

DALE CITY FOURTH HOMEOWNERS' ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE
REGULATIONS

The residents falling within the jurisdiction of the Dale City Fourth Homeowners Association are protected by the Declaration of Covenants, Conditions, and Restrictions applicable to Section T-4, Dale City, and recorded in Deed Book 536, page 573, of The Land Records of Prince William County, Virginia. The Architectural Control Committee (ACC), composed of elected representatives from Bakersfield Square, is specifically charged with the responsibility for application of the provision of the Articles IX-X, and certain matters in Article XI of the Covenants, Conditions, and Restrictions.

These regulations are not intended to supersede the Covenants, but to enunciate the consensus of the ACC as representatives of the community on interpreting the Covenants for application to specific requests under the provisions of Article IX-X, and certain matters in Article XI.

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

MEMBERSHIP: The Declaration provides that the Committee shall consist of a minimum of three members appointed by the Board. It is recommended that the number of Committee members not exceed seven. All Committee members serve at the pleasure of the Board of Directors. Membership on the Committee shall be unrestricted, except for the Chairperson, which must be a voting member of the Homeowners Association (i.e., homeowner).

OFFICERS: The Committee shall be headed by a Chairman whose function it shall be to steer the Committee in the performance of its duties. The Chairman shall be elected by the Committee members and serve for a term of one year.

The Chairman shall be the presiding officer of the Committee. As such, he shall be vested with no extraordinary authority, but shall assume the responsibility for:

1. Scheduling meetings;
2. Preparing and delivering to Committee 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 Committee;
5. Acting as the Committee's spokesman.

A Standing Vice-Chairman shall be elected by the Committee to serve in the Chairman's absence whenever necessary.

MEETINGS:

Quorum: A quorum shall consist of a majority of the presently active Committee members. The presently active Committee members shall be all Committee members other than those who have formally requested leave of absence, or those who have formally submitted a resignation.

Regular Meetings: The Committee shall meet on a regular basis during the week of the first Monday in each month. It shall be necessary to have a quorum present to conduct a regular meeting.

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

Special Meeting: The Committee shall meet specifically to conduct its business as required by these regulations. A special meeting may be called by any Committee 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 within the ACC's standards, a quorum shall not be necessary to conduct a special meeting. This quorum waiver is meant to serve in the best interest of the Association, and will not be used as a means to circumvent full Committee action.

CONDUCTING THE MEETING:

1. The meeting shall be convened by the Chairman at the appointed time, or as soon thereafter as a quorum is present. The Chairman may, at his discretion, delay the meeting 15 minutes to allow for the late arrival of a person(s) expected to be present. In the event that a quorum is not present within a total of 30 minutes after the appointed time, the Chairman 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 30 minute delay.

2. An agenda should be prepared for each regular meeting. The suggested format appears on this page.

AGENDA

Date:

Time:

Place:

1. Meeting convened:

2. Reading of the minutes of the previous meeting:

3. Chairman's Time: (The Chairman should use this open time to briefly comment on the items on the agenda, items noteworthy to the Committee, and report any news from the Board of Directors.)

4. Committee Members' Time: (This open time allow the Committee members the same opportunity given to the Chairman.)

(NOTE: The time allotted to the Chairman, and the Committee members is to be used for brief comments. It is not meant to develop into a full discussion of matters scheduled on the agenda. If any speaker anticipates a lengthy discussion, he should request that the matter be added to the agenda.)

5. Homeowner Matters:

a. Presentation of actions on new requests.

b. Follow-up action on previously presented matters.

6. Other items for discussion should be separately listed in order of priority.

3. Meetings shall generally be held in closed session; however, any homeowner or resident of the community may request permission to attend a meeting.

4. All formal actions taken by the Committee shall be recorded in the minutes of the meeting. Any significant informal action or discussion should be recorded in the minutes.

5. Formality at Meetings: The Committee meetings shall be conducted informally until a matter is brought to a formal vote, or until such time as the informal discussion becomes disorderly. The Chairman 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 Chairman. The Chairman shall allow all members a fair opportunity to speak, and shall not allow any one member to monopolize the discussion time. The Chairman shall not participate in formal debate.

