

BRIGHTWOOD FOREST III  
HOMEOWNERS ASSOCIATION

ARCHITECTURAL  
RULES AND REGULATIONS  
2001-2

EFFECTIVE DATE:  
JUNE 18, 2001

ADMINISTRATIVE RESOLUTION  
ADOPTION OF ARCHITECTURAL RULES AND REGULATIONS

WHEREAS, the Bylaws and Declaration of Covenants of the Brightwood Forest III Homeowners Association, Inc. (also know as Brightwood Commons #2 Homeowners Association and Dale City Phase IV, Section 3 & 4 Homeowners Association) and the Virginia Property Owners' Association Act give the Board of Directors the right to "exercise for the Association all powers, duties and authority vested in or delegated to this Association not reserved to the membership by other provisions of these Bylaws, the Articles or Incorporation, or the Declaration", and

WHEREAS, the Board of Directors is charged to "adopt and publish rules and regulations, and to establish penalties for the infraction thereof," and

WHEREAS, it is the intention of the Association to enforce the governing documents, rules and regulations equitably toward all members;

NOW THEREFORE, BE IT RESOLVED THAT

1. The Board of Directors adopt and enforce the attached set of "ARCHITECTURAL RULES and REGULATIONS" for the community with an effective date of June 18, 2001.
2. The Architectural Rules and Regulations attached shall be the Original Architectural Rules and Regulations.
3. The Board of Directors shall inform the owners and residents of the community of said rules and regulations at least twice before commencement of enforcement action.
4. Publish and make available complete copies of said regulations at no cost for each household. Additional copies will be provided for a charge of \$5 each.
5. In the event the Association retains, employs, or engages an attorney to enforce any covenants, provisions, declarations, rules, regulations, or guidelines of the Association regarding any such obligation of the lot owner, then in addition to any remedies, available to the Association, the lot owner shall, as part of such and any legal action, or work performed by said attorney, be responsible for attorney fees incurred by the Association. In the event the sole remedy sought by the Association is money, the amount of attorney fees shall be 33 and 1/3% and in no event, 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.

Book of Minutes dated: **June 18, 2001.**

ATTEST:

\_\_\_\_\_  
Date

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**ARCHITECTURAL CONTROL COMMITTEE**

**BRIGHTWOOD FOREST III HOMEOWNERS ASSOCIATION, INC.  
(DALE CITY PHASE IV, SECTION 3 & 4 HOMEOWNERS ASSOCIATION, INC.)**

**STANDARD OPERATING PROCEDURES**

**INTRODUCTION**

**PURPOSE:** The purpose of these regulations is to provide a consistent, systematic and uniform method of conducting business under the purview of the Architectural Control Committee.

**SCOPE:** These regulations cover the authority, membership, conduct of meetings, architectural standards, duties, responsibilities, and methods of requesting, reviewing and approving individual matters by the Committee. These regulations are not intended nor should they be used to supersede any Declaration of Covenants, County ordinances or codes, or acceptable construction standards.

**ACTION:** Effective this date the Architectural Control Committee shall conduct their business in accordance with the attached regulations and further shall bring any extraordinary business that comes before them to the Board of Directors.

**APPROVAL:** All exterior changes or modifications must have prior approval of the Association. All requests must be submitted in writing on an "Architectural Modification Request Form".

**AUTHORITY:** These regulations have been approved by the Board of Directors of the BRIGHTWOOD FOREST #2 HOMEOWNERS ASSOCIATION, INC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Vice-President, Board of Directors

\_\_\_\_\_  
Secretary, Board of Directors

**ARCHITECTURAL CONTROL COMMITTEE  
THE BRIGHTWOOD FOREST III HOMEOWNERS ASSOCIATION, INC.**

**ARCHITECTURAL REGULATIONS**

Approved by the Board of Directors of The Brightwood Forest III Homeowners Association, Inc., (Dale City Phase IV Section 3 & 4 Homeowners Association, Inc. and Brightwood Commons #2 Homeowners Association.)

The residents falling within the jurisdiction of The Brightwood Forest III Homeowners Association, Inc. are bound and protected by the Declaration of Covenants, Conditions, and Restrictions applicable to all sections of The Brightwood Forest III Homeowners Association, Inc. recorded in the Land Records of Prince William County, Virginia.

