

WESTHAVEN HOMEOWNERS ASSOCIATION, INC.

**POLICY RESOLUTION NO. 2017-1
RELATING TO PARKING**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Westhaven Homeowners Association, Inc., as amended, (the "Declaration"), the Bylaws of Westhaven Homeowners Association, Inc. (the "Bylaws"), and the Articles of Incorporation of Westhaven Homeowners Association, Inc. (the "Articles") together known as the Governing Documents, provide that the Lots and Owners are subject to the Governing Documents and the Rules and Regulations of Westhaven Homeowners Association, Inc. (the "Association"); and

WHEREAS, Article IX of the Declaration, Article VII, Section 2 and 3 of the Bylaws and Article IV of the Articles provide that the Board shall have all of the powers conferred by the Virginia Property Owners Association Act (Section 55-508 et seq. of the Code of Virginia) (the "Act") and the Governing Documents and may delegate any such powers to a Managing Agent unless expressly reserved to the Board; and

WHEREAS, Article VII, Section 1(a) of the Bylaws gives the Board of Directors (the "Board") the authority to make and amend the Association's Rules and Regulations; and

WHEREAS, Article II, Section 3 of the Declaration provides that the Association has the right to permanently assign one parking space if it so chooses; and

WHEREAS, Article II, Section 1(f) of the Declaration provides that the Association can provide for the exclusive use by Owners of certain Common Area parking spaces; and

WHEREAS, Article VI, Section 16 of the Declaration provides that all non-garage Lots shall be assigned one reserved parking space for homeowners only and those Lots with garages shall have no reserved parking spaces assigned; and

WHEREAS, Article II, Section 3 of the Declaration provides the Board the right to promulgate the rules and regulations regarding parking on the Common Area including 1) licenses certain spaces for the exclusive use of the Owner of a particular Lot, 2) designating certain spaces for guests or disabled persons and 3) enforcing those rules and regulations by any manner provided for in the Declaration, this Resolution, through the courts, and by towing; and

WHEREAS, Article VI, Section 1 of the Declaration provides that no unlicensed vehicles are allowed in the Association and that the Board has the right to tow such vehicles upon forty-eight hours' notice; and

WHEREAS, Article VI, Section 7 of the Declaration provides that no junk vehicles or vehicles without current registration can be kept in any Lot or on the Common Area nor can repair or extraordinary maintenance take place in those areas; and

WHEREAS, Article VI, Section 13 of the Declaration provides garages shall be used for the storage of vehicles and the door is to be kept closed at all times; and

WHEREAS, Article VI, Section 17 provides that motor homes, boats, recreational vehicles and portable vehicles cannot remain in a location visible from any road for more than four consecutive days without the Board's written consent; and

WHEREAS, Article VI, Section 18 provides that no commercial vehicles can be parked on the Lots or Common Area; and

WHEREAS, Article X, Section 1 provides that the Association or any Owner has the right to have a vehicle towed from a Common Lot parking space reserved to a specific Lot's use at the expense of the offending vehicle's owner; and

IT IS THEREFORE RESOLVED AS FOLLOWS:

PARKING RIGHTS AND RESTRICTIONS

- A. Owners are responsible for informing their lessees of the Association's parking rules and regulations.
- B. Vehicles shall be parked only within delineated parking spaces and in such a manner as to not obstruct other parking spaces;
- C. All units must register all vehicles (owned or leased) which are domiciled at Westhaven with the Board of Directors utilizing a Vehicle Registration form.
- D. All Non-Garage Units shall be assigned two (2) designated parking spaces.

PARKING PERMITS

There will be two types of Parking Permits issued. In order to be issued a Permanent Parking Permit or Green Permit, a vehicle must be registered to an owner or renter of a unit in Westhaven. In the case of a renter, the name on the vehicle registration must be the same as the name on the lease. Initial issuance is free of charge; replacement decals will cost \$20.00 each.

- GREEN Permits - A Special Permit for extra vehicles owned or leased by an owner or renter at Westhaven which will authorize a vehicle so permitted to park in the Green Designated Spaces on a first-come, first-served basis.
 - When an owner or renter has more than two vehicles, the owner may apply for a Green Parking Permit. The unit owner must demonstrate need for a Green Parking Permit by providing proof of ownership of 3 or more vehicles registered to the Westhaven address.
 - If no Green Permits are available at the time of application, the owner will be placed on a waiting list and notified upon availability of a Green Permit.

