

OAK SPRINGS HOMEOWNERS' ASSOCIATION

POLICY RESOLUTION NO. 007

PARKING AND TOWING REGULATIONS

WHEREAS, Article IV of the Articles of Incorporation of the Oak Springs Homeowner' Association, Inc., ("the Association") states that the Association should perform all of the duties and obligations of the Association as set forth in the Declaration, and Article VII states that the affairs of the Association shall be managed by a Board of Directors;

WHEREAS, Article VII, Section 1(c) of the Bylaws of the Association assigns to the Board of Directors all of the powers for the conduct of the affairs of the Association which are enabled by law or the Founding Documents, which are not specifically reserved to the Members;

WHEREAS, Article VIII of the Declaration of Covenants, Conditions, and Restrictions of the Association authorizes the Board of Directors to formulate and enforce rules and regulations;

WHEREAS, Section 55-513 A. of the Virginia Property Owners' Association Act ("the Act") states that "The Board of Directors of the association shall have the power to establish, adopt and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members. Rules and regulations may be adopted by resolution..."; and

WHEREAS, there was a need for the Board of Directors to adopt specific rules regarding parking in the Oak Springs community, which would apply to all owners, tenants, guests, invitees, or any others who have access or authorized use of the parking areas; and

WHEREAS, there is now a need to revise those regulations;

NOW, THEREFORE BE IT RESOLVED THAT the following revision to the Association's Parking and Towing Regulations is adopted:

I. INTRODUCTION

This document has been developed by the Board of Directors of the Oak Springs Homeowners' Association, hereinafter called "The Association", to establish regulations regarding the use of the Association parking areas, roadways, and other common grounds and private property, and the setting of speed limits within the community, for purposes of parking, maintaining, or storing motor vehicles, trailers or other similar vehicles or equipment. Parking spaces are common areas owned by the Association for the use and enjoyment of its residents in good standing and their visitors. These regulations presented herein have been developed in concert with the Declaration of Covenants, Conditions, and Restrictions as well as State, Town and County Codes. The approval by the Board of Directors (BOD) established these parking and towing regulations for the Association referred to hereafter as the "Regulations.

The number of resident and visitor spaces is different for each Court. These Regulations take this into consideration.

THE VEHICLE OWNER ASSUMES ALL RISKS AND/OR EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE ASSOCIATION THROUGH ANY AND ALL LITIGATION.

II. DEFINITIONS

A. Resident(s): Any person(s) who resides in, maintains or owns a residence within the Oak Springs subdivision.

1. Resident Decals – Each unit owner will be issued a resident decal (with a unique number for authentication purposes) for each vehicle a resident parks in an assigned parking space. Resident decals must be displayed on the lower left outside corner of the rear windshield. For soft top vehicles, the decal may be placed on the top left-hand corner of the windshield.

2. Replacement Decals – Replacement resident permits will be issued at no cost each for all lost or stolen permits which **must** be reported to the Management Company. The unique number assigned to the missing permit will then be voided.

B. Visitor(s): Any person who does not reside in or maintain a residence within the Oak Springs subdivision who is visiting a resident.

1. Visitor Permits – Each unit owner will be issued two (2) visitor permits (with a unique number for authentication purposes). A visitor permit must be displayed on the rear-view mirror in any vehicle parked in a visitor space.

2. Replacement Visitor Permits - Replacement visitor permits will be issued at a cost of \$25 each for all lost or stolen permits which **must** be reported to the Management Company. The unique number assigned to the missing permit will then be voided.

C. Parking Space(s): All common areas that are designated for different types of parking. These spaces are solely the property of the Association.

1. Assigned parking - a common area parking space specifically designated by number assigned to a resident's address. -

2. Visitor parking - a common area parking space specifically designated by the word "Visitor."

3. Assigned handicapped parking - a common area parking space specifically designated to a resident who has applied for and received written permission for an assigned handicapped parking space.

4. Non-assigned parking – a common area parking space that has been blacked out and is not designated as assigned, visitor or handicapped.

D. Abandoned Vehicle: A vehicle, including a recreational vehicle, which is parked in the Oak Springs subdivision and has been left unattended is presumed abandoned if it has been in a specific location for seven (7) days without being moved.

