



Ashburn Farm Association
Policies and Procedures Relative to the Use and Parking of Vehicles

POLICY RESOLUTION NO. 11042014

WHEREAS, Ashburn Farm Association (the “Association”) is a Virginia nonstock corporation and subject to the provisions of the Virginia Nonstock Corporation Act; and,

WHEREAS, Article III, Section 3, Subparagraph (b) of the Covenants of the Association invests the Board of Trustees with all powers for the conduct of the affairs of the Association which are enabled by law, the Declaration and the articles of Incorporation which are not specifically reserved to the Members; and,

WHEREAS, Article III, Section 3, Subparagraph (c) (2) of the Covenants invests the Board of Trustees with the power to establish rules and regulations for the use of the property as provided in Article IV and VI and to review, modify, and approve architectural standards adopted by the Architectural Review Board.

NOW THEREFORE, BE IT RESOLVED,

That the following policy and procedures shall be adopted relative to the parking of vehicles on the Common Area and facilities of Ashburn Farm.

General Parking Guidelines:

- i. All vehicles must be parked in areas (reserved/open parking spaces, driveways, streets, garages, etc.) designated for such purpose and in full conformity with all applicable laws. At no time may residential lawns, yards, open green space, pipe stems, general turf areas, etc. be used for parking, storage, or other recurring use to support vehicles of any type. Enforcement of this provision shall be as provided for under the Enforcement & Towing section of this policy.

- ii. Vehicles must be parked so as to not obstruct other parking spaces, sidewalks, or ingress and egress areas, or impede mail delivery or pickup. Vehicles may be parked only in designated parking spaces.
- iii. Vehicles may not park in designated "No Parking" areas or Fire Lane areas.
- iv. No "open space" pool facility or other HOA facility parking lot shall be used for the repair of motor vehicles. Minor vehicle maintenance is allowable as long as the repair is taking place in one's own assigned parking space, and not impeding any other parking space, and that all fluids, grease, etc... be captured and not allowed to spill onto the asphalt, and that the repairs be made in one (1) calendar day, on a non-reoccurring basis.
- v. No portion of the property subjected hereto shall be used the storage of inoperable motor vehicles or vehicle parts.
- vi. Parking of all commercial and recreational vehicles and related equipment, other than on a temporary (no longer than 48-hours) and non-recurring basis, shall be in garages or in areas approved by the Association for such parking. There shall be no parking of commercial and recreational vehicles anywhere within public view; parking of commercial and recreational vehicles shall be restricted entirely to garages. If a truck mounted camper is to be an owner's primary means of transportation, it shall not be considered a recreational vehicle, provided it meets the following conditions:
 - a. the vehicle is moved on a daily basis;
 - b. it is parked within a garage or driveway; and
 - c. if the camper is removed, the camper shall be stored in an area that would not be visible from any surrounding property.

Conditions for towing.

Any vehicle which is parked in a manner that does not conform to the stipulations of this Parking Enforcement Policy, will be subject to towing at the sole expense and risk of the owner of the offending vehicle.

Forty-Eight (48) Hour Towing Notice

Any "Commercial", "Recreational", or "Inoperable" vehicle, as defined in this policy in violation of the rules and shall be subject to towing under the following provisions:

- i. Once a concern is received, to post a "48 hour" notice on the vehicle stating:

- a. Make, Model and year (if known), and color of the vehicle.
 - b. License number of vehicle, the state licensed to and expiration date.
 - c. Date vehicle will be towed.
 - d. Date and Time of citation.
- ii. After posting the "48 hour" notice, AFA will allow a 48-hour grace period confirm the vehicle has not moved, or been removed and will contact the towing service provider and have the vehicle towed and impounded.
 - iii. Repeat violations will result in towing without notice.

