

Eleven Oaks Homeowners Association

Policy Resolution No. 2019-2

Policy Resolution Related to Parking ("Parking Resolution" or "Resolution")

WHEREAS, Article 2, Section 1.01(a) of the Declaration of Protective Covenants, Conditions, Restrictions and Reserved Easements of Eleven Oaks Homeowners Association ("Declaration") gives the Board of Directors of the Association the authority to "adopt, promulgate, enforce and from time to time amend, reasonable rules and regulations pertaining to the use of Common Area which shall enhance the preservation of such facilities and the safety and convenience of the users thereof," and

WHEREAS, Section 55-513 B of the Virginia Property Owners Association Act ("POA Act") gives the Board of Directors, the power, to the extent the Declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than sixty days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant; and

WHEREAS, Article IV, Section (a) of the Articles of Incorporation of Eleven Oaks Homeowners Association ("Articles") states that the Board of Directors of the Association shall have the power and authority to "Exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in the Declaration of Covenants, Conditions, Restrictions and Reserved Easements of the Association."

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, in accordance with the POA Act, the Declaration, the Articles and this Parking Resolution, do hereby adopt the following rules and regulations regarding parking in the Eleven Oaks Homeowners Association Common Areas:

I. PARKING PERMIT:

- A. Each Owner in good standing shall be issued 2 visitor permits (hangtags). Only those vehicles which display a valid Eleven Oaks parking permit may be parked within the Community. If a vehicle does not display the proper parking permit while parking in visitor parking, it is subject to immediate towing.
- B. All parking permits issued by the Board of Directors remain the property of the Eleven Oaks Homeowners Association. If a permit is lost, misplaced or stolen, or otherwise rendered unusable, the owner to which the permit was issued shall obtain a replacement permit from the Board of Directors,

Managing Agent or its designee. The Board of Directors has set a fee of \$50.00 each for the replacement of misplaced or lost permits. All previous parking permits will be cancelled and no longer valid. The contracted towing company will be notified of the change in decal or hangtag number.

- C. No copy, reproduction or other facsimile of any Eleven Oaks parking permit is permitted. Any vehicle displaying an invalid or illegal reproduction shall subject the vehicle to immediate towing by the Board of Directors, the Managing Agent or its designee. Owners found to be using a copy, reproduction or other facsimile permit may risk not receiving another parking permit again to park in any visitor parking space, may be assessed a rule violation charge, and may have parking privileges suspended or revoked for any visitor parking space.

II. DEFINITIONS:

A. Approved Vehicles:

1. Conventional Vehicles: Any conventional passenger car, station wagon, SUV, pickup truck or motorcycle.

B. Prohibited Vehicles:

1. Commercial Vehicles: According to Article 6, Section 6.07 of the Declaration, no commercial truck, commercial bus, taxicabs or other commercial vehicle shall be parked in any visible location on the Property without the prior approval of the Board of Directors. Commercial vehicles shall be deemed to include cars and vans whose style is normally used for private purposes but painted with or carrying commercial advertising, logos, or business names or containing visible commercial material.
2. Recreational Vehicle: According to Article 6, Section 6.07 of the Declaration, recreational vehicles such as, but not limited to, boats, trailers, campers, and motor homes shall be prohibited both on individual lots and elsewhere on the Property.
3. Inoperable Vehicles: According to Article 6, Section 6.07 of the Declaration, no disabled vehicle or any vehicle on which current registration plates or other required permits (such as inspection stickers) are not displayed shall be parked on any Lot or Common Area.

III. GENERAL RULES AND REGULATIONS

- A. Use of Parking Areas: Parking areas shall be used solely for parking of approved vehicles as defined in Section II above. All other vehicles are prohibited except when picking up or discharging passengers or merchandise or during the performance of work or services in the Community.

