the Hayfield View Homeowners Association, Inc. (the “Declaration”) provides that the Association may limit the number of guests allowed on the Common Area;

WHEREAS, Article V, Section 2 of the Declaration provides that each Lot Owner is entitled to use not more than two (2) automobile parking spaces;

WHEREAS, Article VIII, Section 13 of the Declaration prohibits commercial trucks, commercial busses, or other commercial vehicles of any kind from being parked overnight on any portion of the Hayfield View subdivision;

WHEREAS, Article VIII, Section 14 of the Declaration prohibits any Lot Owners and/or residents from performing vehicle repairs within the Hayfield View subdivision and prohibits any vehicle other than a private vehicle from being parked in any parking spaces maintained by the Association;

WHEREAS, Article VIII, Section 14 of the Declaration further provides that, after ten (10) days written notice to owner of any vehicle parked in violation thereof, may be removed at the owner’s expense;

WHEREAS, Article VIII, Section 16 of the Declaration prohibits boats, trailers, tents, or other structures of a temporary character, or portable vehicle other than automobiles, from being parked forward of any dwelling for a period exceeding four (4) calendar days;

WHEREAS, Article VII, Section 1(a) of the Bylaws of Hayfield View Homeowners Association (the “Bylaws”) states that the Board of Directors (the “Board”) shall have the power to adopt and publish rules and regulations governing the use of the Common Area and facilities, the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

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 Lot Owners, guests, and tenants.

NOW, THEREFORE, BE IT RESOLVED that the following parking policies are hereby updated and adopted by the Board.

HAYFIELD VIEW HOA PARKING REGULATIONS

I. APPLICABILITY

This Resolution shall apply to the Lots within the Hayfield View subdivision and all streets owned and maintained by the Hayfield View Homeowners Association, Inc. This includes Blanford Court, Manigold Court, Towchester Court, Brighthouse Court, Amesbury Court, Duddington Drive, Houndsbury Court, and Hatherleigh Court, but does not include Helmsdale Lane, which is state owned and maintained.

II. GENERAL PROVISIONS

- A. Designation. The Board will cause each Common Area Parking Space to be designated as either a “Resident” or “Visitor” space.
- B. Resident Spaces. “Resident” spaces are for the use of Association residents only. Each Lot will be assigned two (2) Resident parking spaces.
- C. Visitor Spaces. “Visitor” spaces will be available for use, on a first-come, first-served basis, by non-resident guests of Association residents. Resident vehicles are prohibited from parking in visitor spaces at any time unless approved by the board for special circumstances.
- D. Rules and Regulations. All vehicles parked in Common Area Parking Spaces are subject to the Rules and Regulations set forth in Paragraph V of this Resolution and subject to the enforcement remedies set forth in Paragraph VII of this Resolution.

III. RESIDENT PARKING SPACES

- A. Assignment. Each Lot Owner shall be assigned two (2) reserved parking spaces that are as near and convenient to the Lot as possible. Each lot owner is entitled to use no more than two (2) reserved automobile parking spaces.
- B. Exclusive Use. Lot Owners and residents may only park in the parking spaces assigned to their Lots. Lot Owners and residents are expressly prohibited from parking excess resident vehicles in Resident spaces assigned to other Lots and/or Visitor spaces. Excess resident vehicles must be parked along Helmsdale Lane or elsewhere outside of the Hayfield View subdivision.
- C. Determination. Residents may choose to have any passenger vehicle they wish park within their reserved parking spaces. A resident can choose to allow other passenger vehicles to park within his or her assigned spaces as long as the resident moves his or her vehicle to Helmsdale Lane or elsewhere outside of the Hayfield View subdivision.

IV. VISITOR PARKING SPACES

- A. Location. Each court has Common Area Parking Spaces reserved as Visitor spaces. Visitor spaces are demarcated by appropriate labeling.

- B. Use. Visitor spaces are reserved for the exclusive use of non-resident guests of Lot Owners and residents. Visitor spaces are to be utilized on a first-come, first-served basis and are not assigned to specific Lots. Non-resident guests may park vehicles in visitor parking spaces for not more than seven (7) days without requesting additional time from the Traffic and Safety Committee. Vehicles of residents and owners may not be parked in visitor parking spaces.

