

# **Rules & Regulations**

## **3.080.1 – Commercial Vehicles**

### **I. Introduction**

The residential nature of neighborhoods and the appearance thereof was important to the founders of Fairwood Greens Homeowners' Association (FGHA), so restrictions on business operations were included in the original CC&R. Article IX, Section 4 prohibits the commercial use of properties to include trade services and business (commercial) vehicle parking.

A commercial vehicle is defined as one that is used in connection with any trade service or business, regardless of size, make or model, intended to function in support of a business, a trade or commercial purpose. Indicators include but are not limited to signage, attachments and/or fixtures, equipment, and commercial vehicle registration. A vehicle can be considered a commercial vehicle even though it is not currently used for commercial or business purposes. A commercial vehicle may be defined as such even if the vehicle does not have a commercial license plate and/ or is not currently registered as a commercial vehicle.

Vehicles in excess of 10,000 pounds gross/curb weight, whether for commercial, recreational, or private use, may not be kept, parked, stored, dismantled, or repaired outside any residential lot or street adjacent to the homeowner's property. Gross weight shall mean gross unloaded operational weight and/or curb weight. Regardless of gross or curb weight, a vehicle may be prohibited based on other factors as set forth in this or other FGHA regulatory restrictions.

If maintaining a commercial vehicle at a homeowner's residence is a condition of employment, a Commercial Vehicle Variance may be considered by the FGHA Board of Trustees. An employer requirement may not overcome the commercial vehicle prohibition if its presence is incompatible with the residential nature of the community as determined by the FGHA Board, or may otherwise adversely affect community safety. If a variance is granted, the commercial vehicle must be parked on the homeowner's property (not on the street) without otherwise blocking or obscuring the street and/or sidewalk.

This regulation does not prohibit or restrict temporary daytime parking of commercial vehicles used for residential services provided to a home or yard by a third-party provider. Vehicles used for police, medical, fire departments or van pools are not considered commercial vehicles.

The homeowner is responsible for all that occurs on their property, whether by tenant, guest, or other occupants. This document is sole authority for fines and the timing thereof.

### **II. Rule**

No vehicles or materials used for commercial purposes may be stored on homeowner's property unless it is stored inside the homeowner's garage, or out of sight from the street and not objectionable to other homeowners. No vehicles or materials used for commercial purposes may be stored in front of the homeowner's property or on the street. This prohibition includes, but is not limited to, buses, trucks, or trailers of any description, or any vehicle that prominently displays the logo of any commercial enterprise. A commercial vehicle may be defined as such, even if the vehicle does not have a commercial license plate and/ or is not registered as a commercial vehicle. This includes but not limited to box vans, box trucks, all trailers, step vans, buses, tow trucks and limousines, even if they are below the 10,000-pound unloaded and/or curb weight limit. Travel trailers are not included in this commercial vehicle category.

Vehicles utilized for commercial business from a residence or vehicles dispatched from residence for commercial purposes are prohibited (see R&R for Business or Commercial Practice).

### **III. Fines**

Failure of a homeowner to comply with this regulation is a violation/infraction of this rule and shall result in fines as may be assessed as described below. A single violation shall include immediate and subsequent consecutive days of noncompliance:

- 1) First notice: warning letter allowing 90 days to make other arrangements for commercial vehicle, no fine
- 2) Second notice: \$50/day to begin on date indicated within notice
- 3) Repetitive/Chronic Offenders: \$150/day

### **IV. Repetitive/Chronic Offenders**

When conduct, acts or omissions by a homeowner violate governing documents including those within this regulation occur repeatedly over time, a homeowner shall be deemed a "repetitive" or "chronic offender". Three (3) commercial vehicle violations occurring within any twelve (12) month period shall result in designation as a "Repetitive/Chronic Offender".

### **V. Other Action**

In addition to fines, the Association may seek legal action against the homeowner in violation of this regulation, including without limitation towing and storage of the commercial vehicle at homeowner's expense. Fines may continue to be assessed until the property is brought into compliance, even while legal action ongoing. All attorneys' fees and costs incurred by the Association in the enforcement of this Rule & Regulation shall be paid by the offending homeowner.

### **VI. Collection of Fines**

The Association will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable. All fines imposed by the Association upon a homeowner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements, and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with King County in order to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

### **VII. Rule Enforceability**

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

**END OF SECTION**

Originally dated and adopted by the Board of Trustees the 23rd day of June 2015.  
Revised: March 28, 2023