

KEENE MILL VILLAGE IV HOMEOWNERS ASSOCIATION
PARKING POLICY RESOLUTION
October 2005

WHEREAS, Article VII of the By-Laws of Keene Mill Village IV Homeowners Association (“Association”) assigns the Board of Directors (“Board”) with all of the powers and duties necessary for administration of the affairs of the Owners Association and further states that the Board may 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 the Bylaws, the Articles of Incorporation or the Declaration of Covenants, Conditions and Restrictions;

WHEREAS, Article VIII, Section 1(a) of the By-Laws empowers the Board to adopt and publish rules and regulations governing use of Common Area and facilities, as well as establish penalties for infractions thereof;

WHEREAS, Article V, Section 3 of the Declaration of Covenants, Conditions and Restrictions filed among the land records of Fairfax County, Virginia at Deed Book 5509 at Page 1944 et seq. provides that each owner shall have the use of two parking spaces, together with rights of ingress and egress in and upon the parking areas; and

WHEREAS, in order to assure equitable parking arrangements as well as safe operation and attractive parking areas, the Board wishes to amend and modify the existing parking policy, to be effective October 1, 2005.

NOW, THEREFORE, BE IT RESOLVED THAT the following policies are hereby adopted by the Board:

I. GENERAL PROVISIONS

- A. All motor vehicles on the Common Areas (all paved surfaces except Fieldmaster Drive and Blarney Stone, those being dedicated streets) shall be parked within the spaces marked so as not to obstruct or reduce the adjacent spaces for other vehicles.
- B. All vehicles operated or parked on the Common Areas must display current license plates and valid and current local and state registration stickers.
- C. All vehicles operated or parked on the Common Areas must be operated by a person holding a valid driver's license or permit.

II. RESTRICTIONS

- A. No vehicle shall be parked in violation of any posted signs or pavement markings, including fire lanes.
- B. White Curbs and/or parking spaces marked “Visitors” are reserved for residents’ guests and visitors only. Residents, owners and tenants may not use the visitor parking spaces.
- C. No vehicle shall be parked anywhere except on a paved surfaces designated for parking.
- D. No vehicle shall be parked on any area designated for pedestrian use or in any way restricts or impacts pedestrian walkways.
- E. No vehicle shall be parked in such a manner and area that obstructs the safe, free-flow of moving vehicular traffic or obstructs the movement of other vehicles into and out of marked parking spaces in Common Areas.

- F. Trailers, house trailers, campers, recreational vehicles, or commercial or industrial vehicles such as, but not limited to, moving vans, trucks, tractors, trailers, vans (other than typical passenger vans), wreckers, hearses, buses, boats, boating equipment, mobile homes or camping equipment, shall not be regularly or habitually parked within the Properties (on Common Areas), except in areas that may be designated by the Association.
- G. Junk vehicles shall be deemed to mean any vehicle, trailer or semi-trailer that cannot be operated in its existing condition because the parts necessary for operation, such as, but not limited to, tires, wheels, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are removed, damaged, or destroyed. Any such vehicle shall be deemed to be a junk or derelict vehicle, regardless of the display of valid state license/registration or inspection sticker.
- H. Vehicles that present a hazard or nuisance by operating with excessive noise or exhaust emissions are prohibited.
- I. Except for minor emergency repairs and ordinary light maintenance (excluding fluid changes and other operations which might soil the Common Areas), repairing and/or maintaining vehicles, including the painting thereof, is not permitted at any time on the Common Areas. The intentional drainage of any motor vehicle fluids is prohibited.
- J. No signs, initials, numbers, storage containers, or any other additions or alterations to Common Area parking spaces may be painted, displayed, or erected without the prior written consent of the Board of Directors. This restriction does not prohibit a uniform numbering or lettering system that may be applied to these parking spaces by the Association.
- K. Parking spaces are designed only for the parking of vehicles. No other items or articles of any kind may be stored in the Common Area parking spaces unless approved in writing by the Board of Directors.

