

**MONTCLAIR SECTION 4B TOWNHOUSE HOA, INC.
T/A NOB HILL FOREST TOWNHOME ASSOCIATION
POLICY RESOLUTION#08-2020
PARKING RULES & REGULATIONS
EFFECTIVE DATE: OCTOBER 1, 2020**

WHEREAS, Article II, Section 3 of the Declaration of Covenants, Conditions and Restrictions (“Declaration”), **Owners Rights of Use and Enjoyment in the Community Facilities or Properties** states: “Every owner by virtue of his membership in Montclair Property Owners Association shall have a right of use and right of enjoyment in and to the Community Facilities and Properties as provided in the Master Declaration subject to the conditions contained therein and subject to the rights of control reserved therein to MPOA or others”;

WHEREAS, Article VI, Section 1 of the Declaration, Enforcement states: “The Townhouse Cluster Association and any Owner shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter”;

WHEREAS, Article VII, Section 4 of the Declaration, Use Restrictions – Nuisances states: “No noxious or offensive activity shall be carried on upon the Properties, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No commercial vehicles, other than a commercial van or a commercial pick-up truck, whether owned by the Lot Owner or any other person, shall be permitted to remain on or be parked on any Lot or Townhouse Common Area overnight. No junk vehicle (as is defined in the Prince William County Zoning Ordinance) and no economically unrepairable and inoperable vehicles shall be permitted to remain on or be parked on any Lot or townhouse common area”;

WHEREAS, Article VIII, Section 2 of the Declaration, Restrictions states “(a) Common Driveways shall be used for the purpose of ingress and egress to the Affected Lots, for governmental and other emergency vehicle ingress and egress, and for construction and maintenance of utilities, (b) No act shall be performed by any Owner, his tenants, guests or agents which would in any manner affect or jeopardize the free and continuous use and enjoyment of any other Owner in and to the Common Driveway or an Affected Lot, (c) There shall be no parking within a Common Driveway at any time except for delivery and/or emergency vehicles unless all Owners of Affected Lots pertaining thereto shall agree upon other parking limitations, (d) The Common Parking Area is provided for the use of the lot owners and their guests. Two (2) parking lot spaces are provided for each lot. The Board of Directors of the Townhouse Cluster Association may assign such spaces to individual Lots and may provide for other regulations concerning the use of the parking spaces;

WHEREAS, Article VIII, Section 3 of the Declaration, Damage or Destruction states “In the event that any Common Driveway or Parking Area is damaged or destroyed: a) through the act of the Owner or any of his tenants, agents or guests or members of his or their families (whether or not such act is negligent or otherwise culpable), it shall be the obligation of such Owner to rebuild and repair the Common Driveway or Parking Area without cost to the other Owners of Affected Lots for that Driveway or Parking Area, (b) other than through the act of Owner, his tenants, agents, guests or family (including any damage or deterioration due to ordinary wear and tear and lapse of time), it shall be the obligation of all Owners of Affected Lots for that Common Driveway or Parking Area to rebuild and repair such Common Driveway or Parking Area at their joint and equal expense;

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Montclair Section 4B Townhouse HOA, Inc. T/A Nob Hill Forest Townhome Association “NHF THA”, does hereby adopt as official policy the attached rules and regulations concerning parking within Nob Hill Forest THA; and

BE IT FURTHER RESOLVED, that the Board of Directors shall have the authority to grant a temporary variance to the established parking policy providing that all requests for variances are made in writing to the Managing Agent. Variances may be revoked upon any failure to comply with the stipulations of the variance;

BE IT FURTHER RESOLVED, that the attached rules and regulations shall take effect, following distribution to all Nob Hill Forest THA homeowners; and shall be enforced as of October 1, 2020. Prince William County Police and Virginia State Police are empowered to ticket, boot and/or tow violators parked in designated fire lanes, designated handicapped parking spaces and/or in violation of any state vehicle registration or titling law;

BE IT FURTHER RESOLVED, that nothing contained herein may prohibit the Board of Directors from amending afore-described parking restrictions in the future. **This policy becomes effective on the 1st Day of October, 2020, and supersedes ALL previous resolutions on parking.**

