

THE BROOKLAND HEIGHTS HOMEOWNERS ASSOCIATION

PARKING RULES AND REGULATIONS

I. PREAMBLE

WHEREAS, Article VII, Section 1 of the Bylaws grants the Board of Directors the power to adopt and publish rules and regulations governing the use of the common properties and facilities and the personal conduct of the Members and their guests thereon; and

WHEREAS, Article VII, Section 1 of the Bylaws grants the Board of Directors all powers, duties and authority vested in or delegated to this Association, and except those reserved to the Members; and

WHEREAS, the Board of Directors deems it necessary and in the best interests of the Association to assign parking spaces and to establish orderly rules and procedures regarding those assigned parking spaces.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules and regulations shall be adopted relative to the parking of vehicles on the common areas.

II. DEFINITIONS

1. **General Definitions** – As used in these Regulations, the following words shall have these meanings:
2. **Abandoned Vehicles** – Shall mean any vehicle that has remained on the premises of the Brookland Heights Homeowners Association for more than 48 hours and is not displaying current valid Virginia registration plates, state inspection, town/county sticker; or any vehicle that meets the definition of "abandoned vehicle" under the Code of Virginia, Section 46.2-1200.
3. **Board** – Shall mean the Board of Directors, Officers, and Agents of the Brookland Heights Homeowners Association.
4. **Boat** – A device or structure, of any material, designed primarily for use by one or more persons as a flotation device upon a body of water. Such vehicle is permitted on the parking lot for a limited period of time for a cleaning, with the prior permission of the Board of Directors or its Managing Agent.
5. **Bus** – A passenger vehicle designed to carry ten or more passengers with omnibus, commercial or bus license.
6. **Camper and Recreational Vehicles** – A vehicular portable unit, mounted on wheels for use on highways and streets propelled or drawn on its own or other motor power. Of such a size and weight as not to require special highway movements permits when drawn by a motorized vehicle (or operated on its own powers); primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use; and/or generally identifiable by the number and configuration of vents and utility hookups; types of windows, luggage and storage capabilities and general visual appearance not associated with a passenger vehicle normally found in residential communities. Such a vehicle may be parked in a single parking space for a reasonable period of time, not to exceed twenty-four (24) hours, while loading or unloading, with the prior permission of the Board of Directors or its Managing Agent.
7. **Camper Truck** – Any self-propelled camper.
8. **Commercial Vehicle** – Any vehicle not employed solely for family, private or personal use, which is associated with any business, commercial or profit-making venture, including trucks and vans weighing over 9,000 pounds, vehicles bearing equipment including ladder racks or company name lettering, vehicles capable of carrying more than 8 persons, and vehicles for hire including taxicabs and limousines.
9. **Flat Bed** – A vehicle where the cargo box (on a pickup truck or truck) or the rear portions of an automobile or van has been replaced by a deck and may also have sideboards or stake type slide rails.
10. **For Sale Sign** – A graphic display offering to sell, barter, or exchange a vehicle for some consideration, whether pecuniary or an exchange in kind.