Towing Without Notice

For the safety of all residents, the following vehicles in violation will be towed without notice:

- i. Any vehicle parked in a Fire Lane.
- ii. Any vehicle parked in a "No Parking" area.
- iii. Any vehicle parked in a way which limits egress or ingress.
- iv. Any vehicle which is double-parked.
- v. "For Hire" vehicles parked in unassigned or open spaces will be towed without notice.
- vi. Any vehicle parked in front of or blocking mailbox access as to impede delivery or pickup of mail.
- vii. Any vehicle, including those owned by non-resident contractors, parked on the walking trails or any common area not designated for parking.
- viii. Any vehicle parked in a manner that blocks any handicap ramps.
- ix. Any vehicle with repeat violations.

Association Liabilities Statement

Nothing in this Parking Enforcement Policy shall be construed to hold the Ashburn Farm Association, Board of Trustees, Committee Members, Neighborhood Board Members, or Ashburn Farm Association Employees

responsible for damage to vehicles or loss of property from vehicles, which are parked in the Ashburn Farm Community.

Commercial Vehicles: (48-HOUR NOTICE of Enforcement)

- i. Commercial vehicles are prohibited from parking in any Association owned parking lot, or street, during overnight hours, from 6PM – 7AM and are defined below.
- ii. Any vehicle which displays advertising, except for vehicles displaying no more than two (2) decals or lettering covering no more than 432 square inches (18” x 24”) each.
- iii. Any vehicle with externally located commercial equipment or materials. Commercial equipment shall include, but not limited to: ladders, compressors, generators, landscaping equipment, pumps, building trade tools, emergency flashing light bars, and beacons such as used on tow trucks.
- iv. Any stake body, box body, or other utility body mounted to a cab-chassis.
- v. Any commercially licensed vehicle with dual rear axles.
- vi. Any public or private school vehicle, church vehicle, or organization vehicle.
- vii. Any vehicle licensed “for hire” including but not limited to taxi cabs, limousines, shuttles. * See additional information – For Hire Vehicles.
- viii. Any trailers, tractors, or tractor-trailers, dump trucks, one-ton trucks.
- ix. Any farm implement or construction equipment.
- x. Any vehicles in excess of 12,000 lbs., or as stipulated by Loudoun County vehicle definition for a commercial vehicle.
- xi. Trucks with dual wheels that are commercially licensed.
- xii. Any personally owned vehicle that is the owner’s primary means of transportation will not be considered a commercial vehicle.
- xiii. Any personally-owned vehicle with no more than 2 signs, either on the side and/or on the rear of the vehicle, with each sign covering a

maximum area of 18 x 24 inches, will not be considered a commercial vehicle.

- xiv. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, even if any of the foregoing are parked on a truck, trailer, or semitrailer;
- xv. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
- xvi. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
- xvii. Any vehicle licensed for use as a contract carrier or limousine;
- xviii. Any vehicle more than 21 feet in length or more than eight feet in height including appurtenances attached to the vehicle or with a width of 102 inches or more, or with a gross weight of 12,000 or more pounds;
- xix. Any trailer, semitrailer, or double axle utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle, or;
- xx. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-314.4 of the Code of Virginia; or
- xxi. Any vehicle with three or more axles.
- xxii. Government vehicles assigned to officials who must respond to an emergency call will not be considered commercial vehicles, (Only Sheriff, Police, and Fire Department vehicles will be permitted under this policy.)
- xxiii. Association owned vehicles are not subject to these restrictions

For Hire Vehicles

A "For Hire" vehicle is defined by the Association as a 2 – 5 door passenger vehicle or station wagon with an occupancy of 6 or less passengers, and no advertising on the vehicle, except the "For Hire" on the License Plate.

