

Rules and Regulations for Birchfield Wood Cluster Association

I. Effective Date

This document shall take effect immediately upon publication to members of the Birchfield Woods Cluster Association, after approval by the BWCA Board of Directors at a hearing announced to all members of the cluster association.

II. Relationship to Other Documents

In addition to federal, state, and local laws, the following documents also establish rules and regulations applicable to all properties in the cluster:

- Reston Protective Covenants (Deed of Dedication of Reston)
- Reston Association Design Guidelines
- Birchfield Woods Cluster Association Articles of Incorporation
- Birchfield Woods Cluster Association Bylaws

III. Enforcement

The Board of Directors may take any lawful action it deems necessary and appropriate to initiate or support the enforcement of federal, state, or local laws.

To enforce these Rules and Regulations, the Board of Directors may take any action available to it under the law and under the BWCA Articles of Incorporation, Bylaws and these Rules and Regulations. These three Association documents will be referred to hereinafter as the Rules. This may include, in addition to other methods of enforcement, an assessment of up to \$50 for a single violation or up to \$10 per day for a continuing violation and suspension of use of common areas. Before any sanction is imposed, a hearing will be held before the Board of Directors and notice provided in accordance with the Virginia Property Owners' Association Act. Other methods of enforcement may be specified for particular rules.

IV. Rules and Regulations

A. Parking

1. Each housing unit is assigned two reserved parking places in accordance with the attached table. These parking spaces are in front of each house or as near as the cluster design permits. These reserved spaces are for the exclusive use of the residents of the particular house, be they owners or renters. No other residents or guests may park in these spaces without permission of the resident to whom the spaces are assigned.
2. Residents do not have property rights to these parking spaces. The parking spaces are part of the Association's common area and the resident is given the exclusive use of the assigned spaces. The Board may revoke this exclusive use for violations of the Rules, with due process in accordance with the Virginia Property Owners Association Act.
3. The residents of each housing unit, whether owner or renter, have the sole responsibility of monitoring the use of their reserved parking spaces. When an unauthorized vehicle parks in a reserved spot, residents should first speak with the vehicle owner, remind them of the reserved parking rules, and attempt to resolve the situation amicably.

Adopted August 6, 2003

As a last resort, residents may call to have an unauthorized vehicle towed from the spaces assigned to them. The Board, for that purpose, has established a relationship with Henry's Wrecker Service, who can be reached at (703) 464-5599. Vehicles towed from the cluster will be stored at 13850 Barns Field Road, Chantilly. Vehicles may be reclaimed by the registered owner, with vehicle registration and driver's license, after full payment of towing and storage charges. Full payment must be made in cash.

Any costs incurred to enforce the above, to include towing fees, court costs and attorney fees will be the sole responsibility of the owner of the vehicle subject to enforcement. If a resident has a vehicle wrongfully towed, that resident is responsible for all costs, to include towing fees, court costs and attorney fees.

4. Visitors' parking spaces are identified with a V painted on the curb. Vehicles owned or operated by residents may not be parked in any space designated as a visitor's space between the hours of 5 PM and 9 PM Monday through Friday and 9 AM through 9 PM Saturday and Sunday.

If a resident observes another resident's vehicle parked in a visitor space, he or she should notify a member of the Board of Directors and identify the house number of the owner or operator of the vehicle. Individual residents may not have cars towed from visitor's spaces.

Upon receiving a complaint regarding a resident's vehicle parked in a visitors' space, the member of the Board shall verify that the vehicle is actually owned or operated by a resident and that there are no extenuating circumstances. The steps for enforcing this rule shall be:

- **First Violation:** A member of the Board will discuss the violation with the resident and ask the resident to move the vehicle. A written notice will subsequently be sent by mail to document the violation.
- **Second Violation:** The resident's vehicle may be towed from the visitor's parking space without warning upon agreement of 2 members of the Board of Directors.
- **Third and Subsequent Violations:** The resident's vehicle may be towed from the visitor's parking space without warning upon agreement of 2 members of the Board of Directors. An assessment of up to \$50 may also be imposed on the owner or operator of the vehicle.

All costs incurred to enforce the above, to include towing fees, court costs and attorney fees will be the sole responsibility of the owner of the vehicle subject to enforcement.

5. All persons entering the cluster property shall obey all no parking zones, fire lanes and all other posted parking regulations. Any vehicle violating this rule may be towed by a member of the Board of Directors without notice at the vehicle owner's risk and expense.
6. Residents are responsible for ensuring that visitors and the drivers of any service or commercial vehicles visiting their home comply with these rules.
7. All vehicles driven on cluster property must obey the speed limit posted at the cluster entrance.

Adopted August 6, 2003

B. General Motor Vehicle Regulations

1. All vehicles parked in the cluster must be in safe operating condition and comply with all relevant motor vehicle licensing and registration laws.
2. Only minor vehicle maintenance is allowed, such as washing exterior, cleaning interior, checking or adding fluids, tune-up adjustments or changing superficial components (belts, spark plugs, air filters, etc.). Major vehicle repair or maintenance, such as engine rebuilding, or work which could cause spills, such as the changing of fluids, shall not be performed on cluster association property.
3. Any vehicle leaking gasoline, oil, anti-freeze, or any other hazardous fluids shall be repaired within five (5) working days or be subject to towing at the sole risk and expense of the owner after notification from the Board. Notification may consist of a letter or notice left on the vehicle windshield. Any fluids leaking from vehicles must be disposed of according to applicable federal, state, and local environmental laws.
4. Garbage trucks, tractor trailers, dump trucks, construction equipment, cement mixers or similar heavy vehicles are prohibited from regular parking or storage on cluster property.
5. Vehicles that are not self-propelled, such as trailers, boats, etc., shall not be parked on cluster property for more than 24 hours.

C. Trash, Recyclables, and Hazardous Waste

1. Litter may not be left in the common areas of the association.
2. All trash must be placed at curbside for pickup in bags inside an animal-proof container with a lid (such as a rubberized trash can). A plastic bag by itself is not an appropriate container for trash.
3. Trash and recyclables may not be placed at curbside earlier than 7:00 PM the night before a scheduled pickup.
4. Trash and recyclable containers must be retrieved from curbside as soon as possible after a pickup, and not later than 24 hours after the actual time of the pickup.
5. Trash and recycling materials, and their containers, may not be stored where they can be seen clearly from the street.
6. Hazardous waste must be disposed of in accordance with applicable Fairfax County regulations.

D. Snow and Ice Removal

1. All property owners are responsible for removing all snow and ice from the sidewalks in front of their housing unit within 24 hours of the end of a winter storm.