11. **Handicapped** – Shall mean the holder of a valid handicapped or disabled person state registration or tags.
12. **Junk Vehicle** – Any vehicle that is incapable of passing current Virginia State Motor Vehicle Administration inspection, does not display proof of current license plates, current inspection sticker, and current town/county sticker or is inoperable.
13. **House Trailer** – Same as camper.
14. **Inoperable, Unregistered or Abandoned Vehicles** - A vehicle shall be considered inoperable or abandoned and shall be immediately removed from Brookland Heights if it is not bearing a valid current license tag and/or not having a current registration, not in proper operating condition, failed a Virginia State vehicle inspection, or if it remains upon the common area for a period in excess of thirty (30) days unless reasonable cause shall be shown, such as vacation or other valid reason by the owner thereof.
15. **Off-Road Vehicles** - All dirt bikes, go-carts, three-wheelers, Mopeds and other similar "off-the-road" type vehicles, which are not considered a registered vehicle with a valid state registration.
16. **Mobile Home** – A trailer that is designed for or may be used for the purpose of permanent or temporary housing or office or retail space.
17. **Moped** – A small, motorcycle-like vehicle with pedals.
18. **Motorcycle** – A vehicle with two wheels in tandem propelled by an internal combustion engine and sometimes having a sidecar with a third wheel.
19. **Motor Home** – Shall mean any self-propelled vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.
20. **Occupant** – Occupant refers to the owner(s) of any Brookland Heights Unit, to his/her tenants/renters, guest (invited or uninvited) and to any children, relatives, vendors or contractors.
21. **Oversized Vehicle** – A vehicle exceeding 240 inches (20') in length or 80 inches (6'8") in width or 90 inches (7'6") in height. A vehicle with more than four wheels on the roadway. A vehicle with tires which extend six (6) inches beyond the body. A vehicle, which extends the width of one parking space to the painted lines. A vehicle which extends beyond the length of normal parking space.
22. **Parking** – Shall mean the temporary stopping and placement of a vehicle in one fixed location. Temporary contemplates a frequency of use of the vehicle that is generally operated by the owner.
23. **Passenger Vehicle** - These vehicles are commonly recognized as sedans, coupes, hardtops, convertibles, station wagons, sport-utility vehicles, and vans designed primarily for personnel passenger carrying use, which meet the size limitations herein; and do not fall within the prohibitions relative to recreational and camper vehicles, OR any other prohibited vehicle.
24. **Parking space** – Shall mean the physical area within the space marked upon the pavement as a single parking space for a vehicle.
25. **Pickup Truck** - A vehicle having an open cargo area (truck bed) and a separate cab, having a maximum of four wheels (4) wheels, and having a load capacity of equal to or less than ¼ ton, and having no more than two (2) axles and having wheels (not Tires not exceeding eighteen (18) inches and with any items in the bed of the truck neatly covered by the type of cover which conceals the items from view. It must extend over all of the open area of the truck bed and be firmly attached to the vertical walls of the truck bed.
26. **Recreational Vehicle** – Any vehicle intended primarily for recreational purposes including, but not limited to off-the-road vehicles, racing vehicles, campers, boats, motor home, house trailers, etc.
27. **Storage** – Shall mean the long-term placement of a vehicle in one location. A vehicle shall be deemed to be stored when such vehicle has remained in one location (or moved about from one location to another within Brookland Heights to avoid the meaning of the term storage) for a period of more than thirty (30) days.

28. **Taxicab** – A vehicle conspicuously or inconspicuously marked as a taxi, cab, limousine, or for hire, which has non-passenger license plates.
29. **Tow Truck** – A vehicle for or designed to pull, tow or carry another vehicle.
30. **Trailer** – A vehicle having wheels but dependent upon another vehicle for its motive power, and designed to be towed behind such other vehicle. Such vehicles may be parked in a single parking space for a reasonable period of time, not to exceed twenty-four (24) hours, while loading and unloading, with the prior permission of the Board of Directors or its Managing Agent.
31. **Truck** – A vehicle designed and primarily used to transport property, other goods, or services rather than passengers. A vehicle having a load capacity greater than $\frac{3}{4}$ ton. A vehicle having more than four (4) wheels. A vehicle having more than 2 axles. A vehicle having wheels (not tires) with a diameter exceeding eighteen (18) inches. A vehicle having tires that exceeds thirty-two (32) inches in diameter. That type of vehicle commonly known as a "pickup" truck having an open cargo area (truck bed) and a separate cab, shall not be considered a truck for the purposes of this definition and is not prohibited under this section, provided that such pickup truck satisfactorily meets the criteria listed as "pickup" truck under "Permitted" vehicle and is not prohibited elsewhere herein.
32. **Van** – A covered truck-like vehicle having a cab and rear section covered by a continuous roof. A vehicle with the combined purpose of passenger use and for the transport of goods or services, having windows in the rear, and not meeting the definition of "Truck," "Commercial Vehicle" or any other prohibition herein, including, but not limited to, size, weight and load capacity.
33. **Vehicle** – Shall mean any self-propelled device on a highway used for the transportation or towing of persons or property upon a highway, and which is licensed by any State.

III. POLICY

PARKING REGULATIONS

It is intended hereby to permit only the parking of passenger type motor vehicles within the Brookland Heights Homeowners Association, in keeping with the spirit and intent of the Declaration and Bylaws to promote and maintain a residential community. Therefore, the following Rules and Regulations shall apply to all vehicles meeting the criteria set forth herein without regard to the type of designation of license plates affixed to the vehicle.

