

**OLD CHATHAM CLUSTER ASSOCIATION
POLICY RESOLUTION NO. 2019-001**

OLD CHATHAM CLUSTER PARKING POLICY

WHEREAS Old Chatham Cluster Association (“Association”) is a sub-association of the Reston Association and subject to the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston, of record in the land records of Fairfax County at Book 18419, Page 1226, et seq. (“Reston Deed”); and,

WHEREAS Article VII, Section VII.1(d) (Clusters – Cluster Associations – Board of Directors) of the Reston Deed states that each Cluster Association shall elect a board of directors in accordance with the Cluster Documents, and Article IV, Section 1 of the Bylaws of the Association states that the affairs of the Association shall be managed by its Directors; and,

WHEREAS Article VII, Section VII.2(b) (Clusters – Cluster Common Area – Right of Enjoyment) Every Cluster Member shall have the right of enjoyment of the Cluster Common Area, and may delegate such right to members of his family, tenants, or guests, subject to this Deed and the following:

(1) the right of the Cluster Board, after Notice, pursuant to Deed Section I.1(bb)(2), and hearing, to establish reasonable rules of use, including parking rules. Such rules shall be published where they are reasonably available to a majority of members of the Cluster Association;

(2) the right of the Cluster Board to establish reasonable charges for the use of carports, parking, storage, or other facilities on Cluster Common Area;

(3) the right of the Cluster Board to exchange Cluster Common Area with the Association, provided such area shall remain open space, as defined by the Fairfax County Zoning Ordinance, and subject to the requirements of Deed Section IV.3, and approval by a majority vote of the Category A Members within the Cluster, entitled to vote; and

(4) the right of the Cluster Board to grant easements or right of access over the Cluster Common Area.

WHEREAS, Owners and residents of Old Chatham Cluster Association have raised concerns regarding the availability of parking spaces; and,

WHEREAS, it is the intent of the Board of Directors to establish and codify a parking policy and to approve rules and regulations regarding parking in the Common Area, in order to ensure availability of parking and consistency of enforcement for the benefit and protection of the Association's lot owners and residents;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors adopts the following parking policy, to become effective January 29, 2019, and it is further resolved that all rules set forth herein shall be considered rules of the Association and enforceable as such pursuant to Va. Code § 55-513 (Virginia Property Owners Association Act – Adoption and enforcement of rules):

I. Definitions

- A. "Common Parking Area" parking is defined as **any** parking space on Lamplighter Way. The entirety of the paved road on Lamplighter Way is owned by the Old Chatham Cluster Association and is designated common area.
- B. "Overflow Parking" is defined as parking on Center Harbor Road.
- C. "Board of Director" is defined as at least two members from the Board of Directors of the Old Chatham Cluster Association.
- D. "Management" or "Management Agent" is defined as a community manager from the community management company hired (if any) by the Old Chatham Cluster Association.
- E. "Lot(s)" shall mean and refer to: (1) any plot or parcel of land shown upon any recorded subdivision plat of the Property, with the exception of the Common Area, Cluster Common Area, and parcels designated for public or commercial use; (2) any residential Condominium Unit created under the Virginia Condominium Act, or any predecessor or successor statute; (3) any residential unit within a cooperative housing organization created under the Virginia Real Estate Cooperative Act or any predecessor or successor statute; and (4) any other residential unit, except Apartment Units. For the purposes of this document, and in addition, the word "lot" refers to a single residential structure – and occupants of that lot, within the Old Chatham Cluster Association (all are assigned lot numbers on their official legal land surveys).

II. General Parking Regulations

- A. Parking in the Common Parking Area is first-come; first-served for "Resident" and "Guest" parking spaces. No parking spaces are reserved for any particular lot owner or resident. Any signs, initials, numbers, storage containers, traffic cones or any other additions or alterations to parking spaces are prohibited.
- B. Parking spaces shall be used solely for the purpose of general resident parking for Old Chatham Cluster owners, residents, and guests. Guests must be physically staying with a resident if the vehicle is parked in the Common Parking area. Spaces cannot be used to park vehicles of friends that are traveling or commuting. Residents shall not store, or permit to be stored, any unlicensed, inoperative, or otherwise prohibited vehicle in any Common Parking area parking space or on any residential lot where storage constitutes a nuisance or annoyance to the neighborhood.
- C. No vehicle may be parked in any Common Parking Area parking space for longer than five (5) days without the written authorization of the Board of Directors or Management.
- D. No vehicle may block the sidewalks, lot mailboxes, extend into the roadway, or park on the grass of any common area.
- E. No extensive repairs of any vehicle may be performed within the Common Parking Area of the Association. Extensive repairs are defined as and will include but not be limited to: any work that requires any vehicle to be disabled more than one day; any work that while not disabling the

vehicle requires more than one day; any work that infringes on any other parking space or Common Parking Area adjacent to where the work is being done and/or poses a risk of damage to any other vehicle, or which causes spillage of oil or other vehicle fluids onto the Common Parking Area.