- B. Parking of Prohibited Vehicles: Any prohibited vehicle as defined in Section II-B above may not be parked visibly within the Association and may only be housed in a garage.
- C. Fire Lanes & Handicapped Spaces: Fairfax County and Fairfax City police are authorized under state and local law to enter upon private property for the purpose of enforcing fire lane violations and the illegal use of handicapped parking spaces by unauthorized vehicles. Violators are subject to both ticketing and towing at the officer's discretion.
- D. Repairs: According to Article 6, Section 6.07 of the Declaration, the repair or extraordinary maintenance of vehicles shall not be carried out on the exterior of any Lot or on the Common Areas; maintenance of vehicles within garages is permitted.
- E. Large Events: Owners should send an email to the BOD and managing Agent with advance notice (72 hours) of large events which will require the use of more than two visitor spaces.
- F. Operator's Responsibility:
1. Vehicles shall not be parked so as to occupy more than one space, impede or obstruct the normal flow of traffic within the Association, block access to any mailbox, or prevent ingress or egress of any other vehicle to a garage or adjacent space, or the open roadway.
 2. Vehicles "straight-in-parked" in Association parking areas must be positioned parallel to the white separator lines and perpendicular to the curb line so that no portion of the vehicle extends over the separator line or extends beyond the curb line to obstruct pedestrian sidewalks (when applicable).
 3. Vehicles "parallel-parked" on Association Roads must be positioned parallel to the curb line and within the white separator lines so that no portion of the vehicle extends over the separator line; the vehicle must be parked within twelve (12) inches (one (1) foot) of the curb, and should not obstruct pedestrian sidewalks (when applicable).
- G. Owner's Responsibility:
1. All Owners and tenants are responsible to ensure that family members, employees, visitors, guests, tenants and agents are informed of, observe and comply with all rules and regulations as may be adopted by the Board of Directors.
 2. Owners whose family members, employees, visitors, guests, tenants, residents, or agents violate this policy shall be held liable for any damages to the Community caused directly or indirectly by the violation.

3. When Owners change (home or townhome is sold) parking hangtags are transferable to the new Owners. If the new Owner is unable to collect the hangtags from the departing Owner, replacement hangtags can be purchased for a fee of \$50.00 each.

H. Landlord's Responsibility:

1. The Landlord is responsible for providing a copy of this Parking Resolution to all their tenants.
2. Parking hangtags are transferable to new tenants. If the homeowner is unable to collect the hangtag from the departing tenant(s), replacement hangtags can be purchased for a fee of \$50.00 each.

IV. ENFORCEMENT

- A. This Parking Resolution can be enforced by any management company employed by the Eleven Oaks Homeowners Association or by any committee, individual or contractor designated by the Board of Directors.
- B. The Eleven Oaks Board of Directors may have towed any non-complying vehicle at the vehicle owner's sole expense.
- C. For any vehicle that has been towed from the Community, the vehicle owner is responsible for all towing and impoundment fees. Eleven Oaks Homeowners Association is not responsible for any fees or any damages caused to the vehicle as a result of being towed.
- D. Selling, duplicating or dishonest use of Eleven Oaks parking permits will result in immediate towing of vehicle(s) and all hangtags for the homeowner's unit will be voided after confirmation by the Eleven Oaks Board or the management company employed by the Association.
- E. The Board of Directors shall have the right to suspend the right of any Owner to use the Common Area for so long as any Annual or Special Assessment for such Owner's Lot remains unpaid and overdue. The managing agent, on behalf of the Board of Directors, shall send a written notice of the suspension of the parking privileges, via Certified Mail, Return Receipt Requested, and shall advise the Owner of his/her due process rights under the POA Act, Rules and Regulations and Virginia law, including but not limited to the right to a hearing and to have their own counsel present at the hearing. If any Owner wants to contest a suspension or explain any matter relative to an assessment account, he or she may submit a written request to the Board of Directors for a hearing with the Board. Upon receipt of a request for a hearing, the Board will schedule a hearing and notify the Owner in writing of the location, date and time of the hearing, and advise the Owner that he or she may have counsel present at the hearing.

