

**RHYGATE HOMEOWNERS ASSOCIATION**  
**AMENDED AND RESTATED RESOLUTION NO. 3**  
**Policies Relating to Vehicle Operation and Parking**

WHEREAS, Article VII of the Bylaws of the Association assigns to the Board of Directors (“Board”) all of the powers and duties necessary for the administration of the affairs of the Association and further states that the Board may do all such acts and things as are not prohibited by the Property Owners Association Act, the Declaration or by the Bylaws required to be exercised and done by the Members of the Association;

WHEREAS, Article VII, Section (a) of the Bylaws enables the Board to adopt any rules, regulations and resolutions deemed necessary for the benefit and enjoyment of the Association;

WHEREAS, the private streets and parking areas of Rhygate are owned and maintained by the Association, and the Board has adopted the traffic laws and regulations of the Commonwealth of Virginia and Fairfax County and made them applicable to the private streets of Rhygate;

WHEREAS, Article V, Section 4 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions provides that the owner or occupant of each Lot be entitled to the use of not more than two automobile parking spaces, which shall be located as near and convenient to each Lot as reasonably possible, together with the right of ingress and egress in and upon said parking areas;

WHEREAS, the Board adopted the current version of Resolution No. 3 in 2007, and the Board believes that certain amendments are in the best interests of the Association and its Members;

NOW, THEREFORE, BE IT RESOLVED that the following vehicle operation and parking policies are hereby adopted by the Board:

**I. GENERAL PROVISIONS**

**A. Assigned Parking Spaces**

1. Each Lot is assigned two spaces to park two vehicles. (A “vehicle” is described in Section 1, Par. D.)
2. Authorized parking spaces will be identified by lines marked by the Association.
3. All assigned spaces are marked by the Association with the house number of the corresponding Lot and are for the exclusive use of the homeowner or occupant of that particular Lot.
4. No more than one vehicle will be parked in each space.

5. Vehicles parked in assigned spaces are subject to all applicable rules and regulations.

#### B. Unassigned Parking Spaces

1. Unassigned parking spaces include any parking space not assigned to a specific Lot. These spaces are marked with lines but are not marked with house numbers.

2. All owners or occupants are entitled to equal and fair use and access to unassigned parking spaces on Rhygate streets.

3. Unassigned spaces, unless otherwise provided in the resolution, are available for the temporary use of any owner or occupant or their guest on a first come, first served basis.

4. To ensure general availability of unassigned parking spaces, owners or occupants will not use such spaces in a manner that denies the use of these spaces to other owners/occupants or guests for extended periods (monopolizing). Parking spaces may be considered to be improperly used when:

a. Owners/occupants and/or guests attempt to maintain control of specific unassigned spaces by consistently parking household or guest vehicles in such spaces for greater than 96 hours when, due to limited parking, other owners/occupants are vying for the same space(s), or

b. By rotating (switching) vehicles from the same household (or guests) between assigned and specific unassigned spaces, or

c. Other circumstances that result in the extended use of unassigned parking spaces by members of the same household or their guests/visitors.

5. Only Rhygate owners/occupants and their guests may park in unassigned spaces.

6. Use of Rhygate parking spaces for vehicles not owned by owners/occupants or their guests is prohibited.

7. Exceptions may be permitted as granted by the Board of Directors.

#### C. Responsibility for Guests

Each Lot owner/occupant is responsible for the conduct of their tenants, guests or visitors as it relates to the operation, parking and proper use of vehicles within the Rhygate community.

