

# **East Stratford A&B Homeowners Association Regulatory Resolution 18-01**

*(This Resolution supersedes previous Policy Resolutions 14-01 and 15-01)*

## ***Parking Rules and Regulations – East Stratford A/B Townhomes***

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions (“Declaration”), Article 8, Section 8.3 of the East Stratford Phase A&B Homeowners Association (“Association”) gives the Board of Directors (“Board”) the authority to adopt reasonable Rules and Regulations regulating parking spaces in the Common Area; and

WHEREAS, Declaration Article 7, Section 7.6, gives the Board the right to assign certain parking spaces to Owners as Reserved Common Area parking spaces; and

WHEREAS, Declaration Article 3, Section 3.8 gives the Board the authority to subject Reserved Common Areas to restrictions, reasonable charges, and conditions on the uses thereof as appropriate; and

WHEREAS, the Board previously approved, adopted and published parking rules and regulations by Policy Resolutions 14-01 and 15-01 for the purpose of regulating parking on the common areas; and

WHEREAS, the Board deems it to be in the best interests of the Association to revise and update the previously approved and published parking regulations, and to combine prior Policy Resolutions 14-01 and 15-01 into this revised Regulatory Resolution 18-01;

NOW, THEREFORE, BE IT RESOLVED THAT the East Stratford Phase A&B Homeowners Association Board of Directors approves and adopts this Regulatory Resolution 18-01 as its current Parking Policy.

1. Previous Resolutions: This resolution supersedes previous Board Policy Resolutions 15-01, 14-01, 09-01, 07-01, 07-02, 06-01 and 06-03, all of which have expired or are superseded by this Resolution.

2. Space Entitlement: Each non-garage town home and each garage townhome will be entitled, at the discretion of the Board, to one Reserved Common Area parking space, upon application therefor.

3. Assigned space allocation: Specific parking spaces will be assigned to individual town homes as Reserved Common Area parking spaces at the request of the Owner of the town home, and at the sole discretion of the Board.

4. Owner must take initial action to obtain a reserved space: Reserved Common Area parking spaces are "opt-in", meaning each Owner must complete the relevant application form to obtain his/her household's one (1) Reserved Common Area parking space. If a townhome has an assigned reserved parking space at the time the townhome conveys by sale to a new Owner, that parking space remains assigned to that townhome until the next tri-annual renewal period, at which time the New Owner must renew the assignment.

5. Fees: Owners who are assigned a Reserved Common Area parking space shall be charged a reasonable fee for the maintenance of this parking space, which fee shall be determined by the Board. This fee shall include reasonable costs incurred by the Association for maintenance and repair of the Reserved Common Area space.

6. Reserved space renewal: Once reserved, a parking space automatically remains reserved throughout the three-year assignment period unless the owner requests otherwise. The next renewal period shall be during **March, 2021**.

7. Unmarked parking spaces: Any common area parking spaces not explicitly marked as reserved shall be left unmarked and therefore open for use by any resident or invited visitor on a first-come, first-served basis. **Any vehicle parked in an unmarked parking space from 12:00 midnight to 6:00 a.m. must display the proper parking permit (see below). Vehicles parked in unmarked parking spaces during those hours which do not display the proper parking permit may be towed without warning.**

8. Parking permits for unmarked parking spaces: Each lot whose owner(s) is/are in good standing with the Association shall be issued by the management agent two (2) parking permits to allow use of unmarked parking spaces. "Good standing" herein is defined as not being delinquent in excess of sixty (60) days in the payment of any assessment obligation to the Association; and, having no current violations or infractions of the Declaration or the Association's rules and regulations.

The parking permit issued by the Association's management agent may be in the form of a hang tag (to be hung from the internal rear view mirror), or a window decal, a sticker, or some other form or type of visible designator. The Board of Directors shall adopt the type or form of permit to be issued and written instructions shall be issued with the permits as to the proper method of displaying the permits on/in the vehicle. Any vehicle parked in an unmarked parking space between the hours of 12:00 midnight to 6:00 a.m. **must** display the proper

parking permit. **Vehicles parked in unmarked parking spaces which do not display the proper parking permit during those hours may be towed without warning.**

**Parking permits are lot-specific and are non-transferable between lots/lot owners.**

9. Parking Regulations:

a. When parked anywhere within the East Stratford A & B subdivision, vehicles shall be parked so as to avoid obstructing sidewalks in any way. Vehicles which overhang a sidewalk shall be deemed to be obstructing the sidewalk, and thus parked in violation of both this regulation and Section 480.105(a)(1) of the Loudoun County Code.

b. When parked within any marked parking space anywhere within the East Stratford A & B subdivision, vehicles shall park so as to fit completely within the vertical boundaries of the marked parking spaces. Vehicles which overhang the front or the rear vertical planes of the marked parking space or overhang the side vertical planes of the parking spaces shall be deemed to be obstructing the common area and thus parked in violation of this regulation.

