

HAYFIELD VIEW HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 17-01

(Adoption of 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 adopted by the Board.

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 vehicle they wish park within their reserved parking spaces. A resident can choose to allow a work, or visitor park within his/her assigned spaces as long as the resident moves his/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. Vehicles registered to a residence found in visitors parking the first time will be cited for a violation and placed on an immediate tow list. Thereafter, for the next twelve months, if the same vehicle is found in a visitors spot anywhere within the community, it will be subject to immediate towing.

V. RULES AND REGULATIONS

A. PARKING

1. Use of Common Area Parking Spaces. 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. Vehicles may only be parked within clearly demarcated parking spaces. 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 vehicle may occupy a Common Area Parking Space at one time.
2. Approved Vehicles. 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 conventional passenger vehicles, trucks of two and one-half (2 ½) tons or less, motorcycles and commercial vehicles performing deliveries and/or services in the community.
3. Prohibited Vehicles. Commercial Vehicles (as defined below), trucks with ladder racks, trailers, and Junk/Abandoned Vehicles (as defined below) shall be prohibited from parking in the Common Area Parking Spaces, except to the extent that a Commercial Vehicle is performing deliveries and/or services within the community.

Definition of Commercial, Recreational, and Junk/Abandoned Vehicles are as follows:

Commercial Vehicles:

- i. 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:

- regardless of capacity, which displays advertising letters thereon;
 - which is licensed as a "for hire" vehicle.
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- ii. Any vehicle that has visible commercial equipment attached to the exterior of the vehicle (*i.e.*, ladders, pipes).
 - iii. Any buses to include: private schools, public schools, churches, charters or limousines.

Junk/Abandoned Vehicles:

- i. A vehicle that is disabled, inoperable, or unable to be driven on private or public roads.
 - ii. A vehicle that is parked on a Common Area Parking Space is presumed abandoned if it lacks either: 1) a current license plate, or 2) a valid State inspection certificate or decal and has been in a specific location for seven (7) days.
4. Recreational Vehicles. 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).
5. Registration. All vehicles parked in Common Area Parking Spaces must have current license plates and a valid state inspection sticker visibly displayed
6. Nuisance Vehicles. Any vehicles that are a hazard or nuisance by noise, exhaust emission, fluid emission, appearance or otherwise, or are operated in manner that disturbs residents are prohibited within the Association.
7. 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.
8. Covered Vehicles. 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.
9. Obstructions. No vehicle shall be parked in such a manner or in an area that

obstructs the safe, free-flow of moving vehicular traffic or that obstructs the movement of other vehicles or pedestrians into and out of marked parking spaces.

10. Signs. No vehicles shall be parked in violation of any posted sign.

B. VEHICLE OPERATION

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, tape players, 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/RESIDENT RESPONSIBILITY

A. Maintenance. Lot Owners/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. The owner of any vehicle parked in violation of this Resolution shall be notified via posting of a notice on the vehicle and/or certified letter.

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 citation.

C. Towing Without Notice. Vehicles will be subject to immediate towing if they 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 assigned parking spaces. A record of such action will be recorded by the HOA Management Agent.

D. Self-Help. If a Lot Owner/resident's assigned parking space is encumbered by an unauthorized vehicle, the Lot Owner/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/resident must be present for the towing, sign the authorization sheet provided by the towing company, and must provide the towing contractor with his/her valid driver's license.

E. 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.

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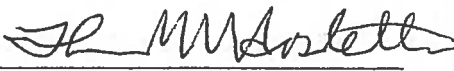
X. VALIDATION OF RESOLUTION

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

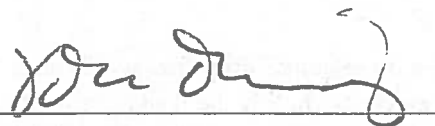
The rules and regulations set forth in this Resolution supersede and replace all rules and regulations set forth in any prior resolution.

HAYFIELD VIEW HOMEOWNERS ASSOCIATION,
INC.

By: 

Thomas Hostetter, President
Board of Directors

I hereby certify that the foregoing Resolution was duly-adopted at a regular meeting of the Board of Directors of the Hayfield View Homeowners Association, Inc., this 16th day of February, 2017.



John Manning, Secretary
Board of Directors