The Architectural Control Committee (ACC), composed of selected members of The Brightwood Forest #2 H.O.A. community is specifically charged with the responsibility for application of the provisions of certain matters in Article V of the Declaration of Covenants, Conditions and Restrictions.

These regulations are not intended to supersede the Declaration, Bylaws or Articles of Incorporation, but to clarify and articulate the rule of the ACC as Representative of the community on interpreting the Declaration of Covenants, Conditions, and Restrictions of the Association.

These regulations are structured to parallel the Declarations of Covenants, Conditions and Restrictions and thus provide for easy reference. Where no comments are presented herein, the ACC deems the Declarations to be self explanatory.

**Membership:** The ACC shall consist of a minimum of 3 members appointed by the Association's Board of Directors (Board). It is recommended that the number of ACC members not exceed 9. All ACC members serve at the pleasure of the Board. Membership on the ACC shall be a voting member of the Association (i.e. a homeowner in good standing). All ACC members shall be in residence in the Association.

**Officers:** The ACC shall be headed by a chairperson who shall steer the ACC in the performance of its duties. The Chairperson shall be appointed by the Board and shall serve at the Board's pleasure. The Chairperson shall be the presiding officer of the ACC, and as such shall be vested with no extraordinary authority, but shall assume the responsibility for:

1. Scheduling meetings
2. Preparing and delivering to ACC members an Agenda for regular meetings.
3. Controlling the conduct of meetings, enforcing order, and focusing attention on the matter immediately at hand.
4. Authenticating, by signature where necessary, all actions of the ACC.
5. Acting as spokesperson for the ACC. Neither the Chairperson or any other member of the ACC is of the authorized to grant ACC approval on their own. All decisions of the ACC must be made by the majority of a quorum present at ACC meetings, which decisions shall be in writing.
6. A standing Vice-Chair person shall be elected by the ACC to serve in the Chairperson's absence whenever necessary.

## MEETINGS

**QUORUM:** A quorum shall consist of a majority of the presently active ACC members. The presently active ACC members shall be all ACC members other than those who have formally requested leave of absence or those who have been removed voluntarily or involuntarily.

**REGULAR MEETINGS:** The ACC shall meet on a regular basis at least once during each calendar month. It shall be necessary to have a quorum present to conduct a regular meeting.

In the event that there is no ACC business to be dealt with, the Chairperson may cancel the regular meeting by so notifying the ACC members. In the event that it is known beforehand that a quorum will not be present, the regular meeting shall be rescheduled for the earliest possible time.

**SPECIAL MEETINGS:** The ACC may meet specially to conduct its business as required by these regulations. A special meeting may be called by any ACC member. It is necessary that a quorum be present at any special meeting, however, in the event that a quorum is unobtainable and there is pressing business to be dealt with that is clearly the ACC's responsibility, a quorum shall not be necessary to conduct a special meeting. This quorum waiver is meant to serve in the best interests of the Association and will not be used as a means to circumvent full ACC action. In the event a special meeting ex quorum is held, the Board shall be notified in writing within Five (5) working days. Such notifications shall include the date and time the special meeting was held, the names of the ACC members present and a summary of the business conducted.

## CONDUCTING THE MEETINGS

1. The meeting shall be convened by the Chairperson at the appointed time or as soon thereafter as a quorum is present. The Chairperson may, at his/her discretion, delay the meeting ten (10) minutes to allow for the late arrivals of persons expected to be present. In the event that a quorum is not present within a total of ten (10) minutes after the appointed time, the Chairperson may cancel the meeting. The meeting shall be rescheduled for the earliest possible time. In the event that it is known at the appointed time that a quorum will not be present, a special meeting may be held without the ten (10) minute delay.
2. An Agenda should be prepared for each regular meeting. Suggested format appears on page #5.

## AGENDA

DATE:  
TIME:  
PLACE:

1. Meeting convened.
2. Chairperson responsible for summary of previous meeting.
3. Chairperson's Time: The Chairperson should use this time to briefly comment on the items on the agenda, items noteworthy to the ACC, and report any news from the Board.
4. ACC Member's Time: This open time allows the ACC Member's the same opportunity given to the chairperson.

NOTE: The time allotted to the Chairperson and the ACC members is to be used for brief comments. It is not meant to develop into a full discussion of matters scheduled on the agenda.

