

Townes At Mosby Station Home Owners Association

Resolution 2014-02

Regarding Parking Policy

WHEREAS, the TOWNES AT MOSBY STATION HOME OWNERS ASSOCIATION (“Association”) is a property owners association pursuant to the Property Owners Association Act and those documents in the chain of title of the Association that are recorded among the land records of Frederick Count, Virginia;

WHEREAS, Article IV of the Bylaws of Townes at Mosby Station Homeowners Association, Inc. ("Bylaws") provide that the affairs of the Association be managed by a Board of Directors;

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

WHEREAS, the Declaration obligates each member of the Association to comply with the rules and regulations promulgated by the Board; and

WHEREAS, the Board has determined that it is in the Association's best interest to develop rules and regulations regarding parking within the Common Areas.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules are adopted with respect to parking within the Common Areas.

I. UNAPPROVED VEHICLES

Article VI of the Deed of Dedication provides a list of vehicles which are prohibited on any lot or within the Common Areas. The following is a more detailed and specific list. The following described vehicles shall be prohibited from parking at any time within the Townes at Mosby Station community except when picking up or delivering passengers or merchandise or during the performance of work or services at the location:

A. Unapproved Vehicles. Any boat, mobile home, motor homes, campers, buses, trailers of any type, tractors, trucks or other motor vehicles other than automobiles, motorcycles, pickup trucks, and $\frac{3}{4}$ ton (or less) vans.

B. Inoperative Vehicles. Any vehicle with a malfunction of an essential part required for the legal operation of the vehicle or which is partially or totally disassembled for a period longer than 24 hours by the removal of tires, wheels, engine, or other essential parts required for legal

operation of the vehicle. Any vehicle which does not have a current license and/or current state inspection sticker.

C. Abandoned Vehicles. Any vehicle left unmoved in an unassigned parking space for more than 14 consecutive days, unless the owner provides written notice to the Board in advance that he or she will be away and unable to move the vehicle for a period greater than 14 days. In cases where a violation is committed, a notice will be placed on the vehicle, and if no response is received within seven (7) days, it will be subject to removal.

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

II. RULES AND REGULATIONS

A. Repairs. Major repairs or maintenance to vehicles, painting of vehicles, or other work is not permitted anywhere in the Townes at Mosby Station community, except for minor repairs or maintenance, such as repairing a flat tire or re-charging of a dead battery, which can be completed in 24 hours (or less) and only in the driveway of an individual lot.

B. Dumping of Materials. The dumping, disposal or leakage of oil, grease, or any other chemical residual substance or particles is prohibited.

C. Owners and Operator's Responsibilities.

1. No motorized vehicles of any kind shall be permitted upon any areas within the Townes at Mosby Station except for the driveways, streets and parking areas constructed by the Declarant.

2. Parking is prohibited on the grass at the Townes at Mosby Station, including the grass of the common areas and individual lots. No vehicles shall be parked in an area other than individual driveways and the parking areas constructed by the Declarant.

3. Vehicles shall not be parked in fire lanes, impede the normal flow of traffic, block any sidewalk or mailbox, extend into the street, or prevent ingress and egress of any other vehicle to adjacent parking spaces or the open roadway.

4. No vehicle shall be parked perpendicular to driveways in such a way as the vehicle extends into the street.

5. Garages shall not be converted into living spaces or to any other use inconsistent with the parking of vehicles.

6. No person shall operate a motorized vehicle in the Townes at Mosby Station community without a proper operating license and required safety regulated equipment, such as a helmet.

7. 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 subject to removal through towing.

D. Homeowner's Responsibilities. All Homeowners are responsible for ensuring that their family members, employees, visitors, guests, tenants and agents observe and comply with all rules and regulations as may be adopted by the Board of Directors.

III. ENFORCEMENT

A. In General.

1. **Vehicle Removal.** The Board of Directors shall have the authority to have any vehicle not in compliance with the provisions of the Resolution removed from the Association Property. This authority may be delegated to the Management Agent of the Association. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
2. **Violation Subject to Immediate Action.** Any vehicle (a) parked in a designated fire lane, (b) sidewalk, (c) impeding access to sidewalk ramps or mailboxes, (d) extending into street, (e) constituting a safety hazard, (f) whose security system has been triggered and left unattended for more than fifteen (15) minutes, (g) prevent ingress and egress of any individual driveway, shall be subject to immediate removal without notification to the owner of the vehicle.
3. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents or the laws of the state of Virginia and Frederick County.
4. **Citation Notices.** In the case of all other situations not addressed in this policy, the Board or its designated representative shall post a citation notice on any vehicle not in compliance with the rules and regulations of the Association. No other form of notice is required. If the owner of the vehicle does not bring the vehicle into compliance within seven (7) days of the date of the notice or contact a member of the Board, the vehicle will be subject to removal by towing.
5. Subsequent violations committed within any consecutive three (3) month period shall subject the violating vehicle to immediate towing without notification and may result in the suspension of the right to the use of the Common Areas including parking privileges.
6. Any requests from Owners for enforcement of this parking policy by the Association against another resident must be directed to the Board in writing.
7. The Board reserves the right and power to impose monetary charges as a sanction for violations of this parking policy. Before any such charge may be imposed, the Board shall provide the Owner with notice of the violation and an opportunity to request a hearing before the Board of Directors. The Board reserves the power to impose a monetary charge of \$50 for a single offense or \$10 per day for an offense of a continuing nature. Any monetary charges so imposed may be secured by a lien against the Owner's title in accordance with the provisions of Virginia Code Section 55-516.
8. 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 Frederick County.

B. Attorneys' Fees and Costs. If the Association must enforce this resolution through any form of legal action, the offending Owner shall be responsible for all expense and/or attorneys' fees incurred by the Association in enforcing the provisions of this Resolution.

C. Liability.

A. The Association assumes no responsibility for and disclaims responsibility for any damage to any vehicle parked or operated in the Townes at Mosby Station community.

B. Homeowners shall be held liable for any expenses incurred by the Association as a result 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 homeowner, his family, tenants, guests or agents.

C. Any exceptions or changes to the above policy must be approved in writing by the Board of Directors of the Townes at Mosby Station Homeowners Association, Inc.

IV. REPEAL OF PRIOR POLICIES

The rules and regulations set forth in this policy resolution supersede and replace all rules and regulations set forth in any prior parking policy.

V. EFFECTIVE DATE

The rules and regulations set forth in this policy resolution are effective as of April 21, 2014