ASSIGNMENT OF PARKING SPACES

1. The Association will assign two (2) parking spaces to each Lot in the Association. The Association will number all assigned spaces according to a plan approved by the Board of Directors. Owners may allow their tenants, guests or invitees to use the parking spaces assigned to their Lot.
2. Residents are not permitted to park in another Lot's assigned parking spaces without expressed permission for the Lot Owner or their Tenants. Anyone parked in an assigned parking space without permission is subject to towing by the Lot Owner or their Tenant without warning.
3. The Association may revoke the privilege of parking for Lot Owners not in good standing with the Association for violations of the governing documents or nonpayment of assessments. The Association will mail a letter to the Owner of a Lot advising the Owner that the Association intends to revoke parking privileges prior to doing so. Once parking privileges have been revoked, any vehicle parked in the assigned parking spaces or using the visitor permit assigned to the Lot will be towed at the vehicle owner's risk and expense. No vehicle may park in the assigned parking spaces or use the assigned visitor permit until the Owner of the Lot receives written notification from the Association of the reinstatement of parking privileges.

VISITOR PARKING AND PERMIT APPLICATION

1. Each Lot is allowed one (1) visitor permit ONLY.
2. Residents are required to complete an application to obtain a visitor permit.

3. Requirements for obtaining a visitor permit are as follows:
 - a. Lot Owner must be in good standing with the Association (HOA account must be current).
 - b. Tenants are required to submit a copy of their current lease agreement with the application. Expired leases are not acceptable. Applicant must be the Lease Holder.
4. Replacement fee for lost/stolen permits is \$40.00. All permits that are voided and are no longer valid are reported to the towing company. Any vehicle displaying an invalid permit will be towed at the vehicle owner's risk and expense.
5. Visitor parking spaces are to be used only by the authorized guests of either Lot Owners or their Tenants. Resident's may not park in a visitor parking space at any time or for any reason.
6. Residents are responsible for ensuring that their visitors are fully aware of all parking restrictions and regulations. Visitors are required to abide by all of the Association's rules and regulations.
7. Visitor parking spaces are marked and are available on a first come, first serve basis.
8. No vehicle may be parked in a visitor parking space for more than two (2) consecutive days within a thirty (30) day period without prior permission from the Board of Directors or Managing Agent. Any vehicle that has been parked in a visitor parking space for longer than two (2) consecutive days within a thirty (30) day period, which has been verified through the observation of a Unit Owner, Tenant, the Managing Agent or the HOA approved towing company is no longer considered a guest and is prohibited from parking in designated visitor parking spaces. The owner of such vehicle must either park in the Lot's assigned parking spaces or remove such vehicle from the Association's property.

VEHICLE CONTROL

1. **The following vehicles, as defined in Section II, are prohibited from parking in Brookland Heights:** Vehicles including, but not limited to, abandoned vehicles, buses, boats, campers, recreational vehicles, commercial vehicles, flat beds, junk vehicles, mopeds, dirt bikes, house trailers, inoperable or unregistered vehicles, motor homes, taxicabs, tow trucks, trailers, off-road vehicles, ¾ ton or heavier vehicles, oversized vehicles, and other unauthorized vehicles. The parking of a personal vehicle with a snowplow attached is prohibited in Brookland Heights.
2. Vehicles parked in Brookland Heights must be in compliance with Virginia and Town/County Laws. Vehicles which display expired license plates or state inspection stickers or are otherwise not roadworthy may be towed without warning at the vehicle owner's risk and expense.
3. Any unlicensed person is prohibited from operating any motor vehicle on common areas.
4. All persons operating motor vehicles upon common areas shall conform to all traffic control signs posted on the premises, and in accordance with the provisions of the traffic ordinances of the state/town/county.
5. The operation of any motor vehicle in violation of the Code of Virginia, as amended, is prohibited. Consent is hereby given by the Board of Directors to all appropriate law enforcement officers who are hereby empowered to enforce all motor vehicle laws in the streets and common areas of Brookland Heights.
6. In the event a vehicle is parked in Brookland Heights and is either covered or appears to be noncompliant with the Association's rules and regulations, the Association may at any time require proof that a vehicle is in compliance and is eligible for parking in Brookland Heights. Failure to provide proof as requested by the Association will result in the vehicle being towed without warning at the vehicle owner's risk and expense.
7. All vehicles parked in Brookland Heights must be maintained in an acceptable state of repair to meet the following conditions:
 - a. Powered vehicles must be maintained in operating condition and must be able to be legally driven outside of the community.
 - b. Tires supporting vehicles on common areas 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.

