

**FAIR CHASE HOMEOWNERS ASSOCIATION, INC.**  
**POLICY RESOLUTION 2010-01 – PARKING POLICY**

**Relating to the Use, Parking and Storage of Vehicles**

**WHEREAS**, Article IV, Section 1 of the By-Laws states that "The Board of Directors may exercise all the powers of the, Association, except such as are, by the laws of Virginia, the Articles of Incorporation, or these Bylaws, conferred upon or served to the members;" and

**WHEREAS**, Article IV, Section 1(a) of the Bylaws that the Board shall have the power to adopt and publish rules and regulations governing the use of the Lots and Common Area, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof in accordance with the Virginia Property Owners Association Act; and

**WHEREAS**, Article II, Section 1(a) of the Declaration provides that each Owner shall have a right and nonexclusive easement of enjoyment in and to the Common Area; and

**WHEREAS**, Article II, Section 1(a) of the Declaration also provides the Board of Directors with the power to adopt, promulgate, enforce, and from time to time amend, reasonable rules and regulations pertaining to the use of the Lots and Common Area; and

**WHEREAS**, Article II, Section 1(i) of the Declaration specifically provides the Board of Directors with the right to regulate parking on the Common Area and also provides the Board of Directors with the right, but not the obligation, to assign and reserve parking spaces for the exclusive use of individual Owners; and

**WHEREAS**, Article VI, Section 7 of the Declaration restricts the types of vehicles that may be parked on the Property; and

**WHEREAS**, Article VI, Section 7 of the Declaration provides the Association with the right to enforce the provisions of the Declaration by towing any non-complying vehicle at the vehicle owner's expense; and

**WHEREAS**, in order to assure safe and attractive parking areas the Board

wishes to establish a comprehensive policy with respect to the parking and storage of vehicles.

**NOW, THEREFORE. BE IT RESOLVED THAT** the following parking policies be adopted by the Board:

**I. RESTRICTIONS ON THE PARKING AND STORAGE OF VEHICLES**

A. The types of vehicles listed in subsections (1) through (12) below may not be parked or stored in open view on Lots, Common Area parking spaces, or on Common Area open space or public rights-of-way within the boundaries of the Fair Chase Homeowners Association.

1. Any boat or boat trailer;
2. Any motor home or self-contained camper;
3. Any camper slip-on where the back of the camper is higher than the roof line of the cab of the truck; except that if a truck-mounted camper is to be an Owner's primary means of transportation, it shall not be considered a recreational vehicle, providing it meets the following conditions: (1) the vehicle is moved on a daily basis; (2) it is parked within a garage or driveway;
4. Any mobile home, trailer or fifth wheel vehicle;
5. Any pop-up camp/tent trailer or similar recreation oriented portable vehicle or transportable facility or conveyance;
6. Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies. Non-operational automobile collections or other automotive equipment not licensed for use on the highways of Virginia;
7. Any vehicle defined as a commercial vehicle under Section 82-5-7 of the Fairfax County ordinance;
8. Any vehicle with commercial signs, advertising or visible commercial equipment;
9. Private or public school or church buses;

10. Any vehicle exceeding eighteen (18) feet in length and/or eight (8) feet in width or is more than three (3) tons gross weight, irrespective of whether or not such vehicle would otherwise be permitted in accordance with other terms of this Resolution.
  11. Junk or derelict vehicles may not be parked or stored in open view on residential lots, Common Area parking spaces, streets or on Common Area open space within the boundaries of the Fair Chase Homeowners Association. A vehicle shall be deemed to be a derelict vehicle if it is missing any necessary parts, such as, but not limited to tires, wheels, engine etc. that are necessary for operation of the vehicle on public streets. A vehicle shall also be classified as a derelict vehicle if it does not have a current state inspection sticker and current license.
  12. Any agricultural, industrial, construction or similar machinery or equipment.
- B. Vehicles must be parked so as not to obstruct other parking spaces sidewalks or ingress and egress areas including driveways. Vehicles parking adjacent to a driveway shall allow a minimum distance of 3 feet on either side of the driveway. Residents may not park vehicles in any manner which impedes the normal flow of traffic, blocks any mailbox, or prevents ingress and egress of any other vehicle to adjacent parking spaces or the open roadway. No vehicle may be parked in a manner that it extends beyond the parking lines or crosses over the parking lines.
  - C. No vehicles other than those clearly indicated as operated by or for a handicapped person shall be parked in spaces reserved for handicapped parking.
  - D. Vehicles may be parked only in designated parking areas. All vehicles must comply with "No Parking" areas as posted or designated.
  - E. The performance of repairs to vehicles, including painting and the drainage of automobile fluids is not permitted within the boundaries of the property.
  - F. Vehicles may not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks.
  - G. Residents may not park vehicles in fire lanes or no-parking zones.
  - H. Major repairs or maintenance to vehicles (including oil changes), or painting of vehicles, is not permitted anywhere within the Association, except that repairs or maintenance of a minor nature, such as the repairing of a flat tire or the re-charging of a dead battery, are permitted.