10. Towing/enforcement: Owners may request removal of unauthorized vehicles parked in **reserved spaces** by directly contacting the designated towing company. Vehicles may be towed from reserved spaces without notice. It is the sole responsibility of the reserved space homeowner, or their designee, to contact the towing company to request the removal of any unauthorized vehicles parked in the reserved space.

Parking enforcement for **unmarked common area parking spaces** shall occur between 12:00 midnight and 6:00 a.m. every day. Vehicles parked in unmarked common area parking spaces during those hours that do not display the current parking permit shall be towed without notice or warning at the vehicle owner's expense. **Parking permits are lot-specific and are not transferable between lot owners/lots. In the event the Association discovers that a permit holder has transferred his permit to a different lot owner or for use by a different lot, the permit shall be revoked by the Association.**

The Association's contracted towing company is also authorized to remove any vehicle that is in violation of the following, including but not limited to: parked in a fire lane; double parked; improperly parked; parked in two spaces; not bearing valid license plates; not displaying valid county decals, or not displaying valid safety inspections as required by law. Towing for these infractions shall be without prior notice or warning to the vehicle owner and at the vehicle owner's expense.

11. 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 or in other violation hereof in such a manner as to violate the governing documents, Rules and Regulations or Resolutions of the Board of Directors, the Association shall be held harmless by such Owner for any and all damages, claims or losses that may ensue. The 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. The Owner of a Reserved Common Area parking space shall indemnify and hold harmless the Association from any and all claims, damages, or judgments ensuing as a result of any towing/enforcement action taken by the Owner, pursuant to Section 8 above, including reasonable attorney's fees expended by the Association.

12. Reserved Space Number Visibility: It shall be the sole responsibility of the users of a Reserved Common Area parking space to ensure that the space number is visible. Snow, debris, yard waste, etc., must be cleared from the parking area. If the number is not visible, the Owner's exclusive use of the space and the parking policy for the space are not enforceable.

13. Renewal Period: The tri-annual renewal period and deadline will be determined at the Board's discretion each year, though the renewal period will generally occur during the month of March.

14. New Residents: If a townhome does **not** have a parking space assigned as a Reserved Common Area parking space at the time the townhome conveys by sale to a new Owner, the new Owner must wait until the next tri-annual renewal period to request a space. If a townhome **does** have an assigned parking space at the time the townhome conveys by sale to a new Owner, that parking space remains assigned to that townhome until the next tri-annual renewal period, at which time the New Owner must renew the assignment.

15. Owners Must be Current in Assessments: The Board reserves the right to remove a Reserved Common Area parking designation if the owner is delinquent by more than 60 days in the payment of his/her assessment obligation.

**Policy for suspension of parking in reserved common area parking space and common area for nonpayment of the assessment obligation**

16. Notice of Hearing. In the event that any lot owner becomes delinquent by more than sixty (60) days in the payment of any assessment obligation to the Association, the Community Manager shall mail to such lot

owner, by certified mail, return receipt requested to the owner's address of record maintained by the Association, a notice of hearing. The notice of hearing shall be in approximately the format attached hereto at Exhibit A. The notice shall advise the lot owner of the time, date and place of the hearing and the reason therefor. The notice shall be mailed at least fourteen (14) days prior to the hearing date.

17. Opportunity to Cure. The period of time between the mailing of the notice of hearing and the hearing date shall constitute the lot owner's opportunity to cure the delinquency by paying his outstanding assessment obligation in full.

18. Hearing Procedure. If the lot owner has not cured his/her delinquency by the hearing date, the Board shall provide the lot owner with a reasonable opportunity to be heard (usually not exceeding five (5) minutes in duration). The owner may be represented by counsel at his/her expense. If the lot owner and/or his counsel fails to appear at the hearing, the Board shall consider him/her to have waived his right to an opportunity for a hearing.

19. Result of Hearing. Within not more than seven (7) days after the hearing date, the Community Manager shall mail a notice of hearing result to the lot owner, by certified mail, return receipt requested. A sample format of same is attached hereto at Exhibit B. If the Board decides to suspend the lot owner's right to park in a designated reserved common area space and any other open parking space on the common area of the Association, such suspension shall typically take effect ten (10) days after the mailing of the notice of hearing result. The time between the hearing date and the date that the suspension takes effect shall be additional time during which the lot owner may bring his account current and avoid the suspension.

20. Suspension Procedure. On or about the effective date of the suspension, the identifying number on/in the delinquent lot owner's reserved common area parking space shall be painted over and the suspension shall be thereafter enforced by towing at the vehicle owner's risk and expense.

21. Remedies / Fair Housing Consideration. Suspension of the parking privilege shall not be deemed an election of remedies and shall not preclude the Association from availing itself of all legal remedies to collect the unpaid assessment obligation. The Board shall consider any relevant fair housing issues when deciding whether to suspend the parking privilege of that lot owner.

