

BRIGHTWOOD FOREST V
HOMEOWNERS ASSOCIATION
PARKING CONTROL
RULES AND REGULATIONS
2005-2

EFFECTIVE DATE:
September 22, 2005

**BRIGHTWOOD FOREST, PHASE IV, SECTION V
HOMEOWNERS ASSOCIATION, INC.
PARKING & VEHICLE CONTROL REGULATIONS**

**BRIGHTWOOD FOREST, PHASE IV, SECTION V HOMEOWNERS
ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION #2005-2
PARKING AND VEHICLE CONTROL REGULATIONS**

Effective Date: September 22, 2005

AUTHORITY

1. The Virginia Property Owners Association Act, Section 55-513, and the Bylaws, Covenants and the Articles of Incorporation of Brightwood Forest, Phase IV, Section V Homeowners Association, Inc.(also known as The Oaks of Brightwood Homeowners Association) By-Laws, Article VII, Section 1(a), gives to the Board of Directors the authority to “adopt and publish rules and regulations governing the use of the Common Area, and the personal conduct of the homeowners and their guests thereon, and to establish penalties for the infraction thereof.”
2. Further, the Bylaws, Article VII, Section 1(c) give authority to the Board to “exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the homeowners by other provisions of these Bylaws, the Articles of Incorporation, or the Declarations.”

GUIDANCE

1. The intention of the Board of Directors is to enforce the governing documents and rules and regulations equitably among all homeowners.
2. The Board of Directors has adopted and will enforce the attached set of “Parking and Vehicle Regulations” for the community with an effective date of June 18, 2001.
3. The Board of Directors will inform the residents of the community of these regulations before commencement of enforcement action.
4. The Board will publish and make available additional copies of these regulations at a charge to cover actual expenses.
5. The property will be posted with appropriate signs.
6. The Board of Directors will contract with a towing company for the removal of vehicles found in violation of these regulations.
7. Penalties will be imposed on residents who violate their obligations as specified in the Parking and Vehicle Control Regulations. Further, the Association will engage an attorney as necessary to enforce these obligations as specified not only in these regulations, but also in the Articles of Incorporation, Declaration of Covenants, and other rules, regulations or guidelines as adopted by the Board of Directors. In addition to any penalties imposed by the Association on a resident for violations of these Parking Regulations, the resident shall be responsible for attorney fees incurred by the Association for any legal action or work performed in connection with said violation. In the event the sole remedy sought by the Association is money, the amount of attorney fees shall be 1/3 of the financial remedy and no less than \$75.00. If the homeowner prevails, the HOA will not charge the homeowner legal or court fees and/or will pay for any legal fees incurred by the homeowner.

BOARD OF DIRECTORS:

Signatures on file

PRESIDENT:

Date:

VICE PRESIDENT:

Date:

SECRETARY

Date:

**BRIGHTWOOD FOREST, PHASE IV, SECTION V
HOMEOWNERS ASSOCIATION, INC.
PARKING AND VEHICLE CONTROL REGULATIONS
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1. GENERAL

In accordance with the Declaration of Covenants, Conditions and Restrictions, and the Bylaws of Brightwood Forest, Phase IV, Section V Homeowners Association, Inc., the Board of Directors do hereby establish the following Parking and Vehicle Control Regulations and penalties for violations. These Regulations, adopted and published by resolution of the Board of Directors, are effective on September 22, 2005.

2. SCOPE

Vehicles which are subject to these regulations include: all motorized vehicles (motor-driven methods of transportation that require a state registration); other motor-driven conveyances (i.e. mopeds, trail-bikes and all-terrain vehicles); boats; trailers; campers; and other wheeled vehicles normally towed by a motor vehicle driving or parking on Brightwood Forest, Phase IV, Section V Homeowners Association, Inc. property, hereinafter referred to as “premises,”

3. RESPONSIBILITIES

- A. Residents are responsible for informing their guests of all parking restrictions.
- B. Residents and guests are responsible for ensuring that their vehicles are in compliance with these Regulations.
- C. As specified in these regulations, residents are also responsible for conveying to the Parking Committee or the Board of Directors, their complaints regarding violations of the Parking Regulations.
- D. The Parking Committee and the Board of Directors are responsible for establishing and enforcing the Parking and Vehicle Control Regulations.