E. Unregistered Vehicle: Any vehicle not registered with the Division of Motor Vehicles in the Commonwealth of Virginia or any other state per Virginia statute. Any vehicle with out of state license plates, with the exception of Active Military personnel, will be subject to inspection by local law enforcement.

F. State Inspection: All vehicles must have a current state inspection decal ~~if it is~~ as required by the State in which it is registered displayed on the vehicle.

G. Disabled Vehicle: Any vehicle which is inoperable or is unable to be driven on private or public roads. All vehicles parked within the Oaks Springs subdivision must be able to be moved at any time in case of fire or other emergency.

H. Commercial Vehicle/Equipment: Any equipment, including but not limited to vehicles, and enclosed or open trailers used for commercial purposes. Commercial vehicles may be indicated by any one or more of the following:

1. Commercial use: commercial license plates including but not limited to contractors' vehicles and vehicles for hire.

2. **Obvious commercial advertising:** any vehicle with uncovered exterior logos, signs, letters, numbers, advertising, or irregular and distinct coloring which creates the appearance of a commercial vehicle.

3. **Open display of equipment:** any vehicle used in any trade or business with commercial equipment contained within or attached to the exterior of the vehicle, including but not limited to, ladders, scaffolding, and steel or plastic drums.

I. Storage Vehicle: Any vehicle such as a moving van, POD or U-Haul style trailer used to store household goods or miscellaneous items.

J. Recreational Vehicle: Any vehicle used for non-commercial recreational purposes including but not limited to trailers, campers, motor homes, boats, and or any other trailered recreational vehicle.

K. Speed Limit: The speed limit within the Oak Springs subdivision is 5 mph.

L. Caregiver: A person who does not reside in the Residence in which they are working and provides care for a resident on a regular basis. Caregivers may, if they register with the Management Company, park in visitors' spaces while they are working at that particular residence and display a caregiver permit.

M. Vehicle Repairs: Any mechanical work being done on a vehicle anywhere within the Oak Springs subdivision.

N. Commuters: A commuter is someone who does not reside or maintain a residence within the Oak Springs subdivision who either rides with a resident back and forth to work, or works remotely from a homeowner's residence.

O. Common Area: Pertains to the private property of the Oak Springs Homeowners' Association which includes all grass areas and sidewalks not located on homeowners' lots, in front of and behind all the townhomes as well as any other open areas within the Oak Springs subdivision, including all asphalt surfaces.

P. Violator: Any resident(s), visitor(s) or operator(s) of a vehicle found to be not in compliance with these Regulations.

Q. Due Process: A procedure by which associations address issues to homeowners or residents, as stated in the Virginia Property Owners' Association Act.

III. PARKING REGULATIONS

Parking spaces are common areas owned by the Association for the use and enjoyment of its residents in good standing and their visitors.

A. Parking: Single vehicle parking is restricted to designated parking spaces (i.e., no parking on sidewalks, backyards, on "grassy" common areas etc.) Driving on common property is prohibited as is double or parallel parking by or behind cars parked legally in assigned or visitor spaces. No vehicle with any type of trailer attached or unattached may be parked anywhere within the Oak Springs subdivision unless a resident or contractor is actively working. All commercial, residential and recreational trailers must be removed each night from the Association's Property. Total vehicle length (including hitch) must not exceed the length of the parking space.

1. **Assigned Parking** - Home ownership entitles the owner(s) and/or renter(s) to the use of **not more than two vehicle** parking spaces per household regardless of the number of vehicles owned. Resident parking will be permitted in assigned spaces only and must display a resident decal. Assigned spaces will be located as close as is reasonable to the household to which it is assigned and be identified by the

corresponding house number painted on each parking space. Vehicles with visitor permits may park in assigned spaces with permission of the homeowner. Any homeowner who is more than \$300 past due on their payments to the Association will have their parking space numbers **blacked out**. These spaces become available spaces to residents or visitors until the homeowner pays the balance on their assessments account and the numbers are repainted.