III. VEHICLE OPERATION

- A. Vehicles operated in the community shall be operated in a safe and prudent manner so as not to endanger the life, limb or property of another person.
- B. Operators of vehicles shall keep to the right in the traveled portions of the parking areas and in traffic circles.
- C. Vehicle operators shall yield the right-of-way to pedestrians on walkways and crosswalks.
- D. The maximum speed posted shall not be exceeded.
- E. All stop signs and traffic directional signs shall be obeyed by all vehicle operators.
- F. The unnecessary sounding of vehicle horns and playing at excessive volume of radios, televisions, or other sound producing devices is prohibited.
- G. The screeching of tires and revving of vehicle engines is prohibited.

IV. ENFORCEMENT

- A. **Authority** - The Board of Directors, or its designee, shall be authorized to enforce all provisions and restrictions of this Parking Policy and accomplish enforcement in a manner that is consistent and equitable to all residents, guests and visitors.
- B. **Indemnity**
 - i. If any vehicle owned or operated by an Owner, any member of such Owner's family, or by such Owner's tenants, guests, invitees or licensees shall be parked, operated or abandoned in such a manner as to violate the Association Documents, Rules and Regulations or Resolutions of the Board of Directors, the Association shall be held harmless by such

Owner for any and all damages or losses, and any and all rights in connection therewith that the owner or driver may have under the provisions of state or local laws and ordinances. Such rights are hereby expressly waived.

- ii. The Owner shall indemnify and hold harmless the Association against any liability which may be imposed on the Association as a result of such parking, operation or abandonment and any consequences thereof.

C. Scope of Enforcement - Any motor vehicle, trailer, semi-trailer, camper, boat, truck, personal van, recreational vehicles, or other vehicle of any description that is parked in violation of Paragraphs A through D of the General Provisions contained in Section I or Paragraphs A through K of the Restrictions contained in Section II shall be deemed to be parked without permission of the Association and subject to enforcement as provided by the Enforcement Procedures of this Policy, in accordance with the provisions of Chapter 12, Section 46.2-1231 of the Code of Virginia (1950), as amended, which provides for the removal by towing of any motor vehicle or other vehicle that is so parked without permission. Any vehicle parked in any Common Area without permission is subject to being towed and stored off the property at the owner's expense and risk. The Board of Directors is authorized to have such vehicles towed as the action of last resort described in the Enforcement Procedures.

D. Enforcement Procedures

- i. The Board shall issue we have reviewed the above-referenced collection matter written notice of a violation to any vehicle parked in violation of state or local laws or this Policy Resolution, except as listed in D(iii). The notice shall contain (1) the time date and location of the violation; (2) nature of violation; (3) descriptive vehicle data, such as make (including year if known), model, state license number, and resident, guest or visitor information; and (4) a deadline of at least 24 hours to remove the vehicle. The notice shall also contain a specific warning that the vehicle is subject to immediate removal by towing by authority of Section 46.2-1231 of the Code of Virginia (1950), as amended. Copies of such notification shall be maintained by management.

- ii. If the vehicle has not been moved within twenty-four hours (or such later deadline defined in the notice), the Association may remove the vehicle, at the vehicle owner's risk and expense.

- iii. Notice of violation is not necessary in the following cases, and vehicles may be towed by the Association without notice:

1. The vehicle is parked along a yellow curb or otherwise marked fire lane.
2. The vehicle is parked as to prohibit the free movement of another vehicle or restricts the passage of pedestrians or pedestrian walkways.
3. The vehicle does not display current license plates, valid and current local and/or state registration stickers, anyone may have the vehicle towed.

- iii. A lot owner or resident may remove a vehicle improperly parking in that owner's reserved parking space at the risk and expense of the owner of the vehicle; provided, however, that the Association shall not be responsible for any cost associated with the removal.