

CAROLINE OAKS HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 22-03
(Supersedes Policy Resolution 98-2)

Parking

WHEREAS, Article VII, Section 1(a), of the Bylaws provides that the Board of Directors with the power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, the Board has the power to regulate the parking of motor vehicles in Common Area Parking Lots, including parking spaces; and

WHEREAS, Article VIII, Sections 13, 14 and 16 of the Declaration regulate certain vehicles and activities on the Common Area; and

WHEREAS, the Board has determined that it is in the best interest of the Association to promulgate rules regulating parking on the Common Areas.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules are adopted with respect to parking in common areas.

I. DEFINITIONS

A. Approved Vehicles. Any private passenger car, motorcycle, truck, or van of less than 12,000 pounds gross vehicle weight and not specifically excluded elsewhere in this Resolution.

B. Common Area Parking Lots. Includes all parking spaces on Community Streets (but not the driveways of homes with garages). Common area parking slots are either labeled at the curb with a lot number (for homes without garages) or unassigned (not labeled) and alternatively termed “visitor” slots. All common area parking slots are maintained exclusively by the Association with respect to paving, striping and numbering.

C. Community Streets. Streets radiating from Glenbard Court. Community streets include all of Peter Roy Court; that portion of William Kirk Lane from Glenbard Court up to the boundary with the neighboring Legendgate community; and that portion of Glenbard Court, commonly called a pipestem, as distinguished from the state owned and maintained Glenbard Court. The Association exclusively maintains community streets.

D. Community Parking District. The state-owned portion of Glenbard Court is included in the Springfield CPD as established by Fairfax County. Glenbard Court provides access to above mentioned community streets. CPDs prohibit the parking of watercraft, motor homes, campers, trailers, vehicles greater than or equal to 3 axles, vehicles with a GVWR greater than or equal to 12,000 lbs., and vehicles transporting greater than or equal to 16 passengers (except school buses) on public streets in residentially zoned areas. Vehicles parked in violation are subject to a fine for each violation and may be towed at the owner’s expense by the County, not the

Association.

E. Recreational Vehicles. Recreational vehicle or "RV" means a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, and (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use. RVs also include boats, boat trailers, all-terrain vehicles, horse trailers or similarly oriented vehicles.

F. Commercial Vehicles. The Board adopts the Fairfax County definition of commercial vehicle as "a vehicle which bears or displays indicators that the vehicle is designed or used for commercial purposes, including but not limited to box trucks, step vans, or vehicles specifically designed to carry tools or specialized equipment, regardless of capacity, or which is licensed as a "for hire" vehicle." Commercial vehicles include:

- ◆ Food trucks, solid waste collection vehicles, tractors and trailers of tractor-trailers, dump trucks, construction equipment, cement-mixer trucks, and towing and recovery vehicles.
- ◆ Vehicles, including any appurtenances attached to the vehicle, which are greater than 21 feet in length, eight feet in height, or eight and one-half feet in width.
- ◆ Vehicles carrying commercial freight in plain view.
- ◆ Trailers used for transporting equipment, whether attached or unattached to another vehicle.
- ◆ Vehicles with three or more axles; or
- ◆ Vehicles or equipment that are similar to those identified above."

G. Inoperative Vehicles. A vehicle with a malfunction of an essential part required for the legal operation of the vehicle or which is partially or totally disassembled by the removal of tires, wheels, engine, or other essential parts required for legal operation of the vehicle.

H. Unregistered Vehicles. A vehicle that does not display current license plates and a valid, where required, state safety inspection sticker.

I. Other Equipment and Machinery. Any agricultural, industrial, construction or similar machinery or equipment.

J. Nuisance Vehicles. Vehicles that are a hazard or nuisance by noise, exhaust emission, fluid emission, appearance or otherwise, or are operated in a manner that disturbs residents.

II. RULES AND REGULATIONS

A. Use of Parking Areas. Parking areas shall be used solely for the parking of approved vehicles as defined above. Vehicles may only be parked in designated parking spaces and or in individual driveways and garages. All other vehicles are prohibited except when picking up or delivering passengers or merchandise or during the performance of work or services at the location, or as otherwise provided herein.

B. Commercial Vehicles. Commercial vehicles as defined above shall not parked

overnight in Common Area Parking Lots or individual driveways.

C. Recreational Vehicles. Recreational Vehicles may not be parked in Common Area Parking Lots or individual driveways for a period exceeding four days. RVs parked in individual driveways may not extend over sidewalks. RVs parked in Common Area Parking Lots are confined to the length and width of the line parking slot.

D. Inoperative Vehicles. Any vehicle as defined above as inoperative is prohibited from the Common Area Parking Lots.

E. Unregistered Vehicles. Any unregistered vehicle as defined above is always prohibited from the Common Area Parking Lots except for vehicles owned by any resident who maintains a legal domicile outside of Virginia and resides in Fairfax County solely on military orders

F. Other Equipment and Machinery. Other equipment and machinery as defined above are always prohibited from Common Areas Parking Lots and individual driveways.