V. RULES AND REGULATIONS

- A. Common Area Parking Spaces. Common Area Parking Spaces include all reserved and visitor spaces.
1. *Designated Parking Spaces.*
 - a. Parking or driving is not permitted on the lawn areas of the community or on sidewalks, nor at any time will parking be allowed in designated fire lanes as marked by signs and/or yellow painted curbs.
 - b. Vehicles may only be parked within clearly demarcated parking spaces. No vehicles shall be parked in violation of any posted sign.
 - c. No vehicle may be parked in such a manner or in an area that obstructs the safe, free-flow of moving vehicular traffic or the movement of other vehicles or pedestrians into and out of marked parking spaces.
 2. *One Vehicle Per Parking Space.* Double parking of vehicles is not permitted on any Association-owned and maintained streets nor may a vehicle occupy more than one (1) Common Area Parking Space. No more than one (1) vehicle may occupy one (1) Common Area Parking Space at a time.
 3. *Registration.* All vehicles parked in Common Area Parking Spaces must have current license plates and valid state inspection stickers visibly displayed in the appropriate location on the vehicle.
 4. *Vehicle Covers.* Residents may cover their cars when parking in Common Area Parking Spaces if the cover is designed for the vehicle and properly conforms/fits and allows the vehicle license tag to be visible.
- B. Approved Vehicles. All Common Area Parking Spaces shall be used solely for the parking of Approved Vehicles (as defined herein) in designated parking spaces. Approved Vehicles include licensed and registered conventional passenger vehicles, trucks of two and one-half (2.5) tons or less, motorcycles, and commercial vehicles performing deliveries and/or services in the community.
- C. Prohibited Vehicles and Uses. Commercial Vehicles (as defined below); trucks with ladder racks; trailers; Junk, Inoperable, or Abandoned Vehicles (as defined below); Recreational Vehicles (as defined below); Nuisance Vehicles (as defined below), and

portable storage pods or sheds (as defined below) shall be prohibited from parking in the Common Area Parking Spaces, except to the extent that a Commercial Vehicle is performing immediate deliveries and/or services within the community and a storage pod has received prior authorization.

1. *Commercial Vehicle.* Any vehicle deemed to be “commercial” by the Fairfax County Ordinance Chapter 112 of the Fairfax County Code which defines commercial vehicles as any type of vehicle (1) regardless of capacity, which displays advertising letters thereon or licensed as “for hire,” or (2) that has visible commercial equipment attached to the exterior of the vehicle (*i.e.*, ladders, pipes); or (3) to include buses for private schools, public schools, churches, charters, or limousines.
2. *Junk, Inoperable, or Abandoned Vehicle.* Any vehicle that is disabled, inoperable, or unable to be driven legally or safely on private or public roads. A vehicle that is parked on a Common Area Parking Space for seven (7) days is presumed abandoned if it lacks either a current license plate or a valid state inspection certificate. A vehicle that cannot be driven due to broken or missing parts (e.g., flat tires) is presumed to be inoperable.
3. *Recreational Vehicle.* No boats, trailers, tents, or other structures of a temporary character, or portable vehicle other than approved automobiles and motorcycles may be parked in front of any dwelling for a period exceeding four (4) calendar days. (Construction or trash pods may be permitted to remain longer upon approval by the HOA Board).
4. *Nuisance Vehicle.* Any vehicle that presents a hazard or nuisance by (1) noise, (2) exhaust emission, (3) fluid emission, (4) appearance or otherwise; or are operated in manner that disturbs residents are prohibited from Association grounds, to include Common Area Parking Spaces.
5. *Portable Storage Containers, Sheds, or Pods.* No Common Area Parking Space may be used to store storage containers, sheds, or pods without noticing and receiving prior approval of the Traffic and Safety Committee. A resident may only request placing a portable storage unit in his or her designated reserve parking space for no more than ten (10) days. Extensions must be approved by the Board. In no cases may the use of a portable storage container affect the use of adjacent parking spaces. A resident may not use a visitor parking space to park a vehicle displaced by a portable storage container.
6. *Repairs.* Major repairs to vehicles, painting of vehicles, or the drainage of automobile fluids is prohibited on the Common Area Parking Spaces. Minor maintenance or repairs begun on any vehicle by a vehicle owner or his assigned agent while on any common area must be completed within one (1) working day.

D. Vehicle Operations.

1. *Common Area.* No vehicle may be parked, or operated, on any portion of the unpaved Common Area without the prior written approval of the Board.
2. *Pollutants.* The dumping, disposal or leak of oil, grease, or any other chemical residual substance, or any substance or particles from holding tanks of any vehicles is strictly prohibited.
3. *Noise.* The unnecessary sounding of vehicle horns, including faulty alarm systems, and playing at excessive volume of radio, speaker systems, or other sound producing devices is strictly prohibited.
4. *Safe Operation.* Vehicles shall be operated in a safe and prudent manner so as not to endanger the life, limb, or property of another person.
5. *Right of Way.* Operators of vehicles shall keep to the right in traveled portions of the parking areas. Vehicle operators shall yield the right-of-way to pedestrians.
6. *Speed limit.* A ten (10) mile per hour speed limit will be obeyed on all Common Area.