2. Visitor Parking - Overnight parking (1am to 5am) for Association residents' guests will be permitted with the use of a visitor permit in parking spaces designated as "VISITOR". This visitor permit must be posted in a visible location in the vehicle for the entire time the vehicle is parked in the Oak Springs subdivision. Visitor permits are for the use of visitors only, and cannot be used to habitually park in these spaces. Resident parking in "VISITOR" spaces will not be permitted at any time.

3. Assigned Handicapped Parking - Only residents who have applied for and received written permission for an assigned handicapped parking space may park in designated handicapped parking spaces. Any vehicle parked in a handicapped parking space must have handicapped parking plates or a current handicapped window placard.

4. Non-assigned Parking - Residents in good standing or visitors may park in non-assigned (blacked out) parking spaces.

5. Additional Parking - Residents requiring additional parking may park along public roadways as permitted by local code.

B. Abandoned Vehicles: No abandoned vehicle shall be parked on any court, resident's property, or common areas within the Oak Springs subdivision.

C. Disabled Vehicles: No disabled vehicles or parts thereof shall be allowed within the Oak Springs subdivision.

D. Vehicle Registration: Residents who park in assigned spaces whose vehicles are registered in the Commonwealth of Virginia must have current state registration and inspection sticker displayed on the vehicle. All out of state vehicles parked in the Oak Springs subdivision must have current registration.

E. Vehicle with Out of State Tags: Vehicles with out of State tags are required to adhere to Virginia State law.

F. Commercial Vehicle/Equipment: No commercial vehicle/equipment shall be parked in any parking space or common area within the Oak Springs subdivision, including the RV lot, unless the driver is actively working in the community.

G. Overhanging Items from a Vehicle: Items or equipment (i.e. lawn mowers, poles, ladders, scaffolds, trailer hitch, etc.) shall not extend past the end or sides of the vehicle, or in anyway impair the sidewalk or roadway.

H. Vehicle Repair: Only emergency repairs are permitted to be made in resident's parking spaces within the Oak Springs subdivision. This only includes changing of flat tires, dead batteries and lighting. Absolutely no maintenance such as changing of oil or any other fluids is to be done on the property. This also includes changing brakes, mufflers and any other maintenance other than stated above.

I. Washing Vehicles: Residents are permitted to wash vehicles in their assigned parking spaces only.

J. Power Cords for Diesel, Electric and Hybrid Vehicles: Power cords may not be placed across common area, including sidewalks, to bring electricity to a vehicle.

K. Speeding: Driving over 5mph in any of the five (5) Courts of the Oak Springs subdivision is expressly prohibited. If a resident is found to be in violation, action will be taken through the Association's Due Process Procedure, which may result in the assessing of monetary charges.

L. Caregivers: Caregivers may, if registered with the Management Company, park in visitor spaces while they are working at that particular residence while displaying a caregiver permit.

M. Commuters: Commuters who do not reside or maintain a residence within the Oak Springs subdivision are not permitted to park in visitors' spaces. They may park in the numbered space assigned to the resident with whom they are commuting or on a public roadway.

IV. NOTIFICATION OF VIOLATIONS(S) AND ACTION TO BE TAKEN

A. Notification of Violation(s) Regarding Parking in Visitors' Spaces:

1. Any vehicle without a visitor or caretaker permit may be towed between the hours of 1am and 5 am.
2. Any vehicle with a voided visitor permit may be towed between the hours of 1am and 5am.
3. Any resident who allows anyone to use a visitors permit which has been assigned to them on a nightly basis to park the same vehicle will result in the loss of visitors permit and/or may be towed between 1am and 5am.

B. Notification of Violation(s) Occurring in Assigned Numbered Spaces:

Notifications of violation(s) of the Parking and Towing Regulations which occur within the numbered spaces assigned to homeowners (such as parking abandoned, commercial, disabled, or recreational vehicles, any trailers, or any other prohibited vehicles) will be sent in writing to the home to which the space is assigned, and addressed through the Association's Due Process Procedure, if necessary.

No one is to park in the assigned numbered spaces of other residents without the permission of the resident to whose home the space is assigned. Notification of this violation may be given to the violator by the resident to whose home the space is assigned, but is not required.

The vehicles of residents or their guest who have parked in the spaces assigned to other homes may be towed at the discretion of the resident whose parking space is occupied without authorization.