5. Homeowners Matters:
  - a. Presentation of actions on new requests.
  - b. Follow-up actions on previously presented matters.
6. Other items for discussion should be separately listed in order of priority. Meetings shall generally be held in closed sessions; however, any homeowner or resident of The Brightwood Forest Phase IV, Section I, community may request permission to attend a meeting. Permission to attend an ACC meeting may not be denied without just cause. The cause for denial shall be conveyed in writing to the denied resident within ten (10) working days. In addition, one copy of this written communication shall be conveyed to the Board.
7. All formal actions taken by the ACC shall be recorded in the minutes of the meetings. Any significant informal action or discussion should be recorded in the minutes. A copy of the minutes for a Regular or Special meeting shall be conveyed to the Management Agent in a timely fashion.
8. Formality of The Meetings: The ACC meetings shall be conducted informally until a matter is brought to a formal vote. The Chairperson may participate in any informal discussion.

At such time as the meeting becomes formal, members shall be allowed to speak only when recognized by the Chairperson. The Chairperson shall allow all members a fair opportunity to speak and shall not allow any one member to monopolize the discussion time. The Chairperson shall not participate in formal debate.

## INTRODUCTION OF BUSINESS

1. The ACC shall officially act only by formal vote and in accordance with the procedures established in the Regulations.
2. Introductions of Business: The Chairperson or any ACC member may introduce business to the ACC. Generally, ACC business generated by correspondence directed to or received from the homeowners will be introduced by the Chairperson.

The person introducing any matter to the ACC should briefly explain the matter being presented. The matter may, and should be informally discussed to assure that all ACC members are thoroughly familiar with the issues involved.

At such time as the Chairperson believes the matter has been fully discussed, he/she shall call for a motion. If any member believes the call premature, the member may object and the informal discussion will continue. No member shall be allowed more than one objection to the call for a motion by the Chairperson.

When the matter has been fully discussed and there are no objection to the Chairperson's call for a motion, a motion shall be made by an ACC member, not the Chairperson. The motion should be carefully worded to state clearly what is being voted on. Assistance in drafting the motion may be had from other ACC members. All motions must be seconded. Once drafted, the Chairperson shall have the motion read verbatim.

The motion is not formally presented until read by or on behalf of the Chairperson. Until such time, informal modifications are in order. This informal drafting serves to properly frame the issue and save time. Until it has been formally presented, the motion may be withdrawn by the mover, once formally presented in cannot be withdrawn over the objection of any ACC member. Any modification of the motion by the mover entitles the seconder to withdraw his/her second.

## MOTIONS

1. All motions shall be made by ACC member, not the Chairperson. If the Chairperson wishes to present a motion to the ACC, the Chair shall be yielded to another ACC member. The Chair shall not be retaken until the motion has been acted upon to conclusion.
2. Principal Motion: This term refers to motions made to bring before the ACC, for its consideration, any particular subject. No principal motion can be made when any other motion is before the ACC. It takes precedence over no other motion and yields to all Privileged, Incidental, and Subsidiary motions.
3. Privileged, Incidental & Subsidiary Motions: These guidelines as they relate to rules of order, have been developed in light of Robert's Rules of Order, however, it is not anticipated that the ACC will have need for the motions set forth in Robert's Rules of Order. Nevertheless, the full panoply of motions shall be available to the ACC. The following motions are singled out only to make all aware of their existence and propriety.

3. a. Motion to Amend: Any motion can be amended and re-amended where necessary. Amendments must be seconded. This motion takes precedence over the questions which it is proposed to amend.

b. Motion to Rescind: Robert's Rules of Order state that any action taken by a body can be rescinded regardless of the time that has elapsed. The ACC shall have this authority, but should be used wisely. It is understood that once an approval is given in writing that an approval will not be rescinded.

In an effort to protect the investment of all residents, the ACC MUST review and respond in writing to all requests for exterior additions or modifications, except those which are permitted or prohibited by the articles of incorporation, covenants, or bylaws prior to the initiation of work on the requested addition or modification. In this way, no one will be subjected to a carelessly designed addition which could adversely affect the intrinsic integrity of the community, the value of homes in the Association or resale of a home. The ACC will concentrate on keeping all requested additions or modifications within the original architectural style established by the builder, including choice of colors. Effects on natural drainage and erosion will be considered where appropriate. All alterations, modifications, or additions must meet pertinent County codes and all permits, variances, etc.. must be secured prior to beginning work. It should be recognized that County Officials applying Building Codes are only responsible for ascertaining that all construction is structurally sound.