VI. LOT OWNER AND RESIDENT RESPONSIBILITIES

- A. Maintenance. Lot Owners and residents are responsible for keeping their assigned Resident parking spaces clear of debris, including but not limited to, cigarette butts, cans, bottles, etc., and for preventing damage to the asphalt resulting from excessive fluid leaks from vehicles parked on the Common Area.
- B. Snow removal. Lot Owners/residents are encouraged to park vehicles twelve to eighteen inches (12” to 18”) from the curb during snowy and icy weather. This allows melting snow and ice clear passage to storm drains. Lot Owners/residents are encouraged to make trenches for easy water flow to storm drains.
- C. Tenants. Lot Owners who do not reside within the Association are responsible for informing their tenants of the Association’s parking regulations. It is recommended that a copy of this Resolution be provided to every tenant.

VII. ENFORCEMENT

- A. Notice of Parking Violation and Towing. The owner of any vehicle parked in violation of this Resolution shall be notified via posting of a notice to tow on the vehicle and/or a certified letter. The following provides the notice periods for towing enforcement.
 1. *Towing Without Notice.* Vehicles will be subject to immediate towing if the vehicles are: parked in fire lanes, parked in fire hydrant areas, double parked, parked on lawns or sidewalks, parked in a visitor space after having been placed on a visitor parking violator list, parked in such a manner so as to occupy more

than one space, or parked in another Lot Owner's reserved parking spaces (see Reserved Spaces, below). The HOA Property Manager shall maintain a record of such actions.

2. *72-Hour Towing Notice.* Vehicles of non-resident guests parking in visitor parking more than seven (7) days without approval from the Traffic and Safety Committee will receive a 72-hour (3-day) towing notice. Resident vehicles parked in visitor parking spaces will receive a 72-hour (3-day) towing notice and be subsequently placed on the immediate tow list. Thereafter, for the next twelve (12) months, if the same resident vehicle is found in a visitor's spot anywhere within the community, it will be subject to immediate towing.
- B. Repeat Violations. Any vehicle cited for a repeat violation of this Resolution shall be subject to immediate towing without notice if the vehicle is found committing the same violation within the twelve (12) month period subsequent to the initial notice or citation.
- C. Reserved Spaces. If a Lot Owner or resident's assigned parking space is encumbered by an unauthorized vehicle, the Lot Owner or resident may have the vehicle towed by the Association's authorized towing contractor. The current towing contractor phone number is posted on the HOA website. The Lot Owner or resident must be present for the towing, sign the authorization sheet provided by the towing company, and provide the towing contractor with his or her valid driver's license.
- D. Authorization. Towing may be authorized by the Association's Management Agent, Traffic and Safety Committee Members, and/or Members of the Board. Affected Lot Owners/residents are also authorized as indicated above.

VIII. LIABILITY

The Association assumes no responsibility for any damage to any vehicle parked on Association property. Lot Owners/residents 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, his family, tenants guests or agents.

IX. REMEDIES

The remedies stated herein shall not constitute an election of remedies and all remedies shall be deemed cumulative. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents and the laws of Virginia and Fairfax County.

X. VALIDATION OF RESOLUTION

If any clause, phrase, provision or portion of this Resolution is invalid or unenforceable under applicable law, such condition shall not affect, impair or render invalid or unenforceable any other part of this Resolution.

XI. REPEAL OF PRIOR POLICIES

The rules and regulations set forth in this Resolution supersede and replace all rules and regulations set forth in any prior resolution.

I hereby certify that the foregoing Resolution was duly-adopted via electronic vote of the Board of Directors of the Hayfield View Homeowners Association, Inc., on December 1, 2022.

HAYFIELD VIEW HOMEOWNERS ASSOCIATION, INC.

By:

A handwritten signature in black ink, appearing to read "John Manning".

John Manning
Secretary
Board of Directors

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RESOLUTION ACTION RECORD

Duly adopted by the Board of Directors on December 1, 2022.

Motion by: Manning

Seconded by: Pavlovich

ROLL

	Yes	No	Abstain
Hostetter	X		
Pavlovich	X		
Robinson	X		
Manning	X		
Ontko	X		

ATTEST:

Secretary

Date: December 1, 2022

Resolution effective: December 1, 2022