INTRODUCTION OF BUSINESS:

1. The Committee shall officially act only by formal vote and in accordance with the procedures established in these guidelines.

2. Introduction of Business: The Chairman of any Committee member may introduce business to the Committee. Generally, Committee business generated by correspondence directed to, or received from the homeowner, will be introduced by the Chairman.

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

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

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

The motion is not formally presented until read by, or on behalf of the Chairman. 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 it cannot be withdrawn over the objection of any Committee member. Any modification of the motion by the mover entitles the seconder to withdraw his second.

MOTIONS:

1. All motions shall be made by Committee members, not the chairman. If the Chairman wishes to present a motion to the Committee, he shall yield the Chair to another Committee member. He shall not retake the Chair until his motion has been acted upon.

2. Principal Motion: This term refers to the motion made to bring before the Committee, for its consideration, any particular subject. No Principal Motion can be made when any other motion is before the Committee. It takes precedence over no other motion and yields to all Privileged, Incidental, and Subsidiary Motions.

3. Privileged, incidental, and Subsidiary Motions: These guidelines, as they relate to rules or order, have been developed in light of Robert's Rules of Order; however it is not anticipated that the Committee 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 Committee. The following motions are singled out only to make all aware of their existence and propriety.

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

B. Motion to Rescind: Robert's Rule of Order state that any action taken by the body can be rescinded regardless of the time that has elapsed. The ACC shall have this authority, but it should be used wisely.

In an effort to protect the investments of all residents, the ACC must review and approve all requests for exterior additions or modifications prior to initiating the addition or modification. In this way, no one will be subjected to a carelessly designed addition which could adversely affect the intrinsic architecture, or resale value of a home. The Committee will concentrate on keeping all requested additions 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, modification, additions, must meet pertinent County codes and all permits; variances, etc. must be secured prior to beginning the work. It should be recognized that County officials applying building are only responsible for ascertaining that all modifications are structurally sound.

All approved requests for exterior additions or modifications to the exterior of the property must be completed within 6 months of the approval date. Additional time to complete an approved project will be considered by the ACC upon receipt of a written request.

All requests for modifications will be submitted to the ACC on a request form, available from any ACC representative. When completing a request form, the use of a survey plat (a drawing showing your unit and lot dimensions), sketches, plan or illustrations from magazines, or catalogs, along with a written explanation of the project, is required to obtain Committee approval. In addition, preference of color (paint chip), and pertinent measurements must be included with the request when applicable. Residents wishing to personally present to the ACC are encouraged to do so. All requests are considered individually.

Should you have any questions, please direct them to local ACC representative. ACC meetings are open to all community members, and are held on a monthly basis on the first Monday at 7 p.m. Please call the name and telephone number of your current representative.

The following comments specifically address individual subparagraphs of the Covenants and provide further explanation:

B. Animals - Dog Houses: Dog houses may be considered even if it is "visible from neighbors property" (Article I, Section 15), so long as it, and the ground around it, are kept neat, attractive, clean, and is unobtrusive. Should complaints arise over an unkept pet area, the ACC reserves the right to enforce Section B as written in the parent document.

FINE SCHEDULE FOR VIOLATIONS

The Association reserves the right to levy fines under the Virginia Property Owners' Association Act, Article 55-513. Effective July 1, 1989, all violations shall have a fine applicable to the infraction as follows:

A fine of \$50 will be levied for all major repairs that have not been completed within 30 days of the homeowner having been notified of the need for such repairs. The ACC will consider a written request for an extension. If the extension is granted, and the repairs have not been completed within the extension period, the \$50 fine will then be effected, and an additional \$10 a week fine will be levied until the repairs have been satisfactorily completed. The ACC reserves the right to have the repairs performed if the homeowner refuses to complete them himself. When this becomes necessary, the homeowner will be billed for the actual cost of the repairs/maintenance, plus any applicable fines.

Fines will be levied for violation of the regulations governing trash disposal as follows:

1. A \$35 fine will be levied for the first violation.
2. A \$50 fine will be levied for each subsequent violation.

A notice of all violations and fines will be delivered to the homeowner of record.