All approved requests, valid for six (6) months, for exterior additions or modifications to the exterior of any property must be completed within three months of the start date. Additional time to complete an approved project will be considered by the ACC upon receipt of a written request. A charge of \$10.00 per day for unreasonable delays may be imposed by the ACC. All requests for additions or modifications will be submitted in writing to the ACC. The use of a survey plat, sketches, plans or illustrations from magazines or catalogs along with a written explanation of the project is required to obtain ACC approval. In addition, preference of color (paint chip) and pertinent measurements must be included with the request when applicable. Owners or their designated representatives wishing to personally present a request to the ACC are encouraged to do so. A personal presentation does not alleviate the requirement for written application. All requests are considered individually.

### **LOCAL ZONING AND PERMIT APPROVAL**

It is the property owner's responsibility to secure any and all required building permits, structural plan approvals and zoning approvals prior to commencement of any work on any property. The Association's only concern is the aesthetics of the work in general as it relates to the overall community theme.

## ARCHITECTURAL CONTROL COMMITTEE DUTIES

### **The ACC shall:**

Conduct semi-annual surveys for the condition and maintenance of each house and lot in the Community. These surveys will take place in Spring and Fall. A written report of these surveys will be conveyed to the President, Vice-President or Management Agent of the Board. The report shall contain a listing of violations of these regulations, Bylaws, or Covenants. Follow-up surveys and actions shall be taken as directed by the ACC Chairperson, or, the President of the Board. A written report of follow-up surveys on major violations will also be required. The Board will direct the means by which individual violators shall be notified which will include at least the following correspondence:

1. First, a letter of notification to inform and document cases of noncompliance of these Regulations or Covenants. This letter will be sent registered mail.
2. Second, a letter of notification asking for compliance within the time frame established in the Covenants (currently set as 20 days) including statement of their right to appeal the Board's Decision. This letter is also sent registered mail.
3. Third, a certified letter including the appropriate fine for the violation will be charged.

Act promptly on any request pending before the ACC. Any and all requests shall be acted upon during the next regular or special meeting. Notification of approval or disapproval shall be conveyed to the applicant within fifteen (15) calendar days after the ACC meeting.

Keep sufficient records to adequately make periodic reports to the Board as may be required by the President of the Board.

Insure that all violations of these regulations, when known, are addressed within thirty (30) calendar days or as arranged by the ACC, and inform the seller, upon receipt of a written request, of any violations pending against the property and demanding compliance before transfer of property.

## REQUESTS/APPROVALS

**HOMEOWNER REQUESTS:** Any exterior construction or alterations that are covered by these regulations or other governing documents shall require the homeowner to submit in writing such a request which meets all the requirements of these regulations to the ACC prior to commencement of any work. The ACC shall have 30 days upon receipt of the request, to approve or disapprove the request. Address all requests of these regulations to the ACC prior to commencement of any work.

Address all requests to The ACC Chairperson, % Turners' H.O.A. Mgt. Co., Post Office Box 411, Lorton, Virginia 22199-0411. Work shall not be commenced until written approval from the ACC or Board of Directors is received. Two copies shall be submitted, one for the ACC's files, and one to be returned to the Homeowner with a statement of approval/disapproval. At such time when alterations are proposed to a property that are not covered herein, the ACC will advise the owner in writing on procedures that must be followed to obtain approval.

**ACC ACTION:** At each regular or special meeting all homeowner's requests shall be reviewed, and unless on-site inspection is required, shall be voted upon by the ACC and a written approval/disapproval notification prepared. The ACC Chairperson shall schedule and coordinate the follow-up inspection and final approval. In cases where on-site inspection is required, the Chairperson shall schedule such inspection with the homeowner. After inspection the ACC shall retire to closed session and note upon the pending request and process it accordingly.

### **ENFORCEMENT**

The ACC shall develop an internal administrative process that will allow for notification, appeals, charges and due process for each member. Complete records of all enforcement activity shall be kept for future reference. Each member shall be treated equally under the process.