- I. 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 not permitted within the Association.
- J. If a vehicle's security system interferes with the right of quiet enjoyment of the community for more than fifteen (15) uninterrupted minutes, the vehicle is in violation of the Association's regulations and subject to removal through towing.
- K. The principal use of the individual garages shall be for passenger vehicle storage only. Owners may not store boats, trailers, buses, campers, recreational vehicles, utility trailers, commercial vehicles, oversized vehicles or any other type of equipment, material, machinery or goods in their garage which prevents the owner from parking a passenger vehicle in the garage. For owners with two-car garages, the two-car garages must have sufficient space to allow two vehicles to be parked in the garage at the same time.
- L. Residents must have a proper operating license in order to operate a motorized vehicle on Association Property.

## **II. COMMON AREA PARKING SPACES**

- A. All Common Area parking spaces in Fair Chase are considered visitor parking only. Only vehicles with a valid visitors parking pass and not registered to a Fair Chase owner or renter may park in visitor parking spaces. It is expected that homeowners will use their private spaces (in the garage and on the driveway) for parking their vehicles.
  - 1) Each owner in good standing, which shall be defined as any owner who does not have any uncured architectural violations or other violations of the Association's governing documents , and who is current on all dues and assessments, will be issued parking decals, four (4) per town home and single family home.

- 2) Each homeowner must present a valid Virginia vehicle registration showing the owners name and address in Fair Chase. (Active Duty military personnel may present a valid vehicle registration from any state along with a valid military ID)
  - 3) Renters must present a copy of their lease and a valid Virginia vehicle registration showing the renters name and address in Fair Chase. Stickers will only be issued to renters whose names appear on the lease. (Active Duty military personnel may present a valid vehicle registration from any state along with a valid military ID)
  - 4) Waivers to this Parking Policy may be submitted to the Fair Chase Board of Directors. Any exemptions to this Parking Policy shall be approved by the Board of Directors.
- B. The stickers are to be placed on the lower drivers' side section of the windshield, in compliance with Virginia law, so they are clearly visible.
- C. Only vehicles with current Fair Chase parking decals and guest parking passes issued by Fair Chase will be allowed to park at the clubhouse or private streets within the boundaries of the Fair Chase Homeowners Association.
- D. When the clubhouse is reserved for a private event the parking immediately around the clubhouse will be reserved for the owners and guests attending the event.
- E. A special visitor's pass may be issued when a resident is moving in/out of the community. If the owner/tenant will be using a trailer towed by a vehicle the owner/tenant must provide the vehicle's license plate information that will be towing the trailer. The vehicle and trailer can only be parked overnight at the clubhouse on the date of the move-in/move-out. The trailer must remain connected to the vehicle at all times when parked at the clubhouse. If the owner/tenant will be using a rental truck the owner must provide a copy of the rental agreement for the truck and the truck can not exceed 24 feet in length. The truck can only be parked overnight at the clubhouse on the date of the move-in/move-out. If the clubhouse is rented for a private event on the same date as any move-in or move-out, owners/tenants moving can not use the clubhouse parking lot until the event has ended.
- F. A special visitor's pass may be issued when a residence is undergoing maintenance that makes the unit's garage or driveway temporarily

inaccessible. The owner must provide the number from the vehicle's resident parking decal that will be parked in a visitor's space. A temporary pass valid for 72 hours will be issued for that vehicle that will allow it to be parked in any visitor's space for a period of no more than a total of seventy-two hours in any calendar year. For maintenance requiring more time than a 72 hour visitor pass, the owner must present a time estimate for the work to be performed at their lot to the managing agent.

- G. Each owner in good standing, which shall be defined as any owner who does not have any uncured architectural violations or other violations of the Association's Governing Documents and who is current on all dues and will be issued two (2) guest parking passes annually; condominium unit owners will receive their guest parking pass through the Condominium Unit Owners Association. Guest parking permits for town homes and single family homes will be valid throughout the community excluding visitor spaces located on Whittemore Place and Battenburg Lane.
1. The pass must be hung from the rear view mirror of a guest's vehicle while parked in a designated visitor space.
  2. A vehicle may be parked overnight in visitor space for a maximum of 4 nights in a 7 day period. Overnight parking is defined as parking in a visitor's space for any period of time between the hours of 12:00AM (midnight) and 6:00 AM.
  3. Any vehicle parked in a visitor parking space that does not display a valid visitor parking pass shall be subject to towing at the vehicle owner's expense.
  4. Lost guest parking passes may be replaced at a cost of \$75.00 per pass for the first lost pass and \$125.00 per pass for subsequent replacement passes.
- H. Owners in good standing may purchase up to six (6) guest passes for \$3.00 each in any 7 day period. These passes will be valid for 72 hours.