PAINT AND STAIN REGULATIONS:

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., Williamsburg colors, or colors similar to those used by the builder).
3. Multicolored and decorative designs are to be used with discretion. Finished product is subject to approval.
4. Only those areas that are stained may be restained. Unpainted or unstained surfaces, shall remain unpainted or unstained; for example: brick, shingles, concrete.
5. Original colors need not be submitted for reapproval.

FENCE GUIDELINES

1. General:

- A. Waivers - Waivers to standard fence specifications will require on-site evaluation by the ACC.

- B. Adjoining or common use of corner posts shall require written approval with adjoining owner.
- C. It is the responsibility of the homeowner to ensure that the fence line is within his/her legal property boundaries.
- D. Finished products are subject to final approval by on-site inspection.
- E. All wood that comes in contact with the ground will be pressure treated.
- F. Chain link (school-year style) fencing, and wire mesh fencing, are prohibited.

2. Front Yard Fence Standards:

A. Materials

- (1) Milled wood (pine, douglas fir, redwood, oak)
 - a. Posts: 4" X 4" (pressure treated)
 - b. Picket Width: Minimum 2", Maximum 4"
 - c. Rails: Minimum 1" X 4", Maximum 1" X 6"
 - d. Runners: 2" X 4" or 2" X 3"
- (2) Split (natural log) wood (cedar and hardwoods)
 - a. Posts: 4" (pressure treated) spaced maximum 8' on center
 - b. Rails: Maximum diameter 6" (1-1/4" or 1/2" radius)

B. Construction

- (1) Posts
 - a. Minimum depth: 18" set in concrete or 36" without concrete
 - b. Maximum size: 4" X 4"
 - c. Maximum spacing: 8'
- (2) Gates
 - a. Construction shall conform to fence style.
 - b. Gate must have suitable latch or securing device.
 - c. Gate shall be braced on the interior side with top, bottom, and lateral supports with hinges of sufficient strength for support.
- (3) Height
 - a. Maximum height: 36"
 - b. Fence line shall not obstruct the visual line of sight of traffic.
- (4) Finishing
 - a. Milled wood shall be painted white or painted/stained redwood color.

b. Natural and hardwood may be left in natural finish.

(5) Styles

- a. Rail: Suburban 2 rail; Suburban 3 rail; Split rail
- b. Picket

3. Backyard Fences

A. Style

(1) Alternating board

- a. 6' privacy fence 1" X 4", or 1" X 6" alternating boards
- b. Stained or painted redwood color (non-gloss)
- c. Natural color wood if pressure treated is used

B. Construction

(1) Minimum 4" X 4", maximum 6" X 6" pressure treated post; minimum spacing: 6', maximum spacing: 8'

(2) Posts will be set in concrete and will be a minimum of 18" in depth

(3) Maximum height: 6'

(4) Fences will follow contour of land in stair steps, keeping top of fence level and tallest vertical dimension 6'

(5) Side extensions on end units shall not be brought farther forward than the midpoint between the two windows on the side of the unit or midpoint of the unit.

(6) Gates

- a. Gates will conform to the style and construction of the fence.
- b. Fences will not have more than 2 gates, 1 in the front, and 1 in the rear.
- c. Gates shall be braced on the interior side with top, bottom, and lateral supports of solid 1" X 4" construction, with hinges of sufficient strength for support.

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MISCELLANEOUS REGULATIONS

1. Awnings and Arbors:

A. Front awnings are not acceptable.

B. Rear awnings (patio covers) may be acceptable, but are subject to final ACC approval. The following guidelines will be used:

- (1) A minimum supporting strength of 90 PSI (Pounds per Square Inch) is required.
- (2) Posts should be a minimum of 4" X 4" pressure treated, spaced a maximum of 8' on center, and a minimum depth of 18" set in concrete, or 36" without concrete.
- (3) Paint is subject to Committee approval.

C. Wooden arbors are generally acceptable, but must be maintained in a high state of repair. The site, location, design, and public exposure will be taken into consideration when deciding on approval or denial.

2. Storage Sheds: In recognition of the homeowners' need for additional storage for garden tools and equipment, requests for small storage buildings will be considered. Location, site, type, and color, will be considered by the ACC prior to approving the construction of a shed. A solid foundation and floor is required. All sheds must be located in the rear yard and placed adjacent to a privacy fence on the property line. Sheds may not exceed 7'3" in height.