After all established procedures, notifications and appeals have been exercised for any enforcement process the Association may levy a charge and enter upon said parcel to repair, maintain, and/or restore the Lot and the exterior of the building(s) and any other improvement erected thereon. The cost of all enforcement actions, to include but not limited to, such exterior maintenance, charges, all of the Association's legal fees, administrative fees, collection fees, and any other related cost shall be added to and become part of the annual assessment to which such Lot is subject.

The Board of Directors or designated committee shall have the right to enforce, by any proceeding at law or in equity, all restrictions, regulations, covenants, reservations, liens, and charges imposed by the provisions of the Article of Incorporation, Bylaws and Declaration of Covenants, Conditions and Restrictions. Failure by the Association or by any Owner or Declarant to enforce any covenant, regulation or reservation herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any and all complaints must be submitted in writing to the ACC or Board of Directors with a signature in order for action to be taken.

### **CHARGE SCHEDULE FOR VIOLATIONS**

The Association reserves the right to levy charges under the Virginia Property Owner's Association Act, Article 55-513. Effective June 18, 2001 all violations shall have a charge applicable to the infraction as follows:

- |                    |  |
|--------------------|--|
| CHARGE LEVEL "A" - | \$50.00 PER OFFENSE PLUS OR \$10.00 PER DAY FOR A CONTINUING CONDITION |
| CHARGE LEVEL "B" - | \$10.00 PER OFFENSE OR \$10.00 PER DAY FOR A CONTINUING CONDITION.     |
| CHARGE LEVEL "C" - | \$25.00 PER OFFENSE.   |
| CHARGE LEVEL "D" - | \$10.00 PER OFFENSE.   |
| CHARGE LEVEL "E" - | ACTUAL COST OR REPAIRS/MAINTENANCE.                                    |

No charge shall be levied against any homeowner until thirty (30) days after said homeowner has received written notification specifying the violation(s) and the corrective action necessary. The notification of violation shall be delivered to the homeowner in person, or by Registered United States Mail. Second notification of violation is not required. Notification that a charge has been imposed is required. Such notification may be sent by First Class United States Mail and Certified Mail. In addition to all and any remedies available to the Association for any violation of the Association's Declaration, Restrictive Covenants, Architectural Regulations, Parking and Vehicle Regulations, and Common Area Rules or Regulations, now in effect or hereafter adopted, the Association through its Board or Directors or its designated agent or any other agent, appointee, or officer of the Association may issue to the owner(s), tenant(s) or invitee(s) of either owner or tenant; as to any condition of such lot; or as to any use of such lot.

The Notice of Violation shall be mailed to the last known address of the owner and shall set out the nature and date of the alleged violation and a date, time and location that the Board of Directors shall determine if the Association shall find the owner in violation and whether the Board shall authorize a violation charge not to exceed \$50.00 and in addition, if the violation be continuing in nature, whether to authorize a continuing violation charge, not to exceed \$10.00 per day until such violation is corrected. The Notice shall state the owner 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 and may Issue and authorize violation charges above described; without notice, suspend the running of any continuing violation charge, without notice, waive any violation charge if in it's discretion it feels the owner is taking adequate steps toward or has corrected the violation.

In the event the Association retains, employs, or engages an attorney to enforce any covenants, provisions, declarations, rules, regulations, or guidelines of the Association regarding any such obligation of the lot owner, then in addition to any remedies, available to the Association, the lot owner shall, as part of such and any legal action, or work performed by said attorney, be responsible for attorney fees incurred by the Association. In the event the sole remedy sought by the Association is money, the amount of attorney's fees shall be 33 and 1/3% and in no event, 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.

Any violation charge so authorized and issued shall be deemed an assessment and shall carry with it all rights and remedies due any other assessment of the Association.

The following comments specifically address individual areas of concern and provide further restrictions.

**\*PAINT AND STAIN STANDARD:**

**CHARGE LEVEL "B"**

1. Exterior color changes must be submitted for approval.
2. Exterior color changes will be approved only if the proposed color conforms with the character of the community, i.e. colors similar to those used by the builder.
3. Unpainted or unstained surfaces shall remain unpainted or unstained, i.e. brick, concrete.
4. Original colors for each home need not be submitted for reapproval.
5. All painted areas of any property must be kept painted and in good condition. Faded, pealed or missing paint from any area requiring paint must be properly prepared and repainted.