8. No unlicensed vehicles, including but not limited to motorized bicycles, mini-bikes, go-carts, ATVs, etc. shall be operated on or parked upon any common area of Brookland Heights.
9. All licensed motor vehicles (including motorcycles) shall be operated in the paved parking lot areas only. Each Lot is assigned two (2) parking spaces. All licensed motor vehicles (including motorcycles) shall be parked in the Lot's assigned parking spaces only.
10. Parking in fire lanes and/or in other areas not designated for parking and/or where access to other common areas are impeded is prohibited, especially along curved curbs.
11. No commercial vehicles may be parked in resident or visitor parking spaces. This prohibition includes any and all vehicles used for commercial purposes (i.e. panel trucks, vans or any vehicles with lettering, vehicles with equipment (including ladder racks) mounted on the exterior, taxi cabs, buses, limousines, and other similar vehicles which are used for commercial purposes).
12. There shall be an exception to this rule for commercial vehicles belonging to a business actively doing service or repairs to a resident's home or property during normal business hours or in the event of an emergency, outside normal business hours. In no event will a commercial vehicle be permitted to park overnight.
13. Vehicles greater than three quarter (3/4) of a ton in size are prohibited.
14. Any vehicle which exceeds seven (7) feet in height, nine (9) feet in width or nineteen (19) feet in length is prohibited from parking within the common area parking lot and may be towed without warning.
15. Recreational vehicles including, but not limited to, RVs, boats, trailers, campers, ATVs, mini bikes, go-carts, etc are not permitted in the community.
16. Minor repairs begun on vehicles must be completed within forty-eight (48) hours from the starting time of the repair. Major repairs including, but not limited to engine, transmission, and rear end overhaul are prohibited.
17. Dumping, disposal of leaks of oil, grease, or any other chemical, residual substances, or any substance or particles from containers of any type (as a result of the repair, maintenance, or carelessness) are not permitted on any Lot or common areas. Disposal must conform to environmental regulations.
18. The dumping of motor oil and other petroleum products into the storm sewers is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs for the responsible person(s).
19. All motor vehicles shall not exceed the speed limit of fifteen (15) miles per hour while operated in the common area streets.
20. Owners of vehicles will be held liable for all costs to repair damages to common areas caused by negligence, repair operations on the vehicle or storage of any combustible, dangerous or otherwise hazardous material on common areas (regardless of the type of container).
21. Vehicle storage is prohibited. Storage (as defined herein) of any vehicle in Brookland Heights, without prior written approval of the Board of Directors, is strictly prohibited.
22. No vehicle shall be permitted to display the words "For Sale" or have a "For Sale" sign affixed to it while on the premises.
23. No vehicle shall be parked in such a way that will block any portion of sidewalks, mailboxes or fire hydrants.
24. No vehicle shall be parked in such a way that will block another vehicle's ability to enter or exit the community. This includes blocking vehicles so that they are unable to move in/out of designated parking spaces.
25. At no time shall any vehicle be allowed on any Lot or common area that is not designated for parking. This includes driving in the grassy areas of the common area or grassy area/lawn of any Lot. The Lot Owner will be responsible for any damages including cost of repairs.

26. The Lot Owner will be responsible for any damages caused by anyone associated with the Lot who is found driving on any portion of the grassy areas of any common area or Lot will be held liable for the cost of damages and repairs to restore the area.

ENFORCEMENT

1. Failure to abide by the Association's rules and regulations can result in the revocation of parking privileges.
2. The Board of Directors shall be empowered to have vehicles which are in violation of the Associations rules and regulations and/or state/town/county code removed from the common areas at any time and at the vehicle owner's risk and expense.
3. The Association will not be liable for any vehicles towed from Brookland Heights.
4. All towing and storage expenses will be the sole responsibility of the vehicle's owner.
5. The Owner or Occupant of a Lot is authorized to tow a vehicle parked in a parking space assigned to their Lot provided that the Owner or Occupant utilizes the towing company authorized by the Association.
6. The Owner or Occupant requesting a tow must be physically present at the time of the tow and must provide sufficient proof to the driver of the tow truck that the parking space in question is reserved for that Owner's or Occupant's exclusive use. The method of proof must be one of the following:
 - a. A driver's license of the Lot Owner or Occupant showing the address of the appropriate Lot.
 - b. A formal photo ID issued by the state or local municipality which shows the Lot Owner's or Occupant's name and the address of the appropriate Lot in Brookland Heights.
 - c. A deed which shows ownership of the Lot along with a photo ID and name.
 - d. A lease with the Occupant's name and address along with a photo ID and name.
7. The towing company will not tow any vehicle if the Lot Owner or Occupant requesting the tow does not provide the type of proof listed above.

The Brookland Heights Parking Rules and Regulations shall become effective on **June 1, 2016.**