- Green Parking Permits will only be issued to owners in good standing. If at any time an owner falls out of good standing, Green Parking Permits will be revoked, and owners will be removed from the waiting list pursuant to the procedures of Section 55-513.B of the Virginia Property Owners' Association Act.
 - VEHICLES WHICH BEAR GREEN PARKING PERMIT MUST BE PARKED IN THE DESIGNATED GREEN SPACES PARKING AREAS AND NOT IN FRONT OF A UNIT OR IN A VISITOR SPACE.
 - Green Parking Permits will be renewed annually. The unit owner must demonstrate continued need for a Green Parking Permit by providing proof of ownership of 3 or more vehicles registered to the Westhaven address.
 - Green Permits are non-transferrable upon sale or re-rental of the unit.
- WHITE Visitor Permits - A Special Permit (hangtag) to be issued, one per Lot, for use by Visitors in Designated Spaces specially marked as VISITOR only, which allows any visitor to park for a seventy-two (72) hour period. The Visitor Parking Spaces are to be used by those vehicles bearing the Visitor Hangtag. Any vehicle parked for more than three (3) nights in a seven (7) night period in any Visitor Space will be subject to towing.
 - White Visitor Permits will be issued to the owner of record each December. Visitor Permits will only be valid in the year of issuance.
 - Visitor Parking Permits are transferrable between owners.
 - Special Visitor Parking Permits may also be issued to those owners or renters upon request and availability for a long-term visitor, such as a child home from college for the summer, a relative visiting for an extended period of time, or painting the interior of the garage. Those vehicles are to park in Visitor Spaces on a first-come, first-served basis. If needed, an owner or renter would submit a written application to the Board providing:
 - Year, make, model and color of the vehicle
 - License number, year, and state
 - Name of vehicle owner
 - Relationship of person needing the permit
 - Dates of the extended visit

VEHICLE RESTRICTIONS

- A. All vehicles parked in Westhaven must be properly licensed with current license plates and inspection sticker (if licensed in Virginia). Military personnel may retain "home state" licenses.
- B. No vehicle equipped or otherwise configured in a manner to indicate its use is for other than normal passenger transportation as defined in the Code of Virginia may be parked in Westhaven. Prohibited vehicles include, but are not limited to:

- any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether itself in the parking space or on a truck, trailer, or semitrailer;
- any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
- any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
- any vehicle licensed for use as a contract carrier or as a limousine;
- any vehicle more than twenty-one (21) feet in length or more than eight (8) feet in height including appurtenances attached to the vehicle, or with a width of 102 inches or more, or with a gross weight of 12,000 or more pounds;
- any recreational vehicle to include boats, trailers, watercraft and motor homes in a location visible from any roadway for a period exceeding four (4) consecutive calendar days without written consent of the Board of Directors;
- school buses;
- any vehicle with uncovered external logos, signs, letters, numbers, or advertising;
- commercial vehicles used in the provision of cable television service;
- moving vehicles and portable storage units;
- commercial vehicles used in the provision of propane gas service;
- any vehicle carrying commercial freight in plain view;
- any trailer, semitrailer, or double axel utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle; or
- Any vehicle with three or more axles.

C. Vehicles operated by tradesman performing work at the home of an owner or tenant may be parked in the assigned space for that unit or in a designated Visitor space while working at the unit.

D. No inoperable vehicles shall be kept in Westhaven. All vehicles must be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust, emission, appearance or otherwise.

E. Minor repairs of vehicles by or on behalf of an owner or renter while on any common area must be completed by the end of the day in which they were begun. Major repairs (including but not limited to engine, transmission, and rear-end repairs) are prohibited: No vehicle may remain in a disassembled condition, to the extent that it cannot legally be operated on the public streets, for more than twelve hours.

F. The dumping of, disposing of, or the leaking of oil, grease or other petroleum product or chemical or residual substance or particles as a result of a vehicle repair, lack of maintenance or carelessness is strictly prohibited. It will be the responsibility of the vehicle owner to make repairs to the streets for any damage incurred by the items listed in this section.

ENFORCEMENT

- A. Any vehicle parked in a "Hot Zone"(dangerous or illegal areas such as in fire lanes, medians, or vehicles parked in such a manner as to impede sidewalks or extend beyond driveways) will be subject to immediate towing.
- B. Any vehicle parked in the community between the hours 11:00 PM and 7:00 AM will be subject to towing without notice if that vehicle does not have a valid parking pass displayed for Visitor or Green Spaces.
- C. Unit owners have the right to tow vehicles from the space(s) reserved in the common area for that specific lot's use. Towing will be at the expense of the offending vehicle's owner.
- D. Any owner or renter of the community may file a complaint with the Property Manager or the Board of Directors regarding a violation of this resolution. The complaint must be in writing giving the make, model and license number of the offending vehicle and cite to the best of the complainant's knowledge and belief the nature and extent of the violation. Complaints must include the name and address of the complainant and must be signed. The Board of Directors will act promptly upon the receipt of such a complaint to enforce the regulation in the manner described herein.
- E. In addition to the towing provisions outlined, violations of this resolution are subject to other appropriate action, including, those outlined in Westhaven's Due Process and Collection Resolution.
- F. The Fairfax County Police have been authorized to enter upon the common grounds of Westhaven to enforce the fire lane restrictions and to provide security;
- G. Failure to enforce this resolution at any time will not be deemed a waiver of this resolution in future instances.

This Resolution supersedes any prior adopted Resolutions pertaining to parking and The Board directs that this Policy Resolution relating to Parking shall be reasonably published or distributed to the Owners of the Association .

This Resolution is effective April 1, 2017.

Adopted at a meeting of the Board of Directors on February 9, 2017.

Westhaven Homeowners Association, Inc.

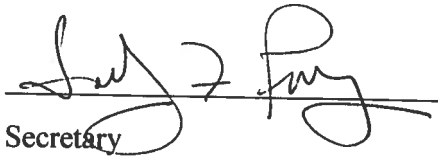


President

2/9/2017

Date

Attested By:



Secretary

2/9/2017

Date