- F. It is the responsibility of the homeowner to comply with this Parking Resolution. It is also the responsibility of the homeowner to inform their guests and tenants of the provisions of this Parking Resolution and to ensure their compliance.
- G. The Eleven Oaks Board of Directors shall have the power to regulate parking and traffic within the Association in order to provide adequate access for police, fire and other public vehicles; to ensure orderly flow of traffic; and to maintain roadways and parking areas.
- H. The Board of Directors and/or the Managing Agent reserve the right to have vehicles removed by towing for violations of the following sections of this Parking Resolution:
1. Section I – A
 2. Section I – C
 3. Section III– B
 4. Section III - C
 5. Section III – F - 1
 6. Section III – F - 2
 7. Section III – F - 3
 8. Section IV - B
 9. Section IV - D
 10. Section IV - E
- I. At appropriate and prominent locations throughout the Property, the Association will maintain clear and conspicuous signage that notifies vehicle owners that a vehicle may be removed, towed or immobilized due to parking violations. The Association shall post signs that shall include a telephone number or appropriate information as to where a towed vehicle may be retrieved.
- J. Any request from residents for enforcement of this Parking Resolution by the Association against another resident must be directed to the Management Company.
- K. The Board of Directors reserves the right and power to impose monetary charges as a sanction for violations of this Parking Resolution, in accordance with the provisions of the due process procedures set forth in the Association's policy resolution for providing due process in enforcement cases, as it may be amended or replaced in whole or in part from time to time.
- L. The Association reserves the right to exercise all other powers and remedies provided by the Association's governing documents or the laws of Virginia, Fairfax County and Fairfax City.
- M. If the Association must enforce this Parking Resolution through any form of legal action, the Owner shall be responsible for all expenses and/or attorneys'

fees incurred by the Association in enforcing the provisions of this Parking Resolution.

- N. Request for reimbursement of fees for a vehicle towed in error shall be addressed to the Management Company office. The Board of Directors will then determine whether reimbursement is appropriate and will do so on a case-by-case basis.

V. LIABILITY

- A. The Association assumes no responsibility for the security of any vehicle parked on Association Roads, and it disclaims responsibility for any damage to any vehicle parked or operated on Association Roads or any theft there from.
- B. Owners shall be liable to the Association for any and all costs incurred by the Association to repair or repaint any part of Association Roads damaged by the negligence or intentional act of the Owner, his or her tenants, or invited guests.

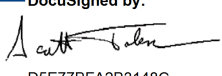
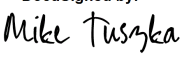
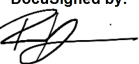
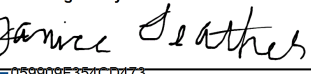
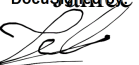
VI. INDEMNIFICATION

If any vehicle owned or operated by an Owner, by a member of his or her family, or by such Owner's tenants, guests, invitees or licensees shall be parked, operated or abandoned in such manner as to violate the Governing Documents, the Association shall be held harmless by such Owner for any and all damages or losses that may ensue, and any and all of the rights in connection therewith that the Owner or driver may have under the provisions of applicable law are hereby expressly waived by such Owner or driver. The Owner shall indemnify the Association against any liability that may be imposed on the Association as a result of such parking, operation, or abandonment, and any consequences thereof.

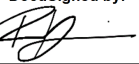
Eleven Oaks Homeowners Association**RESOLUTION ACTION RECORDED**

Resolution Type: _____ No. _____

Duly adopted at a meeting of the Board of Directors held: March 19, 2019Motion by: Scott Toler Second By: Razi Hashmi**VOTE:**

DocuSigned by:	ABSENT	YES	NO	ABSTAIN
 D5E77BFA2B3148C...	_____	<u>X</u>	_____	_____
Scott Toler, President				
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Mike Tuszka, Vice President				
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Razi Hashmi, Secretary				
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Janice Feather, Treasurer				
 94BB74E28D7344D...	_____	<u>X</u>	_____	_____
Tu Le, Member at large				

ATTEST:

DocuSigned by:

 47DBCF0351A14F7...
 Razi Hashmi, Secretary

3/23/2019 | 1:06 PM EDT

DateResolution effective: April 29, 2019

ELEVEN OAKS HOMEOWNERS ASSOCIATION RECORDS I hereby certify that a copy of the foregoing Policy Resolution was mailed, by USPS, to each Owner at their Address of Record on this ____ day of _____, 2019.

Property Manager