4. PROCEDURES

The Parking and Vehicle Control Regulations will be enforced in the following manner:

- A. If a vehicle is in violation of Regulation F.(Fire Lanes), residents may notify the Prince William County Police, or a member of the Parking Committee, the Board of Directors, in that order.
- B. If a vehicle is in violation of Regulation E (Double Parking), or I (Improper Parking), residents may notify the Parking Committee or the Board of Directors to have the Regulations enforced. Information regarding towed vehicles may be obtained from the Prince William County Police and/or the towing company.
- C. In response to a complaint from a resident received by a member of the Parking Committee, the Board of Directors will verify that the vehicle is in violation of the Regulations.
- D. If a vehicle is in violation of any Regulations, the Parking Committee or the Board of Directors may issue a “Parking Violation” notice.
- E. Prior notice other than publication and distribution of this document and posting of the property is not required to enforce these regulations.
- F. The Parking Committee or the Board of Directors will notify the Prince William County Police, and the towing contractor, of any cited vehicle failing to comply with the Regulations in any prescribed time, and will ensure that the vehicle is removed from the premises. Information regarding towed vehicles may be obtained from the Prince William County Police or the towing company.

5. Charges SCHEDULE FOR VIOLATIONS

The Association reserves the right to assess penalties under the Virginia Property Owners' Association Act, Article 55-513.

Effective September 22, 2005, all violations shall have a charge applicable to the infraction as follows:

1ST Notice Written – 24 hour up to ten day notice.

Charge Level “A” - \$50.00 per offense and \$10.00 per offense on a continuing violation.

Charge Level “B” - \$10.00 per offense per day on a continuing violation.

Charge Level “C” - \$25.00 per offense.

Charge Level “D” - Actual cost of repairs/maintenance.

Charge Level “E” - Towing plus charge A, B C or D.

In addition to all and any remedies available to the Association for any violation of the Articles of Incorporation, Declaration of Covenants, Parking and Vehicle Control Regulations, and other rules, regulations, or guidelines as adopted by the Board of Directors, the Association, through its Management agent or the Parking Committee, may issue, to the resident, a Notice of Violation as to any violation:

- 1) committed by the resident(s) or guest(s) of the resident;
- 2) regarding any condition of such vehicle or lot; or
- 3) regarding any use of such vehicle or lot.

A. The Notice of Violation shall be mailed by certified mail at least 14 days before a hearing to the last known address of record of the owner of the vehicle and shall state the nature and date of the alleged violation. Further, the Notice shall set a date, time and location of the hearing where that the Board of Directors shall determine a) if the Association will find the vehicle owner in violation; b) whether the Board shall authorize a charge not to exceed \$50.00; and c) if the violation is continuing in nature, whether to authorize a continuing charge, not to exceed \$10.00 per day until such violation is corrected. The notice shall state that the owner of the vehicle has the right to be present in person or by agent, with or without counsel to be heard on the issues at hand.

The Board of Directors is hereby empowered to:

- 1) issue and authorize charge as described above;
- 2) without notice, suspend the running of any continuing charge or
- 3) without notice, waive any charge if in its discretion it feels the owner of the vehicle is taking adequate steps toward or has corrected the violation.

B. Any charge so authorized and issued shall carry with it all rights and remedies due any other assessment of the Association, but shall not constitute an election and the remedies herein are cumulative of all other remedies available to the Association. The Parking Committee shall notify owners in writing, within 3 days after the hearing, what ruling the parking committee made on the alleged violations of an owner.

C. The cost of all enforcement actions against a vehicle owner, resident, or guest of a resident, may include but are not limited to: towing fees, charges, all of the Association's legal fees, administrative fees, collection fees, and any other related costs; may be added to and become part of the annual assessment to which such owner is subject; and shall also become a personal obligation of the vehicle's owner, who shall be jointly and severally liable to the Association.

