

**MOUNT AIR CONSERVANCY
PARKING AND VEHICLE POLICY RESOLUTION NO #03-01**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Mount Air Conservancy give "the right of the Association, in accordance with its' Articles and By-Laws, to adopt, publish and enforce rules and regulations governing the conduct of persons while upon and the use of the Common Area".

WHEREAS, the Board of Directors is charged to "adopt and publish rules and regulations...and to establish penalties for infraction thereof; " and

WHEREAS, it is the intention of the Association to enforce the governing documents, rules and regulations equitably toward all members.

NOW THEREFORE, BE IT RESOLVED THAT

1. The Board of Directors adopts and enforces the attached set of "PARKING AND VEHICLE RESOLUTION" for the community with an effective date of March 01, 2006.
2. The Board of Directors informs the owners and residents of the community of said regulations before commencement of enforcement of regulations.
3. That the property is posted, as required, with appropriate signs indicating towing of any vehicle that is found violating the community's parking regulations.
4. Publish and make available complete copies of said regulations at no charge for the first copy or any revised copies. Charges will be made for additional copies thereafter.
5. In the event the Association retains, employs, or engages an attorney to enforce any covenants, provisions, declarations, rules, regulations, or guidelines of the Association regarding any such obligation of the lot owner, then in addition to any remedies, available to the Association, the lot owner shall, as part of such and any legal action or, work performed by said attorney, be responsible for attorney fees incurred by the Association.
6. The Board of Directors has decided to issue parking permits annually to help ensure reasonably adequate parking for owners and residents. Use of parking spaces will be revoked when a lot owner is more than sixty (60) days delinquent in assessments, fees or any other charges including late fees, or is not current on an approved payment plan or is in violation of the Association's rules.

**THIS DOCUMENT SUPERSEDES ALL PREVIOUS PARKING REGULATIONS
APPROVED BY MOUNT AIR CONSERVANCY BOARD OF DIRECTORS.**

MOUNT AIR CONSERVANCY PARKING AND VEHICLE REGULATIONS

1. GENERAL. In accordance with Article VII, Section I (a), of the Mount Air Conservancy Association By-Laws, the Board of Directors does hereby establish the following Parking Regulations and penalties. These regulations, adopted and published by Board Resolution, are effective as of March 1, 2006.

2. SCOPE. All motorized vehicles (motor-driven methods of transportation that require a state registration), other if allowed motor driven conveyances, trailers, campers and other wheeled vehicles normally towed by motored vehicle driving or parking on Mount Air Conservancy Association property, hereinafter referred to as "premises," are subject to these regulations.

3. RESPONSIBILITIES.

A. Owners and residents are responsible for informing their guests of all parking restrictions. Association members, residents and visitors are responsible for ensuring that their vehicles are in compliance with these regulations. Residents are also responsible for conveying to the Board of Directors, either directly or through the designated agent, their complaints regarding violations to the parking regulations.

B. The Board of Directors is responsible for establishing the parking regulations. Enforcement will be the responsible of the Board of Directors and the designated agent.

4. PROCEDURES. The parking regulations will be enforced in the following manner:

A. In response to a resident's complaint, a Director, or his/her appointed agent, will verify that the vehicle is in violation of the regulation (6a)

B. If the vehicle is in violation of any of the regulations, the designated agent may issue a "Parking Violation" notice. Once the regulations are published and distributed, and the property has been posted, there will be no further notice necessary in order to enforce the same. Residents with complaints about vehicles in violation of regulation (6a) should notify the Fairfax County Police as well as the Association's designated agent.

C. Information regarding towed vehicles may be obtained from the Association's designated agent.

D. Virginia Code section 46.1-555 allows the administrator of private property to immobilize a vehicle by attaching a "booting" device and charge a fee for its removal. Violators of these regulations may be booted and/or towed at the discretion of the designated agent.

5. CHARGE SCHEDULE FOR VIOLATIONS.

The Association reserves the right to levy charges under the Virginia Property Owners; Association Act, Article 55-513. March 1, 2006, violations shall be subject to towing **WITHOUT NOTICE** or if applicable a violation charge.

In addition to any and all remedies available to the Association for any violation of the Association's Articles, Declaration and Restrictive Covenants, Architectural Regulation, and Parking and Vehicle Regulation hereafter adopted, the Association, through its designated agent, may issue, to the owners of any lot, a Notice of Violation as to any violation committed by the owners(s), tenant(s) or guest(s) of either owner or tenant; as to any condition of such vehicles, lots, common ground; or, as to any use of any vehicle, lot, or common ground.