- i. "For Hire" vehicles will be allowed under the following conditions only:
- ii. "For Hire" vehicles must be registered in the State of Virginia and have up-to-date Loudoun County Tax Stickers, Virginia License Plate Tags and Inspection Sticker.
- iii. "For Hire" Vehicle Operators living in a Non-Garage Town Home with 2 reserved spaces cannot park more than 2 vehicles in the common parking area and these vehicles must be in the assigned spaces.
- iv. "For Hire" Vehicle Operators living in a Non-Garage Town Home with 1 reserved space cannot park more than 1 vehicle in the common area parking, the vehicle must be in an assigned space and affects the following streets: Brookford Square, Stillforest Terrace and Winding Brook Square.
- v. "For Hire" vehicle Operators living in a Garage Town Home with 1 reserved space cannot park more than 1 vehicle in the common parking area, the "For Hire" vehicle can be parked in the garage, driveway or the assigned space. No additional vehicles can be parked in the open spaces. (Chokeberry Square, Southwind Terrace and Gatwick Square).
- vi. "For Hire" vehicle operators living in a Garage Town Home with no reserved spaces must park the "For Hire" vehicle in the garage or driveway. (Alderleaf Terrace, Birchmere Terrace, Brightcrest Terrace, Clifton Terrace, Crape Myrtle Terrace, Day Lily Terrace, Elkview Terrace, Fordham Terrace, Grayswallow Terrace, Hartsville Terrace, Medley Terrace, Rush Run Terrace, Silverqueen Terrace, Thurgood Terrace, Adena Terrace, Benwood Terrace, Cedar Glenn Terrace, Lansing Terrace, Whisperwood Terrace, Yorkville Terrace, Crocus Terrace, Stonebridge Drive, Vineland Square, & Wildflower Terrace)
- vii. Residents with "For Hire" vehicles cannot park personal or "For Hire" vehicles in any common area open space, but must park in their assigned parking space only.
- viii. "For Hire" vehicles parked in unassigned or open spaces will be towed without notice.
- ix. Residents utilizing the "For Hire" policy must be current on all HOA assessments, as well as correct all home violations within 90 days of notification of said violation(s).

Recreation Vehicles: (48-HOUR NOTICE of Enforcement)

- i. Any boat or boat trailer, ATV, UTV, motorized scooter, pocket (mini/micro) bike, etc.
- ii. Any vehicle whose external configuration conforms to the generally accepted definition of a motor home.
- iii. Any truck camper or truck cap that is either wider or longer than the pickup truck bed on which it is mounted. Truck caps may also be known as tops, toppers, shells, slip-ons or by various other names.
- iv. Any park trailer, travel trailer, regardless of interior configuration.
- v. Any fold-down camping trailer.
- vi. Any snowmobile, all terrain vehicles, dune buggy, trail bike, go-kart, Jet Ski, or other self propelled vehicle not licensed for operation on a public street.
- vii. Any motorized vehicle not legal for operation on the roadways of Virginia.
- viii. Any personally-owned vehicle which is the owner's primary means of transportation, will not be considered a recreational vehicle.

Inoperable Vehicles: (48-HOUR NOTICE of Enforcement)

- i. Any vehicle, which is partially disassembled by removal of tires and/or wheels, engine or other essential parts required for operation or is otherwise not in operable condition. This will include vehicles placed on jacks or with flat tires or that is otherwise obviously not operable.
- ii. Any vehicle components or automotive equipment or accessories not installed in or on an operable vehicle.

Legally Inoperable Vehicles (Sheriff's Office Enforcement)

- i. Enforcement of legally inoperable vehicles is via the Sheriffs Office and anyone wishing to report a legally inoperable vehicle should contact the NON-EMERGENCY Sheriff's Office phone number, (703) 777-1021
- ii. Any vehicle not bearing a current state registration (license) plate.

- iii. Any vehicle not bearing a current County or City registration sticker as required by the local jurisdiction.
- iv. Any vehicle not bearing a current inspection sticker, if required.
- v. Any vehicle that cannot lawfully be driven on Virginia roads.