**\*FENCE REGULATIONS:**

**CHARGE LEVEL "B"**

1. GENERAL:

- a. It is the responsibility of the homeowner to ensure that the fence line is within his/her legal property bounds.
- b. Finished products are subject to final approval by on site inspections by an ACC member.
- c. All wood that comes in contact with the ground will be decay resistant or pressure treated with an EPA approved decay resistant chemical properly applied.
- d. Metal fencing materials, except for hardware and fasteners of any kind are prohibited.
- e. All posts shall be 4"x4" and must be capped with a decorative finial or top rail to prevent water penetration.
- f. All rear fencing must match board on board (alternate board/shadow box) fence in style. 1" x 4" x 6' or 1"x 4" x 4'. No dog-eared boards are allowed.
- g. Fence shall be sealed with a clear and colorless sealant/preservative. A clear and colorless sealant is to be applied to the fence every 3 years to preserve the natural wood and enhance its appearance.

2. GATES:

- a. Gates will conform to the style and construction of the board on board fence.
- b. Fences will have no more than two gates which will swing in the owners direction of choice.
- c. Gates shall be braced on the interior side with top, bottom, and lateral supports and with hinges of sufficient strength for proper support.
- d. All gate hardware will match hardware on board on board fencing.

## MISCELLANEOUS REGULATIONS

### **AIR CONDITIONERS:**

### **CHARGE LEVEL "A"**

Window air conditioning units of any type may not be installed in any home. Only central units are allowed.

### **ANTENNAE AND SATELLITE DISHES:**

### **CHARGE LEVEL "A"**

Every effort should be made to install satellite dishes in the least conspicuous location on the top rear roof, that will allow for an acceptable quality signal. TV antennas should also be hidden from view to the greatest extent possible without impairing reception in the rear. No radio antennas shall be visible from the exterior of any lot. Satellite dishes may not exceed 18" in diameter. Prior ACC approval is required.

### **ATTIC FANS:**

### **CHARGE LEVEL "B"**

Attic fans shall be located to the rear or side of the roof peak and shall not be visible at ground level from the front of the unit. Turbine fans will not be approved. Professional installation of attic fans is strongly encouraged.

### **CLOTHES LINES:**

### **CHARGE LEVEL "B"**

The ACC will NOT consider requests for the construction of facilities for clothes drying. No permanent or temporary clothesline may be installed.

### **DOG HOUSES:**

### **CHARGE LEVEL "A" (up-kept) "B" (all others)**

Dog houses may be considered even if visible from neighboring property so long as it and the ground around it are kept neat, attractive, clean and unobtrusive, in the back yard and of reasonable size, and if it is approved by the ACC prior to construction. Should complaints arise over an unkept pet area, the ACC reserves the right to enforce applicable portions of this regulation, or of the governing documents of the Association.

### **DECKS: (ACC approval prior)**

### **CHARGE LEVEL "D"**

All decks require prior approval of the ACC. In addition, the owner shall comply with building ordinances of the County of Prince William, as required. No deck will serve as storage. Deck furniture and grills may be kept and stored on decks. Grills may be covered with an appropriate cover. Material for decks shall consist of:

- a. Pressure treated exterior lumber
- b. Within one foot of home for lower decks or attached to home and contained within the perimeter of the back yard.
- c. Rear side privacy lattice will be decided on a case by case basis.
- d. Side rails must be standard 2" x 2" deck slats.
- e. Same sealant requirements apply as with fence regulations.
- f. Star Burst and other individual designs on deck rails will be considered on a case by case bases.

**EXTERIOR ENERGY SAVING DEVICES:**

**CHARGE LEVEL "B"**

Request for installation of exterior saving devices will be considered on an individual basis. All components must be placed at the rear of the dwelling.

**FIREWOOD STACKS:**

**CHARGE LEVEL "B"**

Firewood shall be neatly stacked as inconspicuously as possible, with individual stacks not to exceed four feet in height. Firewood must be stacked inside the back yard property line and not allowed to lean on fences. To prevent rot, insect and rodent infestations, firewood stacks must be elevated at least 6 inches and not more than 12 inches above the ground. No firewood may be stored on any property without ACC approval.

**FRONT DOORS:**

**CHARGE LEVEL "B"**

The standard 6 panel steel front doors as installed by the builder, are approved. However, other doors will be considered on a case by case basis.

**GENERAL PROPERTY APPEARANCE:**

**CHARGE LEVEL "B"**

The exterior of all dwellings and yards must be properly maintained in a like new, orderly condition to the satisfaction of the Board of Directors.