If applicable a notice where required will be mailed to the last known address of the owner of the vehicle or posted on the vehicle and shall set out the nature and date of the alleged violation and, a date, time and location that the Board of Directors shall decide if the Association shall find the owner in violation and whether the Board shall authorize a violation charge not to exceed \$10.00 per day until such violation is corrected or \$50.00 for a one-time offense. The notice shall be in compliance with the **Due Process Policy** as established by the Board of Directors.

The cost of all enforcement actions against a vehicle owner, lot owner, tenant, or guest of any tenant or owner, to include but not limited to: towing fees, booting fees, violation charges, all of the Association's legal fees, administrative fees, collection fees, and any other related cost shall be added to and become part of the annual assessment to which such lot owner, tenant, or a guest is subject and shall also become a personal obligation of the vehicle's owner.

6. REGULATIONS.

A. FIRE LANES:

All vehicles must park at least fifteen (15) feet from any fire hydrant. Vehicles parked in a fire lane are subject to citation by the Fairfax County Police in addition to be towed by the Association **WITHOUT NOTICE**. Any vehicle parked in these areas may be towed immediately at owners' expense and risk.

B. VEHICLE REGISTRATION:

All vehicles on the premise must display valid state tags and a valid county registration decal. Vehicles displaying expired tags or decals will be subject to towing **WITHOUT NOTICE** by the Association. If the vehicle is towed, it will be towed at the owner's expense and risk. Vehicles without tags or decals will be towed immediately **WITHOUT NOTICE** at the owner's expense and risk.

C. SAFETY INSPECTION STICKER:

All vehicles parked on the premises must have a valid safety inspection sticker as required by the state in which the vehicle is registered. Vehicles without such a sticker are subject to towing. Failure to comply will result in the vehicle being towed **WITHOUT NOTICE** at the owner's expense and risk.

D. INOPERABLE VEHICLE/REPAIRS:

All vehicles must be in operable condition and supported by its own properly installed wheels and tires while parked on the premises. Any vehicle not in compliance with this regulation must be removed immediately or the vehicle will be towed at the owner's expense and risk **WITHOUT NOTICE**. Only minor repairs (i.e., tune-ups) are allowed on the premises. Major repairs are not allowed. The Association may require that the running condition of any vehicle be demonstrated by placing a written request on the suspect vehicle demanding proof within seventy-two (72) hours. Any violation of this section is cause for immediate towing at the owner's expense and risk **WITHOUT NOTICE**.

E. ABANDONED VEHICLE:

All vehicles parked on the premises must be in working order (i.e., able to move under the power of their engines) and belong to a resident of the community. Vehicles not meeting this requirement will be subject to towing by the Association **WITHOUT NOTICE**. Owners of cited vehicles (72-Hour notice to tow affixed to the vehicle.) must place the vehicle in compliance or the vehicle will be towed, without further notice, at the owner's expense and risk.

F. COMMON LAWNS/UNAUTHORIZED AREAS:

No vehicle, dirt bike, moped, motorcycle, bicycle, ATV's or any other machine may park or drive on the community lawns or any unauthorized areas. Any vehicle found in violation of this regulation will be towed immediately at the owner's expense and risk **WITHOUT NOTICE**.

G. OVERSIZED VEHICLES AND SAFETY:

No oversized vehicle (a vehicle wider than/or substantially longer than a standard parking space, (19 maximum feet; or any vehicle that has more than two (2) axles or a GVW of 10,000 lbs. or more) may park on the premises. No vehicle may park on the premises that may cause a safety hazard, either by the vehicle itself or any cargo being carried by a vehicle. In no event, shall any cargo, tools or equipment extend out of or beyond the body of any vehicle. Any vehicle found in violation of this regulation will be towed immediately at the owner's expense and risk **WITHOUT NOTICE.**

H. ILLEGAL VEHICLES:

Only normal, licensed, passenger vehicles are allowed to be operated within the community. Other motored powered vehicles such as: ATV's, dirt bikes, private School buses, large recreation vehicles or mopeds are not allowed to be operated, or stored, in the community. In addition, no trailers, boats, campers, or any vehicle of any sort may be stored on the Association property. Violation of this regulation will result in immediate towing at the owner's expense and risk **WITHOUT NOTICE.**

I. USE OF ROADWAYS/PARKING AREAS:

Any and all motorized vehicles, using these areas, must be completely licensed for legal use on state maintained roads. Violators will be treated as trespassers and subject to legal prosecution.