### **III. ASSOCIATION NOT RESPONSIBLE**

All owners must ensure that their family members, tenants, visitors, and/or contractors comply with these rules and regulations. If you are a landlord and your tenant is towed because you did not provide parking permits or make them

properly aware of the parking policy and necessary permits, the Association shall not be responsible for any damages, injuries and causes of action arising out of the towing of such tenant's vehicle.

Nothing in this resolution shall be construed to hold the Association or the Board of Directors responsible for damage to vehicles or the loss of property from vehicles parked on the Common Areas.

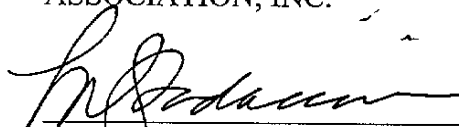
#### **IV. ENFORCEMENT**

- A. Any vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane, (b) occupying more than one (1) parking space, (c) extending beyond the parking lines, (d) parked perpendicular to the marked parking space or on a grassy area, (e) impeding access to sidewalk ramps or mailboxes, (f) constituting a safety hazard, (g) that is not registered with the Association or has parked in an unreserved visitor parking space without a valid visitors pass or in excess of the time allowed for any visitor or guest pass, (h) any vehicle previously towed for a similar infraction of this policy, (i) whose security system has been triggered and allowed to continue unattended for more than fifteen (15) minutes, (j) commercial vehicles, vehicles with commercial signs or visible commercial equipment, (k) mobile home, trailer, or recreational vehicle, or otherwise in violation of this Policy, shall be subject to immediate removal without notification to the owner of the vehicle. The Towing Company retained by the Association shall engage in random and roving enforcement of this Policy and may initiate the immediate towing of any vehicle observed to be parked as detailed in this paragraph.
- B. Any violation of the provisions of this policy relating to parking vehicles within garages, failure to register a vehicle with the Association, or parking of vehicles that extends onto a sidewalk from a driveway pad will result in a warning citation being issued. Upon any repeat violation of a similar infraction, the owner or resident will be provided with a notice of violation, which will result in the initiation of an enforcement action in accordance with the Association's Enforcement Policy.
- C. Visitor passes will not be required for the visitor parking areas from 6:00AM thru 12:00AM (midnight). Visitor passes will not be required during normal operating hours at the clubhouse.
- D. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents or the laws of Virginia and Fairfax County.

- E. Nothing contained herein shall preclude the Board of Directors from seeking injunctive relief or any other remedy available to it in a court of equity.
- F. If the Association must enforce this resolution through any form of legal action, the offending owner shall be responsible for all expenses and/or attorneys' fees incurred by the Association in enforcing the provisions of this Resolution.
- G. The Association assumes no responsibility for the provision of any security service to protect vehicles parked in the parking areas, and it disclaims responsibility for any damage to any vehicle parked or operated on Association Property. All owners and residents agree to indemnify and hold harmless the Association and its directors, officers, committee members, and agents against any claims arising out of the towing of a vehicle.

The effective date of this Resolution shall be April 22, 2010.

FAIR CHASE HOMEOWNERS  
ASSOCIATION, INC.



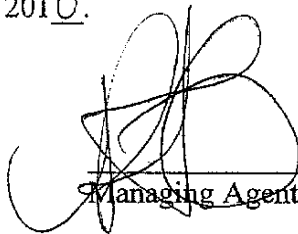
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Mike Spadaccini, President



**FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of Fair Chase Homeowners Association, Inc. on this 29<sup>th</sup> day of April, 2010.



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Managing Agent

**RESOLUTION ACTION RECORD**

Duly adopted (as revised) at a meeting of the Board of Directors held April 22, 2010.

Motion by: John McDermott

Seconded by: Michael Spadaccini

VOTE: YES NO ABSTAIN ABSENT

Mike Spadaccini  
President

X \_\_\_\_\_

Lance Crystal  
Vice President

\_\_\_\_\_ X \_\_\_\_\_

John McDermott  
Treasurer

X \_\_\_\_\_

Sara Sotoudeh  
Secretary

X \_\_\_\_\_

Alex Cheng  
Director

X \_\_\_\_\_

Marc Hyman  
Director

X \_\_\_\_\_

Michael Liberman  
Director

\_\_\_\_\_ X \_\_\_\_\_

ATTEST:

*Sara Sotoudeh*  
Secretary

04/22/2010  
Date

Resolution effective: April 22, 2010