

SYCAMORE HILL HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 01-2011a

(Parking Policy)

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

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

WHEREAS, Article II, Section 1(f) of the Declaration provides that each Members' easement of enjoyment in and to the Common Area is subject to the right of the Association to regulate parking in the Common Area through the promulgation of rules and regulations; and

WHEREAS, the Board has determined that it is in the Association's best interest to promulgate rules and regulations regarding vehicular parking on the Common Area;

THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following rules with respect to vehicular parking on all areas of Association Property.

I. Unapproved Vehicles:

Residents may not park the following vehicles anywhere on Association Property:

- A. Commercial Vehicles. Any commercial vehicles, including, but not limited to, the following:
 1. Any vehicle in which the driver is ordinarily hired for transport, including, but not limited to, taxis, limousines, or buses;
 2. Any vehicle with exterior logos, signs, letters, numbers, advertising, or irregular and distinct coloring which creates the appearance of a commercial vehicle;

3. Any unmarked vehicle with commercial paraphernalia or equipment attached, strapped or affixed to the exterior of the vehicle, including, but not limited to, storage containers, racks, ladders, or pipes;
 4. Any unmarked vehicle with an excessive amount of commercial equipment or supplies within the interior of the vehicle which is in obvious plain view from another parking space or from the sidewalk including, but not limited to, pesticide, paint buckets, propane, tanks, cabling, uncovered or unsecured tools or other supplies;
 5. Any unmarked vehicle, which because of its irregular height, length, shape, or weight, is not a conventional passenger car and is more suited for a commercial purpose;
 6. Any van designed for the transport of furniture, goods, equipment, animals or scheduled transportation; or
 7. Any vehicle with commercial tags.
 8. Police cars or other cars which are owned by or contain the logo of county, federal and/or state emergency service provider shall not be considered a commercial vehicle under this definition.
- B. Recreational Vehicles. Any motor home, self-contained camper, mobile home, boat, all-terrain vehicle, dune buggy, trailer, boat trailer, pop-up camper/tent trailer, horse trailer, any trailer or semi-trailer used for transporting wave runners, jet skis, motorcycles, or all-terrain vehicles, whether or not such trailer or semi-trailer is attached to another vehicle, and any other type of vehicle primarily designed for recreational use, as opposed to conventional passenger use.
- C. Inoperative Vehicles. Any vehicle with a malfunction of an essential part required for the legal operation of the vehicle or any vehicle which is partially or totally disassembled as a result of the removal of tires, wheels, engine or other essential parts required for legal operation of a vehicle.

- D. Abandoned Vehicles. Any vehicle left unmoved in an unassigned parking space for more than seven (7) 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 seven (7) days. In cases where a violation is committed, a notice will be placed on the vehicle, and if no response is received within three (3) days, it will be subject to the Association's towing policy.
- E. Other Equipment and Machinery. Any agricultural, industrial, construction or similar machinery or equipment.

II. RULES AND REGULATIONS

- A. Use of Parking Areas.
 - 1. Residents may not use the Common Area parking areas for any purpose other than vehicular parking. Residents may park vehicles only in designated parking spaces and areas. All unapproved vehicles as per Section I are prohibited from the parking spaces except when picking up or delivering passengers or merchandise or during the performance of work or services at the location.
 - 2. As noted in Declaration, Article VI, Section 13 states "Garages may not be converted into living space or for any other use other than primarily for storage of vehicles".
- B. Fire Lanes and No Parking Zones
 - 1. Residents may not park vehicles in fire lanes or no-parking zones marked with a painted yellow curb.
- C. Repairs.
 - 1. Major repairs or maintenance to vehicles, or painting of vehicles, is not permitted anywhere on the Association's Common Areas, except that repairs or maintenance of a minor nature, such as the repairing of a flat tire or the recharging of a dead battery, are permitted.

D. Dumping of Materials.

1. 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 on the Common Area.