J. NO PARKING ZONES:

All curbs painted yellow are designated as "NO PARKING ZONES." Any vehicle found parked in these areas will be towed immediately at the owner's expense and risk **WITHOUT NOTICE.**

K. DOUBLE PARKING:

Any vehicle parked behind another vehicle inhibiting the free ingress and egress from a designated parking space or zone shall be considered "DOUBLE PARKED." Double parking is prohibited at all times. Double-parked vehicles will be towed immediately at the owner's expense and risk **WITHOUT NOTICE.**

L. IMPROPER PARKING:

All vehicles must park perpendicular to all curbs and within all lines. In no event shall any part of a vehicle occupy more than one (1) parking space, block access to any vacant parking space(s) or park so as to obstruct reasonable access to any sidewalk. Any vehicle found parked in such a manner will be towed immediately at the owner's expense and risk **WITHOUT NOTICE**.

M. SPEED LIMITS:

The authorized speed limit in the community is a maximum of five (5) miles per hour.

N. PARKING SPACES:

Each townhouse unit, in the community, is allotted two (2) hanging tags. The parking spaces are not reserved to any one townhouse. All parking spaces are available for use by any owner as long as their valid hanging tag is clearly displayed on their rear view mirror or dash board. Vehicles without a valid hanging tag clearly displayed on the rear view mirror or dashboard will be towed immediately at the owner's expense and risk **WITHOUT NOTICE**.

O. PARKING PASSES:

All owners **who are current in assessments or current on an approved payment plan** will be issued two parking hanging tags. The hanging tags must, when parked at the property, must hang from the rear view mirror or dashboard. All tags must be displayed on each vehicle parked on the premises. Tags are available by mailing in a completed application to Genus Realty Management, Inc. P.O.Box 1387 Springfield, Va. 22151-0387. **Owners in arrears more than 60 days will not be issued parking permits until all amounts are brought current.** Any vehicle not displaying the proper hanging tag is subject to immediate towing, at the owner's expense and risk **WITHOUT NOTICE**. Lost or stolen hangers and stickers must be reported immediately to the Management Company and are no longer valid. The charge for replacement of a hanging tag is Fifty Dollars (\$50.00). There will be no charge upon sale of the property or vehicle or lease to new tenants if the old parking hanging tags are returned to the Association's Management Agent and a new application form is submitted for the new owners, tenants or vehicle. Parking tags will only be issued to lot owners for use by their tenants when the Association is provided with all application information. Verification of vehicle registration will be required. The parking permits will be numbered and recorded. The owner will be responsible for replacement cost for lost or stolen permits. **In case of owners who are landlords, a copy of the tenants lease plus any addendum required by Mount Air Conservancy will be required to be given to the Mount Air Conservancy at or prior to issuance of parking permits.**

P. PARKING SPACE IDENTIFICATION:

No signs, initials, numbers or any other additions or alterations to parking spaces may be painted, displayed or erected by anyone. This does not apply to a uniform numbering or lettering system that may be applied to any or all-parking spaces by the Association, acting through the Board.

Q. VEHICLES FLUID CHANGING:

The dumping or draining of any type of vehicle fluid, to include but not limited to, oils, antifreeze, transmission or any other fluid is prohibited on Association property. In addition, all illegal dumping will be reported to police for prosecution.

R. BOATS, CAMPERS, TRAILERS:

All boats, campers or trailers are prohibited from parking on the property. Vehicles parking on the property will be towed **WITHOUT NOTICE** at the owner's expense and risk.

S. VEHICLE DEFINITIONS:

Only motorized vehicles meeting these regulations may park on the premises known as Mount Air Conservancy.

T. EXCEPTIONS TO REGULATIONS:

Exceptions to these parking regulations may be granted only upon a majority vote of the Board of Directors. It is the policy of the Board of Directors to consider granting exceptions only in cases with unusual and compelling circumstance for a temporary time period.

U. VISITOR'S PARKING

Visitors are allowed to park in the community only if a resident supplies them with their valid hanging tag. All other visitors will be required to park on Mount Air Drive. This is necessary to enforce because of the limited parking spaces within the community. Visitors parking within the community without a valid hanging tag are subject to towing without notice.

V. SERVICE VEHICLE PARKING

Service vehicles are allow to park in the community without hanging tags for short periods only for, emergency repairs, deliveries, move ins and move outs, sale representatives showing a townhouse, contractors contracted for work at a

townhouse, mail delivery, or any other type of paid service for a resident. Service vehicles parking overnight is not allow unless it is there for paid service work. Service vehicles parking for long periods of time are subject to towing without notice.