G. Nuisance Vehicles. As defined above Nuisance Vehicles are prohibited from the Common Area Parking Lots, Community Streets, and individual driveways always.

H. Unsafe Vehicles. Vehicles may not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks. Tires supporting vehicles located in any common area parking lot must be inflated at all times to within 10 psi of the manufacturer's recommended pressure so that they can be moved in the event of an emergency. Any vehicle that presents a safety threat is subject to immediate towing without notice.

I. Fire Lanes. Parking in areas designated as fire lanes is in violation of the Fairfax County Code and prohibited by this Resolution. The Association may give Fairfax County Police the authority to act on fire lane violations on Association property and reserves its own power to initiate immediate towing of any vehicle parked in violation without notice.

J. Handicapped and No Parking Areas. No vehicle other than a vehicle clearly indicated as operated by or for a handicapped person may be parked in any space reserved for handicapped parking. All vehicles must comply with "No Parking" as posted or designated by a yellow curb.

K. Repairs. Repairs or maintenance to vehicles, painting of vehicles, or the drainage of automobile fluids is not permitted in Common Areas pursuant to Article VIII, Section 14 of the Bylaws.

L. Operator's Responsibilities.

1. Vehicles shall only be parked in properly marked parking spaces in common area parking lots. Only one (1) vehicle shall be parked in each space.
2. Vehicles shall not be parked in fire lanes, occupy more than one parking space, impede the normal flow of traffic, block any sidewalk, mailbox, or

prevent ingress and egress of any other vehicle to adjacent parking spaces or the open roadway.

3. Vehicles parked in the parking lot spaces must be positioned parallel to the separator lines so that no portion of the vehicle extends over the lines designating the individual parking space.

4. No vehicle shall be parked perpendicular to the marked parking spaces.

5. The operation of licensed vehicles in the common areas shall be restricted to paved roadways only.

6. No person shall operate a motorized vehicle on Association property without a proper operating license.

7. No motor vehicle shall be driven in a manner that is contrary to any posted speed or directional signs.

8. No motor vehicle shall be parked on a driveway pad in such a manner to block any portion of the sidewalk or street.

9. No motor vehicle shall be parked on any portion of the lot except for the driveway pad.

M. Owner's Responsibilities. All owners are responsible to ensure their family members, employees, visitors, guests, renters, tenants, and agents observe and comply with all rules and regulations as may be adopted by the Board.

N. Exceptions. Any owner who wishes an exemption from any of these rules may submit a written request for a variance to the Board of Directors for review. If the Board finds that (a) the intent and purpose of the rules are not served when applied to the particular facts and circumstances, and (b) enforcement imposes an unfair burden on the owner, it may grant the variance. No variance shall be effective until the Board approves a written instrument citing the reasons for the variance. Variances shall be filed among the records of the Association.

III. ENFORCEMENT

1. Vehicle Removal. The Board of Directors shall have the authority to have any vehicle not in compliance with the provisions of this Resolution removed from the common parking areas. This authority may be delegated to the Managing Agent. Removal authority also extends to non-garage unit homeowners who find their assigned spaces occupied without permission. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.

2. Violations Subject to Immediate Action. Any vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane, (b) occupying more than one parking space, (c) perpendicular to the marked parking space or on a grassy area or sidewalk, (d) impeding access to sidewalk ramps or mailboxes, or (e) constituting a safety hazard shall be subject to immediate removal without notification.

3. Notice of Violation. The owner of any vehicle not in compliance with the rules and regulations of Section II of this Resolution shall be notified of the violation by the posting of a notice on the vehicle. If the vehicle is not brought into compliance within the time period specified in the notice, it will be subject to removal by towing. The owner of any vehicle subject to removal because it is not a private vehicle must be provided ten days written notice of violation before towing. A record of all notices will be entered into the Association's records.

4. Subsequent violations committed within any consecutive twelve—month period may subject the violation vehicle to immediate towing without notification.

5. The Association reserves the right to exercise all other power and remedies provided by the Association's governing documents or the laws of Virginia and Fairfax County.

IV. ATTORNEYS' FEES, LIABILITIES

A. Owner Responsibilities. Owner shall be responsible for all expenses and/or attorneys' fees incurred by the Association in enforcing the provisions of this Resolution.

B. Liability.

1. The Association assumes no responsibility for any damage to any vehicle parked or operated on Association property.

2. Owners shall be held liable for any expenses incurred by the Association because of any damage done to the Common Areas by the use, repair, or maintenance of their vehicle, or as a result of negligence, whether on the part of the owner, his family, renters, tenants, guests or agents.

C. 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.

Resolution adopted and approved by the Board of Directors of the Caroline Oaks Homeowners Association 1st day of December 2022 and supersedes Policy Resolution 98-2 dated August 1, 1998.

CAROLINE OAKS HOMEOWNERS ASSOCIATION



Vernon Smith, President