E. Operator's Responsibilities.

1. Residents may park only one (1) vehicle within each parking space; however, if a resident wishes to park motorcycles in the same parking space as an approved vehicle, the resident may do so, provided the resident parks the motorcycle:
 - a) Immediately parallel to the curb so that the approved vehicle remains completely parked within the parking lines; or
 - b) If the Resident owns a unit with two assigned spaces parallel and adjacent to each other, parks the approved vehicle on the line centered in the two spaces in such a manner so that the parallel vehicles parked in the adjacent spaces remain completely parked within the parking lines and do not encroach upon the neighboring parking spaces.
 - c) Under no circumstances may a resident park a motorcycle in any manner which
 - 1) Interferes with the parking space rights of any other resident; or
 - 2) Causes the approved vehicle to extend beyond the parking lines into the vehicular pathway of the street.
2. The parking of any vehicle, including motorcycles, on any sidewalk, individual lot (other than driveway), or any portion of the Common Area not designated for parking is strictly prohibited.
3. 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.

4. No vehicle may be parked in a manner that it extends backward beyond the parking lines or crosses over the parking lines.
5. Residents may not park any vehicle perpendicular to the marked parking spaces.
6. Residents may operate vehicles only on the paved roadways of the Association.
7. Residents must have a proper operating license in order to operate and/or park a motorized vehicle on the Common Area. The vehicle must also have current tags, inspection stickers, county stickers or any other requirement for legal operation.
8. 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.

F. Owner's Responsibilities. All owners must ensure that their family members, tenants, guests, and/or contractors comply with these rules and regulations.

III. PARKING SPACES

- A. Owner's Liability. Owners shall be liable to the Association for any costs incurred by the Association to repair or repaint any part of the facilities damaged by the negligence or intentional act of the Owner, his or her tenants, or invited guests.
- B. Towing of Unauthorized Vehicles. If the recipient of a reserved parking space wishes to tow a vehicle parked in his reserved space, the parking space recipient is responsible for contacting the towing company and assumes all risks and liabilities associated with the towing that are not covered by the towing company. The Association shall not assume any of the responsibility for such towing or any risks or liabilities associated with such towing.

IV. 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 this Resolution removed from the Common Area. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
 - a) Violations Subject to Immediate Towing. Any vehicle
 - 1) Parked within fifteen (15) feet of a fire hydrant or in a designated fire lane;
 - 2) Occupying more than one (1) parking space, except as authorized by Section II(E)(1);
 - 3) Extending beyond the parking lines;
 - 4) Parked perpendicular to the marked parking space or on a grassy area or sidewalk;
 - 5) Impeding access to sidewalk ramps or mailboxes; or
 - 6) Any vehicle owned or driven by a person who is not a resident or guest of a resident of the Sycamore Hill community.
 - 7) Any commercial vehicles as defined under the parking resolution policy.
 - 8) All vehicles using clubhouse parking will be towed unless using HOA amenities or conducting HOA business at the onsite HOA office.

2. Citation Notices. In the case of all other situations not addressed in Section IV(A)(1), 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. The notice shall include how the vehicle may be brought into compliance and that the owner must do so within seventy-two (72) hours. No other form of notice is required. If the owner of the vehicle does not bring the vehicle into compliance within seventy-two (72) hours of the date and time of the notice or contact a member of the Board, the vehicle will be subject to removal by towing.
 3. Subsequent violations committed on the Common Area within any three (3) month period shall subject the violating vehicle to immediate towing without notification.
 4. Any requests from Owners for enforcement of this parking policy by the Association against another resident must be directed to the Board in writing.
 5. 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 pursuant to the Association's Due Process procedures. The Board reserves the power to impose a monetary charge of \$50 for a single offense or \$10 per day for up to ninety (90) days 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.
 6. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents and the laws of Virginia, Loudoun County and the Town of Leesburg.
- B. 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.

C. Owner's Responsibilities. If the Association must enforce this resolution through any form of legal action, the offending Owner shall be responsible for all expenses and/or attorney's fees incurred by the Association in enforcing the provisions of this Resolution.

D. Liability. 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.

V. REPEAL OF PRIOR POLICIES

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

VI. EFFECTIVE DATE

The rules and regulations set forth in this policy resolution are amended and effective as of November 21, 2011. Notification mailed to community _____. Enforcement is to begin immediately.

SYCAMORE HILL HOMEOWNERS
ASSOCIATION

By: _____

Michael A. Chon, President

ATTEST:

I, William Giotopoulos, as Secretary for Sycamore Hill Homeowners Association, hereby attest that the foregoing Policy Resolution No. 01-2001a was amended by the Board of Directors at a duly-held and noticed Sycamore Hills Homeowners Association Board of Directors meeting held on the 21 day of November, 2011.

By: _____

William Giotopoulos, Secretary