- I. No vehicle shall be parked on common area in such a manner as to obstruct other parking spaces, or park in another resident's reserved space without authority from the NHF THA Managing Agent. All resident vehicles are to be parked in their assigned parking spaces respective to the resident's address (and/or lot number) only. Residents/Tenants/Occupants **MUST** utilize their allocated parking spaces in order to maintain spaces for residents/visitors with valid Visitor tag. Each townhouse unit is allotted one visitor hang tag only. Only one hang tag is valid per townhouse unit. Use of multiple visitor hang tags is prohibited and will result in immediate tow at the vehicle owner's expense.
 - A. **Resident** is defined as anyone whose name appears on the property's mortgage or lease papers to a) be in residence as the incumbent of a benefice or office and b) dwell permanently or continuously occupy a place as one's legal domicile.
 - B. **Tenant** is defined as anyone who is an occupant or dweller or a town home in Nob Hill Forest THA but whose name does not appear on the deed: a) one who holds or possesses real estate or sometimes personal property (as an annuity) by any kind of right, b) one who has the occupation or temporary possession of lands or tenements of another, specifically one who rents or leases (as a house) from a landlord. Tenants include spouses, parents, children, relatives, and long-term guests.
 - C. **Occupant** is defined as one who occupies a particular place, especially: resident.
- II. Only licensed vehicles with current inspection and municipal/county/state decals, which can be lawfully operated on public streets, are permitted to be operated/parked on the common area streets, courts and parking areas of the Nob Hill Forest THA. **Owners and residents residing in the Nob Hill Forest THA are required to register their vehicles with the Commonwealth of Virginia within thirty (30) days and to comply with all other laws, statutes, ordinances and codes applicable to motor vehicles within the Commonwealth of Virginia and Prince William County.** Owners/Residents who are active duty military members must submit proof of military status if their vehicle(s) is registered out of state.
- III. No vehicle shall park on common areas or in assigned spaces in such a manner as to block one or more vehicles, or occupy more than one space.
- IV. No vehicle shall park in a fire lane, or in fire turn-arounds, as designated by Prince William County Department of Fire and Rescue.
- V. No vehicle shall park on lawns or grassy areas, sidewalks, walkways or patio areas, or park in any other common area, without written authorization of the NOB HILL FOREST THA Managing Agent

or other official appointee of the Board of Directors. Nothing shall be stored upon any parking spaces, nor shall the same be permitted to accumulate trash or debris.

- VI. No vehicle shall park as to block or impede access to mailboxes and sidewalks.
- VII. **Visitor/Overflow Parking** is provided for the use of NHF THA residents and visitors with a valid Visitor tag. Homeowners and their tenants **MUST** utilize their allocated parking spaces in order to maintain spaces for residents/visitors with valid Visitor tags. Each townhouse unit is allotted one visitor hang tag only. Only one hang tag is valid per townhouse unit. Use of multiple visitor hang tags is prohibited and will result in immediate tow at the vehicle owner's expense. Vehicles parked for over a twenty-four (24)-hour period in any Visitor/Overflow parking space are subject to IMMEDIATE tow at the vehicle owner's expense.
- A. **Overflow Parking/Visitor Parking** is defined as parking within Nob Hill Forest THA designated by the Association as being available to NHF THA residents and visitors on a first-come, "parked" basis displaying a valid Visitor tag.
 - B. Vehicles parked in overflow/visitor parking must not be left in an overflow/visitor parking space for more than a 24-hour period. Vehicles that have been parked in a visitor or overflow space for more than a 24-hour period will be towed immediately at the vehicle owner's expense. Moving and returning the vehicle to the same Visitor space or reversing position in an overflow/visitor parking space does not reset the 24-hour clock.
 - C. A valid visitor hang tag must display the lot number. Blank hang tags are prohibited and are subject to immediate tow at the vehicle owner's expense. Violation of this rule will result in immediate tow at the vehicle owner's expense.
 - D. Valid visitor hang tags are to be used when visitors or residents use the designated visitor spaces.
 - E. Valid visitor hang tags must be hung on the rear view mirror and visible, so as not to be towed at owner's risk.
 - F. Visitor hang tags are prohibited from being rented/loaned/sold/transferred to another household. First offense penalty is a thirty (30) day parking suspension. Second offense penalty will require the offender to pay a fee of \$25.00 to obtain the confiscated visitor hang tag.
 - G. Valid visitor hang tags may be obtained from the management office, please call first.
 - H. A lost/stolen/damaged pass is not the responsibility of the Association. A replacement pass fee is \$25.00.
 - I. Valid visitor hang tags apply to all spaces throughout the community marked "visitor".
 - J. Vehicles must display a valid Visitor tag to park on the Nob Hill Forest private road (Cliffview Drive extension) from Paige Point Way to Windsong/Whisperwood Court. The Cliffview Drive extension from Paige Point Way to Windsong/Whisperwood Court is ALSO restricted to a 24-hour limit and subject to immediate towing at the vehicle owner's expense if parked over 24-hours.
 - K. No vehicle may park parallel to any curb or townhome street in Nob Hill Forest THA with the exception of spaces marked "Visitor" on Whisperwood Court, Vals Way, and overflow parking on Cliffview Drive. Vehicles parallel parked behind assigned spaces or along any yellow curb is subject to immediate towing at the vehicle owner's expense. Vehicles parked in areas designated with a NO Parking sign are subject to immediate towing at the vehicle owner's expense.
- VIII. No signs, initials, numbers or any other alteration to parking spaces may be painted, marked or erected.
- IX. No vehicle may park parallel to any curb or any townhome street in Nob Hill Forest THA with the exception of authorized "Visitors parking areas" on Whisperwood Court and Vals Way and "Overflow parking areas" on Cliffview Drive (areas not designated as "fire lanes" by Prince William County Fire and Rescue) and not to exceed any 24-hour period.