6. REGULATIONS.

- A. ABANDONED VEHICLE: - CHARGE LEVEL “E”** - All vehicles parked on the premises must be in working order (i.e. able to move under the power of their engines). Vehicles not meeting this requirement may be subject to immediate towing by the Association. Owners of cited vehicles must place the vehicle in compliance immediately or the vehicle may be towed without further notice at the owner’s expense and risk.
- B. CHANGING OF VEHICLE FLUIDS: - CHARGE LEVEL “A” & “D”** - The changing, dumping or draining of any type of vehicle fluid, including but not limited to, oil, antifreeze, transmission or any other fluid is prohibited on common areas. In addition, all illegal dumping will be reported to the police for prosecution. Any type fluid drained from a vehicle must be put in a closed container and disposed of in a legal manner. All areas where accidental spillage or leakage of vehicle fluids has occurred must be cleaned immediately by the person causing the spillage or the owner of the vehicle from which the leakage occurred.
- C. COMMERCIAL VEHICLES: - CHARGE LEVEL “B” & “E”** - Parking of commercial vehicles is prohibited except for commercial vehicles, parked on the premises while the driver/passenger is providing goods or services at the premises. No commercial vehicle or service vehicle whose owner resides at or is a visitor to a resident shall park a commercial vehicle in the common area. Commercial vehicles not allowed to park on the common area parking lots shall include but are not limited to: oversized vehicles, vehicles with writing or magnetic signs on the exterior of the vehicle and vehicles with ladders. Regular sized vehicles to include but not limited to resident owned Taxi Cabs or vans and visitors driving Taxi Cabs or vans shall cover the vehicle immediately or park vehicle in garage. Failure to cover or garage the vehicle will result in an immediate tow of the vehicle.
- D. COMMON LAWNS/UNAUTHORIZED AREAS: -**
CHARGE LEVEL “A” & “D” - No vehicle, dirt bike, moped, motorcycle, ATV’s or any other machine that will cause damage to Association property may park or drive on the community lawns or any unauthorized areas. Any vehicle found in violation of this regulation may be towed immediately at the owner’s expense and risk.
- E. DOUBLE PARKING: - CHARGE LEVEL “A” & “E”** - Any vehicle parked behind another vehicle so as to inhibit the free ingress and egress from a driveway, other than their own, shall be considered “Double Parked.” Double parking is prohibited at all times. Double-parked vehicles may be towed immediately at the owner’s expense and risk.
- F. FIRE LANES: – CHARGE LEVEL “A” & “E”** - All vehicles must park at least 15 feet from any fire hydrant. Vehicles parked in a fire lane are subject to citation by the Prince William County Police, in addition to the Association’s citation. Any vehicle parked in these areas may be towed immediately at the owner’s expense and risk.

G. HAZARDOUS OPERATION: - CHARGE LEVEL, ALL - Vehicles that are operated in an unsafe manner and have been reported to the Association will be subject to all fines. Hazardous operation includes, but is not limited to excessive speed, careless operation, reckless operation, and unsafe operation. Individuals reporting such infractions must give a full description of the violating vehicle, license plate number, and type of violation. Vehicles not belonging to owners or residents that violate this section can and will be considered as trespassing and prosecuted.

H. ILLEGAL VEHICLES: - CHARGE LEVEL “A” & “E” - Only street legal, registered, inspected, licensed, private passenger vehicles are allowed to be operated within the community. Other motor-powered vehicles, such as ATVs, mopeds, and dirt bikes, or other vehicles that must be towed, such as trailers, boats, or campers, are not allowed to be operated or stored on the premises. Residents must be aware that there are restrictions imposed by the Covenants regarding the storage of these type vehicles. Compliance with the Covenants is solely the resident’s responsibility. Violations will be reported to the Parking Committee or the Board of Directors for appropriate action. Private school buses or large recreation vehicles are not allowed to be operated or stored on the premises. Violation of this regulation may result in immediate towing at the owner’s expense and risk.

I. IMPROPER PARKING: - CHARGE LEVEL “A” & “E” - All vehicles must park perpendicular, to all curbs and within all lines, either real or imaginary. In no event shall any part of a vehicle occupy more than one parking space, block access to any vacant parking space(s), or park in such a manner as to obstruct reasonable access to any sidewalk. In no event shall any part of a vehicle block ingress or egress to the common property, or handicap ramps. Any vehicle found parked in such a manner may be towed immediately at the owner’s expense and risk.

J. INOPERABLE VEHICLE/REPAIRS: - CHARGE LEVEL “A” & “D”- 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 risk and expense. Only minor repairs are permitted on the premises and all repair tools and materials must be stored each night. Major repairs are not permitted. Any violation of this section is cause for immediate towing at the owner’s expense and risk.

K. NO PARKING ZONES: - CHARGE LEVEL “A” & “E” - All curbs painted yellow are designated as “No Parking Zones” or curbs with no painted parking lines are no parking areas. Any vehicle found parked in these areas may be towed immediately at the owner’s expense and risk.