Common Area Parking Restrictions

Ashburn Farm owned/regulated common parking areas include the following:

- i. Town home parking lots.
- ii. Pool and recreational area parking lots.
- iii. Pipe-stem driveways are owned by the homes that are serviced by the pipe-stem driveway; however, while these areas are not owned by the Association, parking of any vehicle on a pipe-stem driveway is prohibited by the Covenants of the Association, because parking on a pipe-stem limits ingress/egress of other vehicles and will result in a 55-513 Hearing and possible fines.

And are governed by the following restrictions:

- i. Assigned parking in Ashburn Farm townhome neighborhoods is determined by section and block and used numbered spaces to designate parking assignments.
- ii. No signs, initials, numbers, storage containers or other alterations to parking spaces may be painted, displayed, or erected by a homeowner without prior written approval from Ashburn Farm Association.
- iii. Oil or other automotive fluids are prohibited from being spilt, or allowed to drip/accumulate on parking areas. Assignees will be assessed for an repairs necessary.
- iv. Unassigned, or parking spaces marked "Open" are available for use by neighborhood residents and/or their visitors. Residents are encouraged to park additional vehicles on public streets where curbside parking is permitted. A vehicle may not be parked in an unassigned or "Open" space for more than forty-eight (72) consecutive hours. A vehicle must vacate an "Open" space to cease one seventy-two hour period and to start a new one.
- v. The purpose of the 72 Hour Rule is to prohibit the "garaging" of vehicles in these spaces. Vehicles left in an "Open" space for more than 72 consecutive hours shall be

considered “stored” and will subject to towing at the owner’s expense. All spaces that are not assigned shall be considered “Open” including those spaces without stenciled “Open” designation. (See *Enforcement & Towing Section*). Vehicle must be parked in between the lines of the “Open” spaces.

- vi. Vehicles may not be parked in such a way as to constitute a nuisance including, but not limited to vehicles parked diagonally or occupying two parking spaces.
- vii. No sports, recreational equipment, or temporary traffic signage, may be erected within any Association owned parking area or Association owned (townhome) street, nor is play of any type allowable on Association owned streets.

Enforcement and Towing.

Any vehicle in violation of the Ashburn Farm Association Community Parking Policy is subject to towing at the sole expense and risk of the owner of the offending vehicle. The Ashburn Farm Board of Trustees or the AFA Community Management, or assignee of reserved parking space being violated, shall be responsible to initiate the towing of vehicles violating any rules contained herein.

Conditions for Towing

- i. Open/unassigned space violation, inoperative vehicles, commercial vehicles or any vehicle in violation of the parking rules shall be subject to the either the “48 hour notice to tow”, “72 hour notice to tow” or Sheriff’s Office enforcement of State and Loudoun County laws and restrictions.
- ii. Vehicles violating the (72) hour rule for the first time will be subject to towing seventy-two (72) hours from the hour such notice vehicle has had a towing notice placed on it.
- iii. Unauthorized vehicles parked in reserved spaces or in designated “No Parking Areas” are subject to immediate towing as described below. (see: towing without notice)

Resident’s Right to Tow from Assigned Spaces

- i. Any resident on a street with reserved parking who finds an unauthorized vehicle in his/her reserved parking space may initiate immediate towing of the unauthorized vehicle, however, residents are strongly encouraged to resolve

any problems with the owner of the offending vehicle, if possible, prior to implementing towing of the same.

- ii. The following procedures are to be used when initiating a tow: Only residents with reserved spaces may call an authorized towing company to remove an offending vehicle from their reserved space. The initiator of the tow must be present when the towing company arrives and must provide the towing company with a driver's license with their valid AFHOA address on the license. The driver's license will enable the towing company to verify the initiator's address. The initiator of the tow must sign an impound slip authorizing the tow.

The Board of Trustees adopted this Resolution at a duly convened meeting on Tuesday, November 4, 2014, and directed that the same be incorporated in the Book of Resolutions.

Ashburn Farm Association

By: _____

Tim Hughes, President of the Board of Trustees

ATTEST:

Marc J. Ripperger

4 NOV 2014

(Seal)

Marc Ripperger, Secretary of the Board of Trustees

Date