- X. NOB HILL FOREST THA homeowners, their tenants and visitors shall not park boats, recreational vehicles, boat trailers, or any other trailers, in any assigned parking space, visitor overflow parking or common area in NHF THA except as provided herein or as authorized in writing by the NHF THA Managing Agent or other official appointed by the NHF THA Board of Directors. Boats, recreational vehicles and trailers can be parked for a period not to exceed five (5) hours for the sole purpose of loading and unloading. Boats, recreational vehicles, boat trailers or any other trailers may not be parked in NHF THA after 6:00pm.
- A. **Trailer** is defined as any device that is not self-propelled, but which is designed for and capable of being pulled upon the public roadways by a motorized vehicle, such as boat trailers, utility trailers, mobile homes, and pop-up campers.
 - B. **Recreational Vehicle** is defined as 1) any boat or boat trailer, 2) any motor home or other self-contained camper, 3) any camper slip-ons where the camper backs are higher than the roof line of the tuck cab, 4) any mobile home, trailer or fifth wheel trailer, 5) any pop-up camp/tent trailer or other similar recreation oriented portable or transportable facility or conveyance, 6) any other vehicle not defined above which could not normally or regularly be used for daily transportation including dune buggy or non-operative automobile collections or other automotive equipment not licensed for use on state/county roads, and 7) any trailer.
- XI. **Trucks and commercial vehicles** are permitted temporary access to Nob Hill Forest THA streets and parking areas only if they are delivering to, or furnishing services to, a Nob Hill Forest THA home, provided that the vehicle is not parked within Nob Hill Forest THA for more than ten (10) hours in any twenty-four (24) hour period, or after 6:00pm except to provide emergency services.
- A. **Truck** is defined as any powered source of transportation which has a gross vehicle weight in excess of 8,500 pounds or which has a cargo bed in excess of 34.5 square feet. Notwithstanding, and in addition to the foregoing, the following are each deemed to be a “truck” for the purposes of these regulations:
 1. Any vehicle with commercial lettering;
 2. Any vehicle with roof or side racks designed to hold ladders or other construction apparatus, regardless of whether such apparatus are present;
 3. Any vehicle which uses wood, metal, or other materials to extend the height of the sides or to increase cargo capacity;
 4. Any vehicle which has, as its primary purpose, the towing of other vehicles, the removal of snow, or which clearly is not intended to be used for personal transportation purposes;
 5. Includes vehicles with four or more rear wheels and/or vehicles equipped for obvious commercial uses.
 - B. **Large and/or Overweight Vehicles** is defined as any vehicle, whether marked or unmarked, with a gross vehicle size in excess of 784 cubic feet (16'x7'x7') or with a gross vehicle weight in excess of 8,500 pounds. Vehicles longer than the standard parking space are not permitted.
 - C. **Commercial Vehicle** is defined as any vehicle, regardless of capacity, with commercial or governmental agency lettering or insignia or which displays advertising letters or symbols, whether temporarily or permanently affixed to the vehicle, except for law enforcement and fire and rescue vehicles; any vehicle with a rated carrying capacity of 2,000 pounds or more; any vehicle regardless of capacity, which displays or which is licensed as a “for hire” vehicle; garbage trucks, tractors or trailers; dump trucks; tow trucks; passenger buses; cement trucks; construction equipment, and commercial vehicles more than 16 feet long including stake bed trucks, flatbed trucks, box trucks and step vans. Law enforcement and fire and rescue vehicles kept within NOB HILL FOREST THA on a regular basis shall park in accordance with these regulations with respect to the parking of personal vehicles.
- XII. Except for trucks or commercial vehicles, as referenced in paragraph X above, no truck or commercial vehicle other than a standard size van or pick-up truck, that will fit wholly within a