3. Pruning: Trees, shrubs, and hedges that restrict line of sight for vehicular traffic shall be cut back or removed.

4. Landscaping: Minor landscaping and minor planting in general do not require approval of the Committee. However, major landscaping and planting (i.e., modifications that would affect land contours or drainage, or planting hedges along property borders) will require Committee approval. Hedges will not be permitted to grow above a height of 36 inches.

Lawn edging to be installed above ground requires prior approval of the Committee. Use of brick, stone, or high-quality pressure treated lumber is strongly encouraged. Temporary barriers erected for seeding or planting purposes do not require prior Committee approval. However, such temporary barriers must not remain in place for more than two months.

5. Lawns: Private front, and rear lawns, shall be neatly cut at all times, and shall not exceed 8" in height. Failure to maintain lawns to this standard may result in the Association's applying a charge to the respective lot's annual assessment account to cover the cost of having the work done, as allowed by the governing documents, Board resolution.

Ground cover, other than grass, may be allowed depending on the selection and how it blends with the total community.

6. Attic Fans: Attic fans shall be located to the rear of the roof peak, and to the extent possible, shall not be visible at ground level from the front of the house. Installation of attic fans not in accordance with the above guidelines requires prior Committee approval.

7. Stoops: Painted and carpeted front stoops are not permitted. Front stoops and rear stoops not concealed by a rear fence shall be maintained in good repair.

8. Porches, Patios, and decks: Construction of a porch requires the approval of the ACC.

- A. No screened-in porches will be permitted.
- B. No aluminum awnings over the porches will be permitted.
- C. If shingles are used on the roof of the porch, the shingles must match the roof of the house.

Construction of patios in front yards is not permitted. Construction of patios of any kind in the rear yard requires approval of the ACC.

All decks require prior approval of the ACC.

It is the responsibility of the property owner to secure from Prince William County 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.

9. Exterior Energy-Saving Devices: Request for installation of exterior energy-saving devices will be considered on an individual basis. All such devices must be placed on or at the rear of the dwelling.

10. Firewood Stacks: Firewood shall be neatly stacked as inconspicuously as possible, with individual stacks not to exceed 4 feet in height. Firewood must be stacked inside the 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, but not more than 12 inches, above the ground.

11. Trash Containers: Trash containers are required to be stored in the backyard, and the area where they are stored must be kept neat and clean. Should complaints arise over the trash storage area, the ACC will require relocations of the containers, or cleaning up of the area.

Trash may not be placed in front of any dwelling for pick up earlier than sunset of the evening before collection day. Empty containers must be removed as soon as possible on the day the trash is picked up. Large items (for example, stoves, sofas, and refrigerators) will not be placed out any earlier than the evening prior to pickup.

12. Clothes Lines: The ACC will consider requests for the erection of facilities for drying clothes, providing the facilities are shielded, as much as possible, from neighbors and the street. Clothes must be removed immediately after they are dry, and the clothes line must be removed from view.

13. Signs: No sign of any nature shall be permanently placed on any property without prior approval of the ACC. Signs placed without such approval shall be subject to removal without notice. Realtor signs must conform to the Covenants.

14. Antennae: No antennae of any type shall be erected on any of the properties, common green, common areas, or lots, by any owner or resident.

15. Window Air Conditioners: Window air conditioner units may be installed in the rear of the house, but they may not be installed in the front of the house without the approval of the ACC.

16. Property Use: No portion of the properties shall be used except for residential purposes, and for purposes incidental, or accessory thereto.

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 that may be, or may become, a nuisance or annoyance to the neighborhood.

No animals, livestock, or poultry or 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 purposes. Fines will be levied against the lot where the animal resides for leash law violations, or for allowing any pet to defecate on common areas without immediately cleaning up any solid waste.

No material or refuse shall be placed on stored within 20 feet of the property line, or the edge of any water course, or body of water; except that clean fill may be placed nearer, provided that the natural water course is not altered or blocked with such fill. Only firewood, properly elevated, or other usual and normal material, incidental to a residential area, may be stored upon private lots within the Association.