**LANDSCAPING:**

**CHARGE LEVEL "B"**

Minor landscaping work and minor planting in general do not require approval of the ACC, however, major landscaping and plantings (i.e. modifications that would affect land contours or drainage, or planting hedges along property borders) shall require ACC approval. Hedges will not be permitted to grow above the height of 60 inches in the rear yard, 36 inches in the front yard.

Lawn edging to be installed above ground must be constructed of high quality pressure treated lumber, brick, stone or quality plastic. Metal edging of any kind shall not be permitted. Temporary barriers erected for seeding or planting purposes shall not require prior ACC approval, but shall not remain in place for more than one month. Any deviation from this standard requires ACC approval.

**LAWNS:**

**CHARGE LEVEL "D"**

Private front and rear lawns shall be neatly cut at all times, and not exceed six (6) inches in height. Failure to maintain lawns to this standard may result in the Association applying a charge to any respective lot's annual assessment account to cover the cost of having the work done, as allowed by the governing documents and Board resolution.

**LIGHTING (EXTERIOR):**

**CHARGE LEVEL "C"**

All exterior lighting fixtures must be maintained. Exterior dusk to dawn lantern poles must be in working order at all times. Motion Detector lighting and low voltage landscape lighting are allowed. No exterior lighting shall be directed outside the boundaries of any lot except for Association street lamps and individual residential low voltage landscape lighting.

**MATERIAL STORAGE:**

**CHARGE LEVEL "C"**

No material or refuse shall be disposed of or stored on any part of the Association's common grounds to include roads and walkways, except that which is incidental to on-going construction projects undertaken by the Association. Only usual and normal material, incidental to a residential area, may be stored upon private lots within the Association. Decks and backyards will not be used for storage. Sheds shall be used to store non-hazardous storage items, along with garages.

**NUISANCE ACTIVITY:**

**CHARGE LEVEL "C"**

No noxious or offensive activity shall be carried on upon any portion of any residential property or Association property, nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood.

**PATIOS:**

**CHARGE LEVEL "B"**

Construction of patios of any kind shall require approval of the ACC. Construction of patios in front yards is not permitted. Rear patios at walkout level may be decorative brick, concrete slab, or completed in flagstone and shall be built to county code. Any permanent patio structure needs ACC approval prior to construction.

**PETS AND ANIMALS:**

**CHARGE LEVEL "D" (defecation)**

**CHARGE LEVEL "B" (all others)**

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept provided they are not raised, bred or kept for commercial purpose. Charges will be levied against respective lots where the animal resides for allowing any dog to leave a lot that is not leashed and under the control of the person walking the dog or for allowing any pet to defecate on Common Areas without immediately cleaning up any solid waste.

**PROPERTY USE:**

**CHARGE LEVEL "B"**

No portion of the Properties shall be used except for residential purpose and for purpose incidental or accessory thereto.

**PRUNING:**

**CHARGE LEVEL "B"**

Trees, shrubs, and hedges which restrict sight lines for vehicular traffic shall be cut back or removed. Under no circumstances shall trees or shrubs be allowed to interfere with pedestrian walkways or vehicular traffic. All plants must be kept properly trimmed to enhance the home and community. All specimens must be kept within the property lines of the respective home.

**RAILS:**

**CHARGE LEVEL "B"**

The front rail/railings are to be painted white. It is recommended that all rails be primed prior to painting.

**SIGNS:**

**CHARGE LEVEL "D"**

No sign of any kind larger than one foot square shall be displayed to the public view of the lot, except temporary signs not more than three (3) feet square in area advertising the property for sale or rent. Signs which do not meet the requirements of this paragraph shall be removed by the ACC without notice. Realtor's signs must be removed on the day the property is sold or rented.

**SNOW REMOVAL:**

**CHARGE LEVEL "B"**

All common sidewalks (in front of your home) adjacent to members' property must be cleared and/or sanded within 12 hours to provide safe passage in front of all homes.

**STOOPS, SIDEWALKS, PORCHES AND DRIVEWAYS:**

**CHARGE LEVEL "B"**

All stoops, sidewalks, porches and driveways shall maintain the original appearance. Painted or carpet-covered stoops and sidewalks are not permitted. Approval of natural colored tile coverings of stoops and porches will be considered by the ACC. Stoops shall be maintained in good repair. Storage of items on front porches or stoops is not allowed.