parking space, shall be parked in any assigned space, common area, street or overflow parking area.

- XIII. Inoperable or abandoned vehicles, as defined by Virginia State law and the Prince William County Code, shall not be parked on Nob Hill Forest THA property. Vehicles which leak fluids pose a hazard to the community asphalt and may lead to toxic runoff into the storm sewers; and thus, such vehicles may not be parked in Nob Hill Forest THA. In addition, all vehicles shall be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust emissions or appearance as determined by the Board of Directors. However, no portion of the property subjected hereto shall be used for the repair of motor vehicles.
- A. **Inoperable motor vehicle** is defined as any motor vehicle, which displays neither valid Virginia license plates or a valid Prince William County inspection decal, is not in operating condition, or which for a period of twenty-four (24) consecutive hours or longer has been partially or totally disassembled.
 - B. **Damaged Vehicle** is defined as damage where the body of the vehicle is broken, severely dented, crumpled, badly rusted, or where parts are missing, disassembled or hanging from the vehicle, or where one or more of the tires of the vehicle are flat or missing. Wooden enclosures may not be added to extend truck beds.
 - C. **Repairs:** vehicles are not to be constructed, reconstructed, repaired or kept on jacks, jack stands or other forms of lifts on any property or street within Nob Hill Forest THA in such a manner as to be visible from neighboring property without the approval of the Board of Directors.
- XIV. Nothing shall be stored upon any parking space, nor shall the same be permitted to accumulate trash or debris. Containers such as a **Portable On Demand Storage (PODS) unit** require advance Board of Directors approval and may be placed in a space assigned to the property **ONLY** for the purposes of moving into or out of a property, and only for a period not to exceed three (3) days. PODS cannot be parked in visitor spaces or parallel on streets.
- XV. **Damage or Destruction.** In the event that any Private Streets or Common Parking Area of Nob Hill Forest THA is damaged or destroyed:
- A. Through the act of the Owner or any of his tenants, agents or guests or members of his or their families (whether or not such act is negligent or otherwise culpable), it shall be the obligation of such Owner to rebuild and repair the Common Driveway or Parking Area without cost to the other Owners of Affected Lots for that Driveway or Parking Area.
 - B. Other than through the act of Owner, his tenants, agents, guests or family (including any damage or deterioration due to ordinary wear and tear and lapse of time), it shall be the obligation of all Owners of Affected Lots for that Common Driveway or Parking Area to rebuild and repair such Common Driveway or Parking Area at their joint and equal expense.
 - C. The maintenance reserve provided for in Article IV, Section 3 of the Declaration, is designed to provide for repair or its roads and parking areas that require repair due to deterioration from ordinary wear and tear and lapse of time and is not designed to repair damage which is attributable to a Lot Owner's or his tenants', agents', guests' or family's intentional acts or negligence.
- XVI. Persons authorized to contact the Towing Agent for parking violations are outlined below:
- A. For violations where a resident's designated parking space is occupied and/or blocked by an unauthorized vehicle, the resident is authorized and will contact the Towing Agent. (Residents should be prepared to furnish model, color, license tag number of vehicle and allocated space address or number.)
 - B. For all other violations outlined as follows, only Nob Hill Forest THA Managing Agent and/or Board of Directors or other official appointee of the Board of Directors may initiate towing for: 1) parking in overflow/visitor parking areas; 2) parking in a visitor/open space in violation of the restrictions as set forth in paragraph VII; and 3) parking in an assigned space in violation of paragraph X, XI, XIII.

