

Cardinal Crest Homeowners Association, Inc.
Regulatory Resolution No. 2006-01

Parking

WHEREAS, Cardinal Crest Homeowners Association, Inc. came into existence as a Virginia property owners' association by the filing of a Declaration of Covenants, Conditions and Restrictions ("Declaration") in the land records of the Circuit Court of Prince William County, Virginia, at Deed Book 2256, Page 1377, et seq.; and,

WHEREAS, Article II, Section 1(f) (*Property Rights*) of the Declaration states in pertinent part that each lot owner's easements of enjoyment in and to the common area are subject, *inter alia*, "[t]he right of the Association to regulate parking on the Common Area through the granting of easements or promulgation of rules and regulations; and,

WHEREAS, Article VI, Sections 6 and 7 (*Use Restrictions*) of the Declaration constitute the restrictive covenants of record governing the types of vehicles permitted to be parked anywhere within the Association; and,

WHEREAS, Article VI, Section 11 of the Declaration requires all owners and occupants of residences within the Association to abide by "...any rules and regulations adopted by the Association, which rules and regulations shall be enforced pursuant to Va. Code § 55-513 of the Virginia Property Owners' Association Act (Va. Code § 55-508, *et seq.*); and,

WHEREAS, Article VII, Section 1(a) of the Bylaws empowers the Board to adopt and enforce rules and regulations and to establish penalties for the infraction thereof, and

WHEREAS, the Prince William County Board of Supervisors recently amended the Prince William County Code (Chapter 13, Section 13-320.1), to the effect that the eastern half of the County (encompassing the Cardinal Crest subdivision) has now been designated a "restricted parking" zone, which designation prohibits the parking of watercraft, boat trailers, motor homes and camping trailers on the public roads in that section of the County; and,

WHEREAS, for the benefit and protection of the Association and of the residents and property owners of Cardinal Crest, (hereinafter referred to as the "Members"), the Board deems it necessary and desirable to establish parking rules and regulations to incorporate the amendment to the Prince William County Code and to supplement the aforementioned restrictive covenants set forth in the Declaration, the purpose of which rules and regulations will be enhance the appearance of the community

and to thereby preserve and enhance the property values of the individual lots therein;
and,

NOW, THEREFORE, BE IT RESOLVED THAT the following rules governing parking of motor vehicles, trailers, campers, commercial vehicles, recreational vehicles and boats are hereby adopted.

1. **Definitions:**

(a) For the purposes of this resolution, "**the community**" shall be considered all property within the boundaries of Cardinal Crest subdivision (referred to in the Declaration as "the Property"). .

(b) "**Commercial vehicles**" are defined as including, but not limited to, passenger vehicles with a commercial logo or advertising information, panel vans with or without a commercial logo, and cargo trucks with or without a commercial logo; commercial trucks, including pick-up trucks, panel vans or utility/cargo trucks with external equipment racks (*e.g.*, ladder racks, pipe racks, tool boxes, storage compartments, *etc*); and moving vans (except when in the process of actively moving a homestead), tractors, wreckers, tow trucks, hearses, commercial buses, taxicabs and limousines (for hire). In the event that a vehicle is put to commercial use but does not exhibit any of the above-described characteristics, the Board of Directors shall have the authority and power to make a determination as to whether that vehicle shall be deemed a commercial vehicle.

(c) "**Motor home**" is as defined in Va. Code § 46.2-100, that is, "every private motor vehicle with a normal seating of capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings." See also the definition for "recreational vehicle" set forth below.

(d) "**Camping trailer**" is as defined in Va. Code § 46.2-100, that is, a "vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle."

(e) "**Watercraft,**" "**boats,**" and "**trailers**" for same are self-explanatory terms and are to given then ordinary, sensible and commonly accepted meanings.

(f) "**Recreational vehicles**" are defined as including, but not limited to, vehicles of the type usually referred to as "RVs," also, off-road-type vehicles such as "quads," "dune buggies" or "dirt bikes" and the trailers used to haul same, and also any kind of camping vehicle, such as a pick-up truck with a camper attached thereto.

2. Camping trailers, motor homes, boats, watercraft or trailers used to transport any of the above **shall not be parked anywhere in the community**, unless such vehicle is parked on an individual lot and totally contained within the residence's garage.

