

THE UNIT OWNERS ASSOCIATION OF THE CROSSING CONDOMINIUM

POLICY RESOLUTION NO. 2009-02

(AMENDING POLICY RESOLUTION 2000-04)

**GUIDELINES RELATED TO PARKING AND USE OF VEHICLES ON THE
PROPERTY**

WHEREAS, Article III, Section 2 (c) and (f), Article X, Section 1 of the Bylaws of the Unit Owners Association of The Crossing Condominium (hereinafter the “Association”) grant the Board of Directors the power to adopt, amend, and enforce rules and regulations governing parking on the property by unit owners and their tenants, guests, and invitees;

WHEREAS, Section 55-79.53 of the Virginia Condominium Act, Code of Virginia (1950, as amended) (the “Act”), Article XXI, Section 2 of the Declaration and Article I, Section 2 of the Bylaws charge all unit owners and their tenants, guests, and invitees with compliance with the Declaration, Bylaws, Rules and regulations (the “Condominium Instruments”) of the Association, as amended;

WHEREAS, Section 55-79.80:2 of the Virginia Condominium Act, Code of Virginia (1950, as amended) (the “Act”), authorizes the suspension of a unit owner’s right to use facilities (such as parking spaces) or services, including utility services, provided directly through the unit owners association, for nonpayment of assessments which are more than sixty (60) days past due; and,

WHEREAS, Article XXI, Section 1 and specifically Subsection 1 (g) and Section 5 establish certain parking restrictions;

WHEREAS, Article X, Section 1(g) of the Bylaws states that the Board may establish by resolution other penalties for failure by a Unit Owner to comply with the governing documents,

WHEREAS, it is the intent of the Board of Directors to enforce the Condominium Instruments for the benefit and protection of the unit owners and their tenants, guests, invitees, and employees by establishing procedures that ensure due process and consistency of enforcement;

WHEREAS, there is a need to establish an orderly procedure that regulates parking and use of vehicles on the property to ensure equitable parking as well as safe and attractive parking areas:

NOW THEREFORE, IT IS HEREBY RESOLVED that the Board duly adopts the following guidelines regarding parking and use of vehicles on the property:

I. PARKING RIGHTS

A. Parking spaces are part of the Common Elements and available on an unreserved, first-come, first-served basis without charge for use of unit owners and invitees, subject to rules as stated herein.

B. Residents who are members of the military and whose vehicles display out-of-state tags shall advise the Board of Directors through the management company and provide documentation to this effect.

C. All vehicles shall comply with the laws of the Commonwealth of Virginia and the City of Fairfax regarding vehicle registration, inspection, and insurance.

II. VEHICLE REQUIREMENTS

A. All vehicles shall be maintained in proper operations conditions so as not to be an obvious hazard or nuisance due to noise, exhaust emissions, fluid leakage, safety or appearance.

B. If a vehicle is covered, the license plate and inspection sticker must be visible and current.

C. No junk, inoperable, stored, or derelict vehicle shall be parked on the Common elements.

III. RESTRICTIONS

A. The total number of motor vehicles that may be parked on the Common Elements by the occupants of any individual unit shall not exceed two (2).

B. Commercial vehicles, trailers, campers, recreational vehicles or boats shall not be parked on the property.

C. Vehicles of persons performing service on the condominium property or for a resident may be parked in any parking space for the period of service. No such vehicle is allowed to remain parked overnight.

D. No vehicle, other than one owned by a resident, shall be parked on the Common Elements for longer than 72 hours without prior written permission of the Board.

E. Only vehicles displaying current state handicapped tags or stickers shall park in spaces reserved for handicapped parking.

F. All unit owners and their tenants, guests, and invitees shall observe and abide by any parking and traffic regulations posted on the property by the Association, the City or county authorities. The speed limit on the property shall be 10 mph.

G. Vehicles shall not straddle parking spaces or park in a manner that occupies more than one space or impedes the parking of another vehicle.

H. Vehicles shall not park in fire lanes, obstruct sidewalks or driveways, and other areas where parking is prohibited.

I. Repairing vehicles of any kind shall be prohibited.

J. Washing vehicles is prohibited unless the Board has designated a special area for this activity.

K. No vehicle shall be parked on the Common Elements with "For Sale" or "Sale" signs in view.

L. No storage device of any kind will be placed on the Common Elements without prior written approval of the Board.

IV. ENFORCEMENT

A. Vehicles parked in violation of these guidelines may be towed without prior notice at the expense and risk of the vehicle owner.

B. Violations of the guidelines by any unit owners and their tenants, guests, and invitees are also subject to enforcement under Regulatory Resolution NO. 98-01, Complaint and Due Process Procedures. No hearing shall be required prior to towing for violations of this resolution.

C. Penalties for violation of local regulations may be enforced by the locality on Association property independent of remedies pursued by the Association. This includes but is

not limited to the City police. The Association may enforce its penalties independent of remedies by the locality.

V. INDEMNIFICATION

A. The unit owner shall be held responsible and shall indemnify the Association against any liability of damage that may be imposed on the Association as a result of such illegal parking or abandonment and any consequences.

B. Vehicle and vehicle contents parked on the Common Elements are at the sole risk of the owner. The Association and Management assume no responsibility or liability for damage to or theft of vehicles or vehicle contents. Unit owners and their tenants, guests, and invitees are reminded to properly secure valuables and not leave valuables in plain view in parked cars.

VI. SUSPENSION OF PARKING PRIVILEGE

Suspension of Use Privileges. Pursuant to Va. Code § 55-79.80:2, if an assessment or other charge due and owing is not received within sixty (60) days after it is due, **and** if a hearing has **not** been requested by the delinquent owner, the unit owner's privileges to: (i) to park on the condominium common element property (including previously assigned limited/reserved common element parking spaces); and, (ii) to use recreational facilities or other services and facilities of the Association, shall all be suspended and revoked until the account is paid in full or a satisfactory payment plan is accepted by the Board. **Once imposed, the suspension of the parking privilege shall be enforced by towing without prior notice.** Notice of such suspension shall be sent by the management agent to the owner at the owner's last address of record with the Association by certified mail, return receipt requested not less than ten (10) days prior to the actual effective date for enforcement by towing, and such notice shall advise the owner of his right to be heard by the Board of Directors prior to the suspension of said privilege. In the event that the unit owner in arrears is a non-resident landlord of the unit, this policy shall apply to his/her tenants' parking privilege as well. Towing of a member's (or his/her tenants') vehicle(s) shall be at the risk and expense of the unit owner or the tenant(s).

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2009-02

Pertaining to: Parking and Use of Vehicles on the Property (Amending Policy Resolution 2000-04) duly adopted at a meeting of the Board of Directors held May 22, 2009. Revision duly adopted at a meeting of the Board of Directors held August 18, 2009.

Motion by: Linda Buczek Seconded by: Alicia Prieto

VOTE: 3-YES 0-NO 0-ABSTAIN 1-ABSENT

Alicia Prieto 3
Director

Linda Buczek 3
Director

Barry R. King 3
Director

Director

Director

ATTEST:

Linda Buczek 10-21-09
Secretary Date

FILE:

Book of Minutes - 2009

Book of Resolutions:

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General	_____	_____

Resolution effective: May 22, 2000; Revised Resolution effective: August 18, 2009