L. OPEN SPACES: - CHARGE LEVEL “A” & “E” - Open spaces not marked as assigned spaces or visitor spaces can be used by registered vehicles owned by residents of Brightwood Forest V HOA. No visitors or unregistered HOA vehicles shall park in open spaces. Automatic tow for non HOA registered vehicles. Until the roads are released into the full care of the HOA, Spaces that the HOA has unmarked and are not assigned spaces or visitor spaces shall be used as registered resident vehicle spaces on a first come first serve basis.

M. OVERSIZED VEHICLES: - CHARGE LEVEL “A” & “E” - No oversized vehicle (a vehicle wider than and/or substantially longer than a standard parking space,(including the cargo), 19 feet maximum or any vehicle that has more than two axles, four wheels or a GVW of 10,000 lbs. or more) may park on the premises. Oversized vehicles parked on the premises will be subject to citation and towing by the Association.

N. PARKING SPACE IDENTIFICATION: - CHARGE LEVEL “A” – 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.

O. REGISTERED VEHICLES: - CHARGE LEVEL “A” & “E” - All resident vehicles parked in the community shall be registered and display a parking sticker or hang tag. Vehicles parked in reserved spaces or open spaces without properly displaying a Brightwood Forest V HOA approved sticker or hang tag. Any vehicle parked in visitors parking over 9 days must register for additional days as a visitor or be towed automatically. Any vehicle parked in a visitors space displaying the HOA’s sticker or hang tag will be towed automatically without notice.

P. RESERVED SPACES: - CHARGE LEVEL “E” - Each townhouse unit in the community is allotted two reserved parking spaces. The reserved spaces are designated by the painted address in each parking space. Garage units shall have their driveway as one space and their garage as one space. Non-garage units shall have two spaces in as close proximity as possible to being in the front of their unit. Vehicles parked in a reserved space other than their own may be towed immediately at the owner’s risk and expense. All residents parked in reserve spaces shall display a parking sticker or hang tag provided by the HOA.

Q. SAFETY: - CHARGE LEVEL “A” & “E” - 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 be allowed to extend out of or beyond the body of any vehicle. Any vehicle found in violation of this regulation may be towed immediately at the owner’s expense and risk.

R. SPEED LIMITS: - CHARGE LEVEL “A”, “B” & “E” – Because of the number of children in the community the Association’s speed limit is fifteen (15) miles per hour when driving on Bronco Way, Bicycle Place, Binder Court, Broker Lane, Bambi Court and Banjo Court. Where substantial evidence can be gathered indicating that an association resident or their guest has violated this regulation, charges may be levied.

S. USE OF ROADWAYS/PARKING AREAS: -

CHARGE LEVEL “A”& “E”

Any and all motorized vehicles using the common area parking spaces and roadways must be completely licensed for use on state maintained roads. Violators will be treated as trespassers and subject to legal prosecution.

T. VEHICLE DEFINITION: -

CHARGE LEVEL “E” - Only motorized vehicles meeting the specifications within these rules and regulation may park on the premises known as Brightwood Forest, Phase IV, Section V Homeowners Association, Inc.

U. VISITOR PARKING: -

CHARGE LEVEL “B”, “C”, AND “E”- All spaces designated as VISITOR parking are strictly for the use of visitors. Resident parking in these spaces is prohibited. Resident vehicles parked in a visitor space will be towed immediately at the owner’s risk and expense. A Visitor vehicle parked over 9 days in a visitor space will be towed automatically. Visitors staying over 9 days but less than 31 days must register with the HOA. Visitors vehicles parked in the community over 30 days are considered resident vehicles of the community and must register their vehicle prior to the 31 day or be towed automatically.

7. EXCEPTIONS TO REGULATIONS

Exceptions to these Parking Regulations may be granted only upon a majority vote of the Board of Directors. The Board of Directors will consider granting exceptions only in cases with unusual and compelling circumstances.

8. INDEPENDENT ENFORCEMENT

The Board of Directors, on behalf of the Association, shall have the right to enforce, by any proceeding at law or in equity, all parking restriction imposed by the provision of these Parking Regulations.

9. COMPLAINTS

Complaints for prolonged or repetitive offenders should be submitted in writing to the Parking Committee. Complaints should be as complete and detailed as possible. The complainant shall date, print and sign his/her name. Offenders will be advised of the fault without revealing the identity of the complainant.

Book of Minutes dated:
September 22, 2005.

Date

President, Board of Directors

Vice President, Board of Directors

Secretary, Board of Directors