#### D. Permitted and Prohibited Vehicles

Only approved non-commercial vehicles may be parked in Rhygate. An approved vehicle is defined as any conventional passenger vehicle, motorcycle, personal-use van seating no more than ten persons, or pickup truck that is not a “commercial vehicle” as described below. No trucks (except non-commercial pickup trucks), cargo vans, limousines, trailers (whether

attached or unattached to a motor vehicle), motor homes, house trailers, campers, or other recreational vehicles may be parked overnight. (See Appendix A, attached.) “Commercial vehicles” are those within one or more of the following categories: (a) vehicles marked in any way as commercial (e.g., painted signs/logos, commercial license plates or commercial numbering, taxicabs, etc.); (b) vehicles with a gross weight of more than 7,500 pounds; (c) vehicles equipped with any commercial add-ons (e.g., racks for storing ladders, roof-top flashing lights), or (d) vehicles that have any visible business, trade or job-related equipment stored in or attached to the exterior of the vehicle (including within unenclosed truck beds), such as ladders, pipes, tools, signs, pipes, plumbing supplies, mechanical or electrical equipment, construction supplies, etc. Owners/occupants may be granted approval to park an otherwise excluded vehicle overnight to accommodate an out-of-town guest or for other temporary reasons upon showing of adequate justification by making a written request to the Board of Directors.

E. Parking spaces are designated only for the parking of vehicles. No items or articles other than vehicles may be stored in the parking spaces. No signs, initials, numbers, storage containers or other additions or alterations to the parking spaces may be painted, displayed, or erected without prior written consent of the Board of Directors. Construction materials may be temporarily placed in a resident’s assigned space while work is being done at that residence.

F. Vehicles of utility companies, movers, vendors, trades people, busses or other commercial activity may be parked in designated parking areas to conduct business; however, such vehicles shall not be authorized to park overnight, i.e., between 7:00 p.m. and 7:00 a.m., without written approval of the Board of Directors.

G. Motor vehicles will be parked within the spaces marked so as not to obstruct use of adjacent spaces.

H. No vehicles shall be parked in such a manner that obstructs the safe and free flow of moving vehicular traffic including emergency vehicles or obstructs the movement of other vehicles moving into and out of marked parking spaces.

I. No junk or derelict vehicle shall be parked on the parking spaces at any time. Any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation, such as but not limited to tires, wheels, windshield, engine, drive train, driver’s seat, steering wheel or column, gas or brake pedals removed, damaged or destroyed, shall be deemed a junk or derelict vehicle regardless of the display of a valid State license, registration, or inspection sticker.

J. Vehicles shall be operated in a safe and prudent manner so as not to endanger life, limb or property of any person.

K. All vehicles must display current license plates and inspection stickers and be operated by a person holding a valid driver’s license or permit.

L. Except for minor emergency repairs and ordinary light maintenance (including fluid changes and other operations which might soil or contaminate adjacent areas), repairing and/or

maintaining vehicles, including the painting thereof, is not permitted at any time in the parking spaces. Drainage or leakage of fluids by intent or through lack of proper vehicle maintenance which may cause damage to the street will constitute a violation of the Resolution, subjecting the vehicle owner and/or owner of the Lot to which the parking space is assigned to all consequences under the Property Owners Association Act (Va. Code 55-508 et seq.), the Association's Declaration, Bylaws, and Rules and Regulations, including the assessment of violation charges, and/or suspension of voting rights and the right to use recreational facilities as provided by Article V, Section 1(d). Any and all charges for violations will constitute a lien against the relevant Lot, and shall be collected as ordinary assessments. Washing and cleaning of vehicles is permitted only in a Lot owner's assigned parking spaces.

M. Operation, use and/or maintenance of a vehicle in a manner that poses a hazard or nuisance shall be in violation of this Resolution. A hazard is defined as the operation of a vehicle in a manner that threatens injury or death to other members of the community, and/or threatens to damage the property of other Lot owners' property interests. Examples of nuisance are the following:

1. A vehicle which generates an unreasonably high level of noise, including noise from a stereo or sound system within the vehicle, the unreasonable use of the vehicle's horn, unreasonable "revving" of the engine, screech of tires on the pavement, and/or unreasonably loud engine sounds due to the absence of a muffler.

2. A vehicle which generates an unreasonably large, unnecessary and/or hazardous level of exhaust.

N. Vehicles shall not exceed a posted speed limit.

## II. ENFORCEMENT

A. The Board of Directors will enforce provisions of this Resolution. Owners/occupants may bring complaints to the Board concerning violations of this policy orally or in written form, if possible.

