

***Montclair Sec. 4-B Townhouse Homeowners Association  
Nob Hill Forest Townhome Association***

**REGULATORY RESOLUTION NO. 04-03**

**USE OF THE COMMON AREAS**

**WHEREAS**, Montclair Sec. 4-B Townhouse Homeowners Association (“the Association”) came into existence as a property owners’ association organized and operating pursuant to the *Virginia Property Owners’ Association Act*, § 55-508, *et seq.*, Code of Virginia, (1950, as amended) (“Act”) by the filing of the Association Declaration of Covenants, Conditions and Restrictions for the Nob Hill Forest development located in Prince William County, Virginia, which Declaration is of record in the land records of Prince William County, and the original Declaration is recorded at Book 1372, Page 1543, *et seq.*; and,

**WHEREAS**, Montclair Sec. 4-B Townhouse Homeowners Association was incorporated by Articles of Incorporation filed with the State Corporation Commission of Virginia in March, 1986; and,

**WHEREAS**, Section 55-515 of the Act and the Declaration of Covenants, Conditions and Restrictions (hereinafter “Declaration”) charge all Lot owners and their tenants, guests and invitees with compliance with the Declaration and all provisions of the Act; and,

**WHEREAS**, Section 55-513 of the Act confers upon the Board of Directors the power to establish, adopt and enforce rules and regulations with respect to the use of the common areas and with respect to such other areas of responsibility assigned to the Conservancy; and,

**WHEREAS**, Article VII, Section 1. (Powers and Duties of the Board of Directors) of the Bylaws grants the Board of Directors the power to “adopt and publish rules and regulations governing the use of the Townhouse Common Area and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof,” and suspend the voting rights and right to use the Townhouse Common Area and facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Townhouse Cluster Association. Such rights may also be suspended after notice and hearing...and exercise for the Townhouse Cluster Association all powers, duties and authority vested in or delegated to this Townhouse Cluster Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration...”

**WHEREAS**, Article VII, Section 1.(a) in the Articles of Incorporation (Powers and Duties of the Board of Directors) of the Bylaws grants the Board of Directors the power to “adopt and publish rules and regulations governing the use of the Townhouse Common Area and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof,” ; and

**WHEREAS**, the Board of Directors has received numerous complaints from residents regarding certain activities on the common areas and private lots of the Conservancy, to include skateboarding on sidewalks and streets, the playing of football, basketball, soccer and hockey on the streets, defacement and damage of street signs and poles; and,

**WHEREAS**, the Board of Directors has received further complaints of damage to members’ vehicles as a result of the various games being played on the streets and in the parking areas, and the operation of wheeled apparatus between parked vehicles; and has also received complaints of damage to landscaping, turf and decks on the private lots from skateboarding on and off sidewalks and curbs, ball play; and,

**WHEREAS**, the Montclair community has two (2) playground facilities, Prince William County Park Authority basketball and tennis courts available to the public, and large grassy areas which are suitable for various types of recreation, thus obviating the need to play in the streets or parking areas of the community; and,

**WHEREAS**, the Board of Directors has determined that the games played in the street and skateboarding on sidewalks present a safety hazard to the participants of such games and to pedestrians on the sidewalks, and that such activities further present a hazard of property damage to members’ vehicles and to the landscaping of the private lots, and that these activities therefore constitute real and actual problems “relating to the use of property and the well-being of Members”;

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board of Directors, by the Act, the Articles of Incorporation, the Declaration and this Resolution, approves, endorses and implements the following rules and regulations regarding the use of the Association’s common areas and the permissible activities thereon and on the private lots, and that such rules shall be deemed to be rules of the Conservancy as a Virginia property owners’ association and shall be enforceable as such at law, in equity and through administrative action, as set forth in Nob Hill Forest THA Regulatory Resolution No. 04-02 (*Resolution on Due Process Procedures*)

## RULES

1. The riding of skateboards, mopeds, ATVs, motor bikes or other motorized means of conveyance on the sidewalks, streets, landscaped, turfed and wooded common areas of the community is prohibited.
2. The playing of any type of game, including, but not limited to, hockey, street hockey, basketball, football or soccer on the streets of the community or near common parking areas is prohibited. Accordingly, basketball goals and other sports nets or equipment, whether portable or fixed, are not permitted on the streets or common areas of the community, nor are they to be situated on the private lots so as to necessitate their use for play on the streets of the community.
3. Residents of the community are encouraged to use the suitable Montclair and Prince William County Park Authority recreational areas for football, basketball, soccer, etc.
4. The common area of the community is reserved for the use of the community's residents on a first-come, first-served basis.
5. Pursuant to Nob Hill Forest THA Regulatory Resolution No. 04-02, violation of the aforementioned rules may result in suspension of the right of use of the common areas, including the common parking areas, the assessment of rule violation charges against the lot owners, or both. Continuing infractions shall result in legal action being taken against the lot owners.
6. These rules shall apply to Association members, family members, residents, guests, tenants and invitees. All Association members shall be responsible for informing their family members, guests, tenants or invitees of these rules.