- C. For violations of parking in a designated fire lane, residents may call the towing company or Prince William County Police Department at 703-792-6500. The Prince William County Police are authorized to enter any fire lane for the purpose of enforcing the “No Parking or Standing” provisions. Any police officer or representative of the Fire Marshal's office who finds any vehicle in violation shall have the authority to remove such vehicle at the owner's expense.

- XVII. The Towing Agent for Nob Hill Forest THA is Dominion Wrecker, with principal office at 2630 Hanco Center Drive, Woodbridge, VA 22191, 703-730-6610. The towing agent is responsible for notifying the Prince William County Police Department of all pertinent and required information concerning the vehicle removed from NHF THA property. Signs providing the phone number of the Prince William County Police Department have been posted at each entrance.
- XVIII. **Vehicles may be towed immediately without warning from the property, and stored at the vehicle owner's risk and expense if parked as prohibited by this Resolution OR if deemed hazardous or could cause damage or injuries as determined by the Board of Directors.**
- XIX. Homeowners and residents are responsible for their renters' and visitors' compliance with the Nob Hill Forest THA Parking Rules and Regulations. It is the homeowner's responsibility to inform their guests, occupants, tenants, licensees and invitees (including realtors and contractors) of all parking restrictions. **Owners and residents residing in the Nob Hill Forest THA are required to register their vehicles with the Commonwealth of Virginia within thirty (30) days and to comply with all other laws, statutes, ordinances and codes applicable to motor vehicles within the Commonwealth of Virginia and Prince William County. Owners/Residents who are active duty military members may submit proof of military status if their vehicle(s) is registered out of state.**
- XX. Motorized vehicles are to be operated in accordance with existing Prince William County, Commonwealth of Virginia, and federal regulations. Drivers will control and operate their vehicles in a safe and prudent manner. The speed limit in Nob Hill Forest THA is fifteen (15) MPH, and is not to be exceeded.
- XXI. Nothing in this resolution shall be construed to hold Nob Hill Forest THA, its Board of Directors, employees or designees responsible for damage to vehicles or loss of property from vehicles parked within the Nob Hill Forest THA. Vehicles and their contents parking within Nob Hill Forest THA are at the sole risk of the owner(s) thereof.
- XXII. The Nob Hill Forest THA shall have the right to enforce, by towing or any proceeding at law or in equity, all parking restrictions and regulations set forth in this Resolution. Failure by the Association to enforce any regulation herein contained shall in no event be deemed a waiver of the right to do so thereafter.

The effective date of this Resolution shall be the 1st Day of October, 2020.

By: THE NOB HILL FOREST TOWNHOME OWNERS ASSOCIATION THA BOARD OF DIRECTORS

I hereby certify that the foregoing Policy Resolution was duly adopted by Action Without Meeting by the Board of Directors of the Nob Hill Forest THA this 27th Day of August, 2020.

ATTEST: See Action Without Meeting, Attached

RESOLUTION ACTION SHEET

Resolution Type: Policy

Pertaining to: **POLICY RESOLUTION#08-2020**: Policy regarding Parking Rules and Regulations

Duly adopted by Action Without Meeting.

ACTION WITHOUT MEETING
BOARD OF DIRECTORS
8/27/20

As per Nob Hill Forest THA BY-LAWS, ARTICLE IV: BOARD OF DIRECTORS

Section 5. **Action Taken Without A Meeting.** The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

An Action has come before the Board of Directors of Nob Hill Forest THA:

Approval of Policy Resolution No. 08-2020, **PARKING RULES & REGULATIONS, Effective October 1, 2020**

BOARD MEMBER	ACTION (approve or disapprove)	STIPULATIONS, if any
President	APPROVE	
Vice President	APPROVE	
Treasurer	APPROVE	
Secretary	APPROVE	
Member	APPROVE	

ATTEST: Secretary of the Board of Directors
(signature on file)

Distributed to all 216 owners of record via First Class mail on 10/1/20 and posted on cavaliermanagementhoa.com.