B. If any vehicle owned or operated by an owner/occupant, any member of his family, or by such owner's tenants, guests, invitees or licensees shall be operated or parked or abandoned in such a manner as to violate this Resolution, the Association shall be held harmless by such owner for any and all damages or losses that may ensue, and any and all rights in connection therewith that the owner or driver may have under the provisions of state or local laws and ordinances are hereby expressly waived. The owner shall indemnify the Association against any liability which may be imposed on the Association as a result of such parking, operation, or abandonment and any consequences thereof.

C. Any motor vehicle, tractor, bus, semi-trailer, camper, boat, truck, personal van, recreational vehicle or other vehicle of any description that is parked in violation of this Resolution is deemed to be parked without permission of the Association and subject to enforcement procedures of this Resolution in accordance with the provisions of Chapter 12,

Section 46.2-1231 of the Code of Virginia (1950), as amended, which provides for the removal by towing of any motor vehicle or other vehicle that is so parked without permission. Any vehicle parked on any common area and/or parking space without permission is subject to being towed and stored off property at the vehicle or Lot owner's expense and risk. The Board of Directors retains the option to have such vehicles towed as an action of last resort as described in the enforcement procedures below.

D. Any motor vehicle, tractor, bus, semi-trailer, camper, boat, truck, personal van, recreational vehicle or other vehicle of any description shall be operated subject to the restrictions of this Resolution and enforcement procedures of the laws of the Code of Virginia (1950), as amended, and of Fairfax County.

E. Procedures

1. Step 1. The Board of Directors shall issue a written notice of violation to any vehicle parked in violation of any provision of this Resolution. The notice shall contain (1) the time and date of violation, (2) location and nature of violation, and (3) description of vehicle data as to make (including year if known), model, state license number and resident guest/visitor information if available. The notice shall also contain a specific warning that the vehicle is subject to immediate removal by towing by authority of Chapter 12, Section 46.2-1231 of the Code of Virginia (1950), as amended.

2. Step 2. Upon issuing and placing the notice on the vehicle in violation, the Board of Directors shall make a reasonable effort to identify and locate the owner or operator of the vehicle to personally notify such owner/operator, by telephone or otherwise, that his/her vehicle is parked in violation and to request immediate compliance with the terms of this Resolution or the vehicle will be towed and stored off the premises at such owner/operator's expense and risk. Such notification and request will be made a record of fact. If the owner/operator cannot be identified and/or located for this notification, all efforts to do so shall also be made a record of fact. If additional effort to identify and locate the owner/operator is unsuccessful and the vehicle has not been moved within the time designated by the Board, the Board of Directors may have the vehicle removed by towing.

3. Step 3. When notification has been made in accordance with Step 2 and the violation has not been corrected within the time designated by the Board, the Board may have the vehicle removed from the property by towing at the vehicle owner's or applicable Lot owner's risk and expense.

4. Emergency Procedures. The above steps will not be applied in the case of a vehicle parked so as to obstruct the entrance or exit, any street, any area reserved for pedestrian use, or the door of any building that could be used in an emergency. The vehicle so parked will be subject to immediate removal by towing; however, the Board of Directors shall notify the owner of the vehicle as soon as possible thereafter.

5. Notification of the Police. When a vehicle is removed by towing, the Board of Directors shall notify the Fairfax County Police Department as to the facts of the removal, as provided by Chapter 12, Sec. 46.2-1231 of the Code of Virginia (1950), as amended.

6. The Board reserves the right, in cases of continual or recurring violations, to take any action at law or in equity.

Adopted July 10, 2007 and  
Amended September 10, 2014

Rhygate Homeowners Association  
Board of Directors

Mark Spooner, President  
Cliff Thomas, Vice President  
Cathleen Heideman, Secretary  
Scott Erskine, Treasurer  
Margaret Fisher  
Brent Roderick  
Claire Giambastiani  
Dana Jurcul  
Dave Rand