**STORAGE SHEDS:**

**CHARGE LEVEL "B"**

In recognition of a homeowner's need to provide additional storage of garden tools and equipment, requests for small storage buildings will be considered. Location, site, style, and color will be considered by the ACC prior to approving the construction of a shed, (metal sheds of any type will not be permitted). A solid floor is required, ie wood, concrete, brick. The shed shall be adequately secured to the floor. Sheds may not exceed 8'x10' or a total of 80 square feet or less as allowed by Prince William County in conjunction with the lot size. The height of the shed shall not exceed 7'6" in height at the tallest point. Placement of shed must adhere to all county codes. All sheds shall be constructed and materials used must match the siding and shingle color of the house.

**STORM DOORS:**

Storm doors can be installed without prior written ACC approval as long as the storm door meets the following ACC regulations: Storm door color must match color of shutters, front door, and garage door or must be white. The storm door must be a full view glass/screen opening.

**TRASH CONTAINERS/RECYCLING BINS:**

**CHARGE LEVEL "D"**

No cans/bags and/or recycling/recycling bins are to be stored or left in the front. Trash containers, bags and/or recycling bins are required to be stored in the backyard within an enclosure constructed to backyard fence standards, or stored in the garage and must be neat and clean. Trash containers, bags and/or recycling/recycling bins may not be set out for collection prior to 8 p.m. the evening before collection day. Empty trash containers/recycling bins must be returned to their proper storage location as soon as possible the same day trash/recycling is picked up, and no later than 8p.m. Large items scheduled for bulk pickup, which must be called into the trash company by resident prior to the scheduled pickup, may not be placed out any earlier than 8p.m. the evening prior to pickup day. At no time shall any container be left out for an extended period while on vacation, etc. It is highly recommended disposing of trash using trash container/cans with a tight lid to prevent animals from getting into the trash and maintaining the beauty of the neighborhood.



BRIGHTWOOD FOREST III  
HOMEOWNERS ASSOCIATION  
PARKING CONTROL  
RULES AND REGULATIONS  
2001-1

EFFECTIVE DATE:  
June 18, 2001

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

**BRIGHTWOOD FOREST, PHASE IV, SECTION THREE & FOUR HOMEOWNERS  
ASSOCIATION, INC.  
ADMINISTRATIVE RESOLUTION #2001-1  
PARKING AND VEHICLE CONTROL REGULATIONS**

**Effective Date: June 18, 2001**

**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 Three & four Homeowners Association, Inc.(also known as Brightwood Commons Homeowners Association #2) 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:**

\_\_\_\_\_  
PRESIDENT:

\_\_\_\_\_  
VICE PRESIDENT:

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
Date:

**BRIGHTWOOD FOREST, PHASE IV, SECTION THREE & FOUR  
HOMEOWNERS ASSOCIATION, INC.  
PARKING AND VEHICLE CONTROL REGULATIONS  
ADMINISTRATIVE RESOLUTION #2001-1**

**1. GENERAL**

In accordance with the Declaration of Covenants, Conditions and Restrictions, and the Bylaws of Brightwood Forest, Phase IV, Section Three & Four 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 June 18, 2001.

**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 Three & Four 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 June 18, 2001, all violations shall have a charge applicable to the infraction as follows:

1ST NOTICE WRITTEN – TEN DAY NOTICE

CHARGE LEVEL "A" - \$50.00 PER OFFENSE.

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 of 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.

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." Any vehicle found parked in these areas may be towed immediately at the owner's expense and risk.

**L. 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.

**M. 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.

**N. 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/garage as one space. Non-garage units shall have one space in front of the unit. All units shall have a second reserved space in front of, or in close proximity to, the unit. Vehicles parked in a reserved space other than their own may be towed immediately at the owner's risk and expense.

**O. 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.

**P. 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.

**Q. 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 Brazil Circle, Brahms Drive, Bountiful Lane, Barnabas Trail. Where substantial evidence can be gathered indicating that an association resident or their guest has violated this regulation, charges may be levied.

**R. 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.

**S. 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 3 & 4 Homeowners Association, Inc.

**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:  
June 18, 2001.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Board of Directors

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Vice President, Board of Directors

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Secretary, Board of Directors