- a) Commercial vehicles may be parked on a lot, but must be completely contained within the residence's garage and must remain in the garage at all times that the vehicle is within the Association's boundaries (unless being drive into or out of the community).
- b) Recreational vehicles may be parked on a lot, but must be completely contained within the residence's garage and must remain in the garage at all times that the vehicle is within the Association's boundaries (unless being driven into or out of the community).
- c) Recreational vehicles and commercial vehicles **are prohibited from parking** on any common area of the Association and on any private street or pipestem driveway.
- d) Short-term, temporary parking of commercial vehicles by contractors performing work for a Member during the period that work is ongoing in or at the residence is permitted, but shall not be for more than 12 hours consecutively in a 24 hour period, or last for more than 10 week days. Overnight parking is not permitted. This exception shall not be used by a Member to park a commercial vehicle in the community under the guise of performing continuous work at the Member's residence in an effort to circumvent the regulations.
- e) Trailers and campers may be parked in a Member's driveway for a period not to exceed 12 hours immediately preceding or immediately following their use by the Member for the purpose of loading/unloading prior to or after a trip. Such vehicles shall either be parked in a garage or be removed from the community and stored off-site immediately following such activities.
- f) Nothing in this section shall be interpreted to prohibit the parking within the community of marked or unmarked public safety vehicles of a police, fire, or rescue service of any city, town, county, state, or US government agency, provided such vehicles are in operable condition.
- g) Exceptions: Any Member may petition the Board for a temporary exception to the above regulations for their own personal case. The board shall have the discretion to approve or disapprove such petition by weighing the need shown by the Member for such an exception against the effect on the community as a whole. Such petitions will be made to the board by mail through the management company, no less than 30 days prior to the expected date the exception would be utilized.

3. **Use of Vehicles.** No motorized vehicle or trailers may be stored or maintained on the yards of any lot or common area and no unlicensed vehicles are allowed to be

operated within the community. Unlicensed vehicles may only be parked within a Member's garage. All vehicles parked outside of a Member's garage must display current registration plates and county stickers at all times. The repair or extraordinary maintenance of automobiles or other vehicles shall not be performed on any of the lots or common areas; however, maintenance or repair may be performed within the confines of a Member's garage.

4. **Towing at Owner's or Operator's Cost and Risk**

- a) Motor vehicles parked in violation of this Resolution shall be subject to immediate towing, without notice to the owner or operator of the vehicle, unless the vehicle is parked or situated on an individual lot. Towing may be ordered by any director or officer of the Association or at the direction of the Board or member of the community management company. Additionally, the Board may, at its discretion, enter into an agreement between the Association and any person performing towing services whereby the Association's private roads, pipe stems and common areas are inspected by the person providing the towing services and improperly parked motor vehicles are automatically towed away without further authorization from the Association.
- b) Towing of motor vehicles parked in violation of this Resolution shall be at the sole cost and expense of the owner or operator of the towed vehicles. The risk of damage or loss incurred as a result of any such towing shall be solely on the owner or operator of the towed vehicle and neither the Association nor any of its officers, directors, employees or agents shall have any liability for any damage or loss.

5. **Additional Penalties.**

- (a) Watercraft, boat/boat trailers, motor homes and camping trailers parked on the public streets within the community in violation of Prince William County Code Section 13-320.1 shall be subject to being cited by the Prince William County Police Department.
- (b) The parking of motor vehicles in violation of this Resolution may be the basis for further enforcement action by the Association, including the possible imposition of violation charges of up to \$10.00 per day for a period not to exceed 90 days for a continuing offense, or up to \$50.00 per occurrence of a single offense of a non-continuing nature. In the event that non-payment of the assessed violation charges requires the Association to forward the Member's account to the Association's counsel for collection, the member shall be responsible for all costs and fees incurred by the Association, including attorney's fees.

CARDINAL CREST HOMEOWNERS ASSOCIATION, INC.

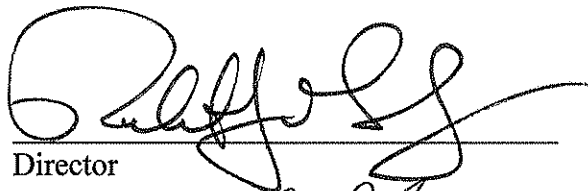
RESOLUTION ACTION RECORD

Resolution Type: Regulatory No.

Pertaining to: Parking

Duly adopted at a meeting of the Board of Directors held July 26, 2006,
2006.

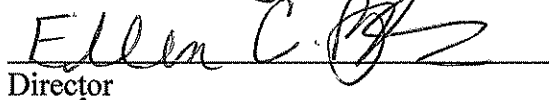
Motion by: Rob Gurtz Seconded by: Ellen Butler



Director

VOTE:
YES NO ABSTAIN ABSENT

✓



Director

✓



Director

✓

ATTEST:


Secretary

Date: 7-26-06

FILE:
Book of Minutes - 2006
Book of Resolutions:

	Book No.	Page No.
Policy	_____	
Regulatory	_____	
Special	_____	
General	_____	

Resolution effective: