

DOMINION TOWNES HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2019-1

**RULES, REGULATIONS AND PROCEDURES RELATED TO
PARKING AND TOWING**

WHEREAS, Section 55.1-1819(A) of the Virginia Property Owners' Association Act ("Act") and Article VI, Section 1(g) of the Bylaws empower the Association's Board of Directors ("Board") to establish, adopt and enforce rules and regulations governing the use of the Association's Common Area and areas of responsibility assigned to the Association by the Declaration;

WHEREAS, Article VIII, Section 3 of the Declaration prohibits Owners and their guests from parking upon any Lot or the Common Area any of the following: "buses, trucks, tractors, trailers, mobile homes, campers or other vehicles used primarily for recreational purposes." Additionally, pursuant to Article VIII, Section 3 of the Declaration, "[t]railers (either with or without wheels), campers, camper trailers, boats and other watercraft, commercial vehicles and boat trailers shall not be parked on any street, parking area or yard. Stored vehicles and vehicles which are either obviously inoperable or do not have current operating licenses shall not be permitted on the Property ... [and a]ny vehicle parked in violation of this Section or the Rules and Regulations promulgated by the Board of Directors may be towed at the Lot Owner's expense";

WHEREAS, Article II, Section 3 of the Declaration provides, "[o]wnership of each Lot shall entitle the Owner thereof to the use of two (2) automobile parking spaces. These spaces are not reserved and are not guaranteed to be directly in front of the Owner's Lot"; and

WHEREAS, previously the Board adopted, in Section C, regarding "Parking", and Section E, regarding "Unauthorized Vehicles", of the Association's Rules and Regulations, certain rules regarding parking, storage and use of vehicles at Dominion Townes (the "Property").

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the attached Rules, Regulations and Procedures related to Parking and Towing (the "Policy") and that this Policy shall supersede and replace any and all previously adopted rules and regulations pertaining to the aforementioned subject matter, including, but not limited to, Section C, regarding "Parking", and Section E, regarding "Unauthorized Vehicles", of the Association's Rules and Regulations, and that Sections C and Section E of the Association's Rules and Regulations shall be removed and are no longer in effect:

1.0 APPLICABILITY

1.1 This Policy shall apply to all Owners, residents, tenants and guests within the Property. All vehicles which are standing, parked or stored on the Common Area or on any part of the Association's property shall be subject to this Policy. Owners and residents are responsible for the actions of their tenants, guests and invitees. Any vehicle parked in violation of this Policy is parked without permission of the Association and is subject to towing. This Policy shall be enforced as part of the Rules and Regulations of the Association.

2.0 ENFORCEMENT

2.1 **Towing.** The Common Area parking areas may be patrolled daily and any vehicle parked in a manner violative of the Association's Declaration, Rules and Regulations or this Policy may be towed at the vehicle owner's expense by Fletcher's Towing (located at 8619 Telegraph Road, Glen Allen, Virginia, 23060; Phone Number: 804-264-8810), or such other towing company which may be authorized by the Board from time to time. In the event that the requirements of the Declaration, Rules and Regulations or this Policy are not observed, the Board may take proper corrective measures without liability to any parties, including, without limitation, towing improperly parked or unauthorized vehicles, and charging for any costs incurred in the process.

a) Vehicles Subject to Immediate Towing

Vehicles may be towed immediately without warning, from anywhere in the Property and stored at the vehicle owner's risk and expense if parked as follows:

- i. In designated handicapped parking spaces without the designated handicapped license plates, decals or special parking permits from the Department of Motor Vehicles;
- ii. In a marked or designated fire lane or blocking a fire hydrant;
- iii. In such a manner that it blocks the safe and unhindered passage of any other properly parked or driven vehicle; or
- iv. In a manner posing a danger to the Property, such as, but not limited to, vehicles leaking substantial amounts of fluid or parked on or within the Property in a manner that does not leave sufficient room for ingress and egress of fire and rescue vehicles in the event of an emergency.

b) **Towing after 72 hours' notice.** All other vehicles parked in violation of the Declaration, Rules and Regulations or this Policy, including, but not limited to, any Prohibited Vehicles described in Subsection 3.4, below, parked in a manner violative of the Declaration and/or this Policy, shall be subject to towing 72 hours after posting of a warning notice for a first offense and shall be subject to immediate towing without further notice for any second offense of the same type.

c) **When Residents may initiate Towing.** Parking violations may be reported to the Association's management agent. The Association's towing contractor may be called by any resident to ticket and/or tow a vehicle that is parked in a fire lane or blocking a fire hydrant.

2.2 **Legal Action.** The Board may enforce the Declaration, Rules and Regulations and this Policy by any proceeding at law or in equity. The Association may hold the Owner responsible for any attorney's fees and costs incurred by the Association in any such proceeding.

- 2.3 **Ticketing.** Any vehicle improperly parked may be cited, warned or ticketed by appropriate authorities.
- 2.4 **Notice.** Unless otherwise stated herein, no further notice is required prior to taking any other corrective action, including the towing of a vehicle in violation of the Declaration, Rules and Regulations or this Policy. Towing signs are posted at entrances to the community which comply with the applicable requirements of the Code of Virginia, Henrico County Code and/or any applicable Zoning Ordinance(s).

3.0 **PARKING**

3.1 **Parking Spaces.** Parking spaces are painted with lines on the paved Common Area parking areas. The Board may, in accordance with applicable laws, revise the parking plan or otherwise act to create additional lined parking spaces on the paved Common Area. All Common Area parking spaces shall be unassigned and are intended for use by Owners, residents and their guests and invitees on a first-come, first-served basis. Each Owner shall be entitled to the use of two (2) Common Area parking spaces; however, these spaces are not reserved for a particular Owner and are not guaranteed to be directly in front of the Owner's Lot. Residents are responsible for informing their visitors of the covenants, rules and regulations regarding parking and this Policy and shall be responsible for any violation thereof by their visitors.

3.2 **General Parking Rules.**

a) Vehicles shall be parked only in lined parking spaces or along the unmarked curbing and not blocking a fire hydrant, appurtenant to marked or designated fire lanes or in such a manner that they block the safe and unhindered passage of any properly parked or driven vehicle. Parking of any vehicle on the Common Area in a place other than the above specified permitted locations, including on non-paved, dirt, gravel or grassy portions of the Common Area, is prohibited.

b) All persons who park vehicles on the Common Area parking areas shall position their vehicles as close to the center of the space between the painted lines as possible. Overlapping the painted lines which separate parking spaces or parking at an angle to the curb is prohibited. Parking which blocks sidewalks and/or double parking is prohibited.

c) A motorcycle or any two-wheeled vehicle may be parked within a marked parking space either parallel to the curb face (perpendicular for parallel spaces) or alongside another vehicle (parallel within the space) so as to allow a standard passenger automobile or other vehicle to also be parked in that parking space, provided that the vehicles do not extend beyond the painted parking space lines or beyond the end of the space. More than one motorcycle or other two wheeled vehicle may be parked in a parking space, provided that such vehicles do not extend beyond or outside the parking space boundaries and do not affect parking in adjacent parking spaces.

d) The use of Common Area parking areas as a commuter lot or staging area for carpools or for carrying out a business is prohibited.

3.3 **Offensive Activity.** Any vehicle whose car alarm or horn sounds repeatedly for more than one-half hour at any time or repeatedly between 11:00 p.m. and 7:00 a.m. shall be subject to immediate towing.

3.4 **Prohibited Vehicles.**

a) The following vehicles are prohibited from being parked, placed or stored anywhere on the Property:

- i. Inoperable vehicles; and
- ii. Vehicles without current operating licenses.

b) The following vehicles are prohibited from being parked, placed or stored upon any Lot or on the Common Area:

- i. Buses;
- ii. Trucks (does not include pick-up trucks weighing one ton or less);
- iii. Tractors;
- iv. Trailers;
- v. Mobile homes;
- vi. Campers; and
- vii. Over-sized vehicles used primarily for recreational purposes.

c) The following vehicles are prohibited from being parked, placed or stored on the Common Area or on any street, parking area or yard in the Property:

- i. Trailers (either with or without wheels);
- ii. Campers;
- iii. Camper trailers;
- iv. Boats and any other watercraft;
- v. Boat trailers; and
- vi. Commercial Vehicles.

d) For the purposes of this Policy, a "Commercial Vehicle" shall be considered and include the following:

- i. Any vehicle which has permanently affixed to the exterior or displays non-removable logos, signs, letters, numbers, advertising or irregular and distinct coloring which creates the appearance that it may be used for a commercial purpose;
- ii. Any vehicle with externally located or clearly visible commercial equipment, paraphernalia or materials on the exterior. Commercial equipment shall include, but not be limited to, ladders, pipes, compressors, generators, pumps, tools, supplies, winches, equipment, plow blades, lumber or other materials;
- iii. Any unmarked vehicle which appears, due to its height, length, shape, weight, color, appearance or distinctive features to be used primarily for a commercial purpose;
- iv. Any vehicle in which the driver is ordinarily hired for transport, including, but not limited to, taxis, limousines or buses as well as any vehicle whose license includes the term "for hire"; or
- v. Any vehicle which is or contains a farm implement or construction equipment.

- vi. Public (state, county, city government) vehicles assigned to officials who must respond to an emergency shall NOT be considered commercial vehicles.
 - e) Notwithstanding the foregoing, service and delivery vehicles may be parked on the Property during daylight hours for such period of time as is reasonably necessary to provide service or to make a delivery to a Lot or the Common Areas.

4.0 **MISC.**

4.1 **Liability for Personal Property.** Nothing in this Resolution shall be construed to hold the Association, its Board of Directors, or any designated agent thereof responsible for damage to vehicles or loss of property from vehicles parked on the Common Area or within the Property. Vehicles parked in violation of any part of this Policy or the Declaration or Rules and Regulations may be towed and removed from the Property at the owner's sole risk and expense without further notice.

4.2 **Responsibility for Parking Area.** Owners and drivers of vehicles that cause damage to the Property, including the Common Area and parking areas, shall be liable for the cost of repair of such damage, including but not limited to, pavement, curbing, sidewalks, signs and landscaping. Nothing in this Policy shall be construed to hold the Association, its Board of Directors, or any designated agent thereof responsible for damage to vehicles or loss of property from vehicles parked on the Property. Vehicles parked in violation of any part of the Association's Declaration, Rules and Regulations or this Policy may be towed and removed from the Property at the owner's sole risk and expense without further notice.

4.3 **Waiver.** Failure by the Association to enforce any of the provisions of this Policy, for any reason, shall not be construed to be a waiver of its right of enforcement, nor shall the Association be stopped from enforcing any other provision of this Policy.

4.4 **Severability.** In the event any court of relevant jurisdiction holds any part or provision of this Policy to be invalid or unenforceable, such ruling shall not affect the validity of any other provisions herein. Any part or provision of this Policy which is prohibited, or which is held to be void or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

DOMINION TOWNES HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2019-1
Resolution Pertaining to: Rules and Regulations Relating to Parking and Towing

Duly adopted at a meeting of the Board of Directors of the Dominion Townes Homeowners Association, Inc. held on _____, 201__.

Motion by: _____ Seconded by: _____.

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
_____, Director	___	___	___	___
_____, Director	___	___	___	___
_____, Director	___	___	___	___
_____, Director	___	___	___	___
_____, Director	___	___	___	___

ATTEST:

Secretary

Date

Resolution effective: _____, 201__.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 201__, a copy of this Resolution was mailed (by first-class U.S. mail) to all Owners as reflected in the Association's books and records.

Managing Agent