22. Effect of Suspension. Suspension of the parking privilege effectively nullifies the assignment of a reserved common area parking space to that lot. A reserved common area parking space that has had its identifying number painted over shall remain an **open space unless and until** the lot owner whose parking privilege has been suspended: (i) brings his/her assessment account completely

current; and, (ii) pays to the Association the sum of One Hundred Dollars (\$100.00) for the identifying numbers to be repainted in the parking space.

Suspension of the parking privilege for non-payment of the assessment obligation applies both to reserved common area parking spaces and to all open common area parking spaces. If the Board of Directors imposes such a suspension, the suspended lot owner may not park anywhere on Association common area.

23. Lifting the Suspension. When a lot owner whose parking privilege has been suspended for nonpayment of the assessment obligation brings his/her account current, the suspension as to unmarked common area parking spaces shall be lifted no more than three (3) days thereafter and the lot owner's privilege to park in any unmarked open common area parking space shall be restored. If that lot owner wishes to regain his/her reserved common area parking space, the lot owner must follow the procedure set forth in para. 4 above.

#### Periodic Review of this Resolution

The Board of Directors shall review, revise as necessary and republish this Resolution to the membership every three (3) years, so as to ensure the currency of the regulations imposed hereby and to meet the needs of the Association's membership.

RESOLUTIONS ACTION RECORD

Resolution Type:  
Regulatory No.: 18 - 01

Pertaining to:  
Parking Rules and Regulations

Duly adopted at a meeting of the Board of Directors of the East Stratford Phase A&B Homeowners Association, Inc. held June 26, 2018.

Motion by: Mark Lavery Seconded by: Cathy Zimmerman

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Michael Colantuono</u>	✓	_____	_____	_____
<u>Don Amos</u>	✓	_____	_____	_____
<u>Isaac Bartman</u>	✓	_____	_____	_____
<u>Cathy Zimmerman</u>	✓	_____	_____	_____
<u>Mark Lavery</u>	✓	_____	_____	_____

ATTEST:  
[Signature]  
Secretary

6/26/18  
Date

Resolution effective August 17, 2018.

I hereby certify that a copy of the foregoing resolution was mailed to all owners of record on July 27, 2018.

[Signature]  
Shannon Cook, CMCA® AMS®, PCAM®  
Community Manager

**East Stratford A&B Homeowners Assn Ltrhead**

Owner's Address

Date

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO.**

**Re: Notice of Pending Suspension of Parking Privileges**

Dear \_\_\_\_\_:

You are hereby notified that a hearing will be held before the Board of Directors of the East Stratford Phase A&B Homeowners Association at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ .m., pursuant to Section 55-513B of the *Virginia Property Owners Association Act*, Section 12.1(h) of the Declaration, and Policy Resolution 18 – 01 regarding the suspension of your parking privilege on the Association's common area for nonpayment of the assessment obligation.

You may be present at the hearing. You may, but need not, be represented by counsel at your expense. You may present any relevant material. You may request the attendance of witnesses. You should regard the time between this notice and the hearing date as your opportunity to bring your account current.

Please be advised that if the Board approves the proposed suspension, your privilege to park anywhere on the common area of East Stratford A&B (including a reserved common area parking space) shall be suspended for the duration of the period during which your assessment account remains delinquent. In addition to this hearing, the Board may elect such other remedies as are authorized by the *Virginia Property Owners' Association Act*, the Association's Declaration and rules/regulations, and by law.

If you have any questions or wish to communicate with the Board regarding this matter, please call:

\_\_\_\_\_.

Sincerely,  
The Board of Directors

cc: Lot Owner File

**EXHIBIT A**



**East Stratford A&B Homeowners Assn Ltrhead**

Owner's Address

Date:

**CERTIFIED MAIL RETURN RECEIPT REQUESTED NO.**

**Re: Notice of Hearing Result**

Dear \_\_\_\_\_:

As you were advised by a hearing notice dated \_\_\_\_\_, 201\_\_, the Board of Directors met on \_\_\_\_\_, 201\_\_ to discuss the suspension of your privilege to park on the Association's common area (including your reserved common area parking space). You were present / not present for the hearing.

The Board of Directors determined that your assessment account was delinquent by more than sixty (60) days.

Accordingly, the Board of Directors has suspended your privilege to park on the common area of the East Stratford A&B, including your reserved common area parking space (if you have one), which suspension shall remain in effect for the duration of the period during which your assessment account remains delinquent by more than sixty (60) days.

The suspension shall take effect as of \_\_\_\_\_, 201\_\_. If you park any personal vehicle on the common area of East Stratford A&B thereafter, including in what was your reserved common area parking space, the vehicle(s) shall be towed from the Association's property at your risk and expense.

Sincerely,

The Board of Directors

cc: Lot Owner File

**EXHIBIT B**