C. Other Violations: Any violation of Section III.B. or Section III.F. may result in the vehicle being towed without notification.

V. DESIGNATED FIRE LANES AND NO PARKING AREAS

A. Fire Lanes: No vehicle shall be parked in designated fire lanes. Fire lanes are designated by fire lane signs in conjunction with marked yellow curbing. Vehicles parked in designated fire lanes will be subject to being towed without notification.

B. No Parking: No vehicle shall be parked in areas designated "No Parking." Vehicles parked in designated "No Parking" areas shall be subject to towing under the provisions of these Regulations without notification.

C. Common Areas: No vehicle is to be parked on any common area. Vehicles parked in the common area shall be subject to towing without notification.

VI. RECREATIONAL VEHICLES AND PARKING IN RV LOT

A. Recreational vehicles may be parked either in the "RV" lot or as allowed by law on public roadways. The RV lot is only for use by Oak Springs residents who reside in the Oak Springs subdivision.

B. The owner of the recreational vehicle must register it with the Management Company and will be issued an assigned numbered space. This written notification must include the vehicle owner's name,

address, phone number, a description of the vehicle and tag number. All RV vehicles must have current registration and inspection. Failure to do so may result in the towing of the recreational vehicle at the owner's expense without notification. It is expressly understood that the Association **shall not be responsible** for the security of the owner's vehicle or any property stored within.

C. Each residence is permitted to utilize only one space and park no more than one vehicle at a time in the 'RV' lot.

D. The "RV" lot is not intended as overflow parking for visitors' or additional 3rd vehicle resident parking.

E. Recreational vehicles parked in the lot should be parked perpendicular to the wall, and only in assigned numbered spaces.

F. No commercial vehicles or commercial trailers with or without logos are permitted to park in this lot and may be subject to towing without notification.

G. No trash, building materials, and household goods, other than recreational vehicles, recreational trailers, and boats can be stored in the RV lot. Such items may be removed at the owner's expense without notification.

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

**OAK SPRINGS HOMEOWNERS' ASSOCIATION
RESOLUTIONS ACTION RECORDED**

Resolution Type: Policy No. 007

Pertaining to: Parking and Towing Regulations

Duly adopted at a meeting of the Board of Directors held November 9, 2022

Motion by: Robin Lohnes Seconded by: Cynthia Leazer

VOTE

YES NO ABSTAIN ABSENT

<u>Robert Lohnes</u> President	✓	_____	_____	_____
<u>STEPHEN TAYLOR</u> Vice President	_____	_____	_____	✓
<u>Karen A. King</u> Secretary/Treasurer	✓	_____	_____	_____
<u>Karen A. King</u> Board Member Treasurer	✓	_____	_____	_____
<u>Cynthia Leazer</u> Board Member	✓	_____	_____	_____
<u>Beth Sommlutner</u> Board Member	✓	_____	_____	_____
<u>Kit Olsen</u> Board Member	✓	_____	_____	_____
<u>Betty Stanger</u> Board Member	✓	_____	_____	_____

ATTEST:

Karen A. King
Secretary

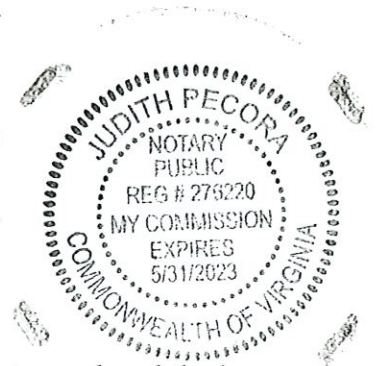
1.11.2023
Date

FILE:

Book of Minutes January 11, 2023 (Date)

Book of Resolutions:

	Book No.	Page No.
Policy	<u>1</u>	<u>15</u>
Administrative	_____	_____
Special	_____	_____
General	_____	_____



This document was acknowledged before me, a Notary Public, by the members of the Board of Directors of the Oak Springs Homeowners' Association, known or satisfactorily proven to be the persons whose names are subscribed to this instrument.

Notary: Judith Pecora
Date: _____

My commission expires: May 31, 2023