F. Any clean-up of stain or damage to the pavement of the Common Parking Area, including but not limited to oil or other vehicle fluid spills, will become the financial responsibility of the owner of the vehicle.

G. Residents are responsible for the care and safety of any vehicle parked in the Common Parking Areas. Neither the Association nor the Board of Directors is responsible for damage to vehicles or loss of property from vehicles parking in the Common Parking Areas, to include damage by snow plows and/or snow removal equipment.

III. Number of Vehicles

A. No lot may regularly park more than *two (2) vehicles* in the Common Parking Area on a regular basis without prior written approval from the Board of Directors.

B. If a lot has more than two vehicles to park in addition to the available lot garage and driveway parking areas, those vehicles may be parked in overflow parking on Center Harbor Road.

IV. Prohibited Vehicles in Common Area Parking/General Common Areas

A. Boats, trailers, jet skis, motor/mobile homes, self-contained/pop-up camper, dune buggies or all-terrain vehicles, private or public school buses, and POD storage containers.

B. Commercial vehicles, so designated by equipment (ladders, tool boxes, lawn equipment, etc.) or work equipment displayed, and/or writing on the exterior of the vehicle; any vehicle or truck that exceeds two-and-one-half (2 1/2) tons empty weight. The only EXCEPTIONS are Police and Fire Vehicles. Workers performing work on residents homes during the time they are performing the work are exempt from the above commercial vehicle restrictions.

C. Any vehicle longer than twenty-two (22) feet or wider than eight (8) feet.

D. No vehicle may display For Sale signs other than two (2) inside the windows.

E. All vehicles must conform to the Fairfax County Code and Code of Virginia with respect to vehicle registration, which includes current Virginia license plates and a current Virginia safety inspection sticker. EXCEPT for active duty military with a home of record other than Virginia.

F. No inoperable vehicle may be parked or stored in a Common Area parking space or driveway. An inoperable vehicle is defined as any vehicle that cannot operate under its own power or cannot legally operate on the roads of Virginia (e.g., has an invalid or expired Virginia State Police Safety Inspection sticker or expired State Vehicle Registration Sticker). Abandonment or parking of any-non-functioning vehicle is strictly prohibited.

G. Only vehicles in good condition may be parked in a Common Area parking space. A vehicle in good condition is defined as not having any flat tires, crushed parts, damaged roofs, broken windows, or any other defect that renders the vehicle unsightly. Vehicles with any of the aforementioned defects may not be parked in the Common Area.

V. Violations

A. Violations of the parking policy may receive one written warning for each offense violating this Parking Policy. If the Offending Lot Resident/s or Guest (Guest violations are the responsibility of the Lot Resident/Owner) violates this Parking Policy a second time for the same offense (hereinafter "Repeat Offender"), the Board of Directors may have the Repeat Offender's vehicle towed and/or impose a fine of \$100.00. For continued offenses of a Repeat Offender (i.e., three offenses or more), the Board may impose a second fine of \$100.00 after a hearing by the Board of Directors on the repeated offenses of the Parking Policy. Hearings may be conducted after providing written notice to the Repeat Offender outlining the date and time of the hearing along with a description of the repeated offenses.

B. Only members of the Board of Directors or Management may authorize the tow of vehicles from the Common Area.

C. Any vehicle can be towed (without notice) for double parking, blocking mailboxes, or parking in a fire lane (as designated by posted signs and yellow curbs).

D. All towing shall be at the sole risk and expense of the vehicle owner, and the Association shall under no circumstances be liable for any damage to the vehicle or the costs to repair the same.

**OLD CHATHAM CLUSTER ASSOCIATION
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2019-002

Pertaining to: Old Chatham Cluster Association Parking Policy

Duly adopted at a meeting of the Board of Directors of the Old Chatham Cluster Association held 29th of JAN, 2019.

Motion by: LISA LOCASCIO Seconded by: DAVE HEINEMANN

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>[Signature]</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____, Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____, Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Only provide signature lines for the number of Directors authorized & indicate any positions that may be vacant.

ATTEST:

[Signature]

Secretary

01/29/2019

Date

Book of Minutes – 2019

Book Resolutions:

Resolution effective: 01/29 /, 2019