

**SULLY STATION II COMMUNITY ASSOCIATION
POLICY RESOLUTION NO. 7
VEHICLE POLICY**

relating to the use, parking and storage of vehicles

(originally adopted 04/26/1989 and revised 09/16/1993, 11/21/2000, 11/21/2019, and 03/25/2021)

WHEREAS, Article VI, Section 8 of the Bylaws states that “The Board of Trustees shall have 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 members or the Developer”; and,

WHEREAS, Article VI, Section 1(d) of the Declaration states that the “Board of Trustees shall adopt general rules relating to the use of property and the well-being of Members, such as storage and use of all vehicles”; and,

WHEREAS, in order to assure safe and attractive parking areas, the Board of Trustees (“Board”) wishes to establish a comprehensive policy with respect to the parking and storage of vehicles.

NOW, THEREFORE, BE IT RESOLVED THAT the following definitions and policies be adopted by the Board, with all such vehicles subject to all other parking resolutions and policies adopted by the Board.

- I. DEFINITIONS. ANY CAPITALIZED TERM NOT DEFINED HEREIN SHALL HAVE THE DEFINITION AS SET FORTH IN THE SULLY STATION II DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.**
- A. "Assigned Common Area Parking Space" shall mean and refer to Common Area Parking Spaces (which includes Cluster Common Area Parking Spaces) which are assigned to a single, particular Lot. This does not include parking spaces for which hanging tags are required.
 - B. “Association” shall mean and refer to the Sully Station II Community Association, its successors and assigns. (Source: Sully Station II Declaration of Covenants, Conditions and Restrictions)
 - C. "Cluster" shall mean and refer to one or more Lots which are subject to the same Supplementary Declaration. as designated in the Townhouse Supplementary Declaration of Covenants and Restrictions. (Source: Sully Station II Declaration of Covenants, Conditions and Restrictions)
 - D. "Cluster Common Area" shall mean and refer to portions of the Common Area which are designated as Cluster Common Area in the Governing Documents and which are for the primary use and enjoyment of Members residing in such Cluster. (Source: Sully Station II Declaration of Covenants, Conditions and Restrictions)

- E. "Common Area" shall mean and refer to all real property and all interests therein (including easements) and all improvements thereon owned or leased by the Association for the use and enjoyment of the Members. (Source: Sully Station II Declaration of Covenants, Conditions and Restrictions)
- F. "Section" shall mean and refer to an area as duly dedicated, platted, subdivided, and recorded in the land records of Fairfax County, Virginia and designated under a Supplementary Declaration of Covenants and Restrictions.
- G. "Sully Station II Community Parking District" shall mean and refer to the area designated under Fairfax County Code §82-5B which includes all the public streets within Sully Station II.
- H. "Vehicle" shall mean and refer to every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. (Source: Code of Virginia §46.2-100. Definitions)

II. RESTRICTIONS ON THE PARKING AND STORAGE OF PARTICULAR VEHICLES

A. VEHICLES RESTRICTED AND NOT APPROVED

- 1. Vehicles Not Approved. The types of vehicles listed in subsections (a) through (j) below are not approved vehicles and may not be parked or stored at any time, in open view on residential Lots, Common Area parking spaces, Cluster Common Area parking spaces, or public streets or on Common Area open space within the boundaries of the Sully Station II Community Association ("SSIICA"), except as noted in Section II.B. and except in such areas, if any, designated for such purpose by the use of posted signs by the Board of Trustees or pursuant to express exceptions stated below in this Resolution.
 - (a) Any boat or boat trailer;
 - (b) Any motor home or self-contained camper;
 - (c) Any camper slip-on where the back of the camper is higher than the roof line of the cab of the truck;
 - (d) Any mobile home, any trailer or any fifth wheel vehicle;
 - (e) Any pop-up camp/tent trailer or similar recreation oriented portable vehicle or transportable facility or conveyance;

- (f) Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies, non-operational automobile collections or other automotive equipment not licensed for use on the highways of Virginia;
 - (g) Any vehicle defined as a commercial vehicle by the Code of Virginia §46.2-341.4;
 - (h) Any vehicle with visible commercial signs, advertising or commercial equipment;
 - (i) Private or public school or church buses, or any school or church vehicle with a visible sign identifying the school or church;
 - (j) Any vehicle that does not display current licenses, registrations, decals and/or safety inspection permits that are required by law.
2. Vehicles Approved. Any vehicle not listed herein as “Not Approved” shall generally be approved unless within the reasonable discretion of the SSIICA, the vehicle is deemed to be a potential safety hazard or potentially offensive to the general public.

B. EXCEPTIONS – FOR VEHICLES LISTED IN SECTION II.A.1.(a) through (j) PARKED IN GARAGES, DRIVEWAYS, AND ASSIGNED PARKING SPACES.

- 1. Garage. Notwithstanding any other provisions in this Resolution, any such vehicle may be stored in a garage out of open view, at any time.
- 2. Private Driveway. Any such vehicle may be parked in open view in a private driveway for a continuous period of time not to exceed forty-eight (48) hours, further does not exceed two (2) times in a calendar year, and provided it does not block any portion of a sidewalk or road unless prior written approval is obtained from the Board of Trustees or the Management Agent. The parking of such vehicle to solely load or unload for a period of time of four (4) hours or less shall not be considered as one of the two times.
- 3. Assigned Spaces. Any such vehicle that is owned by an SSIICA Owner (or their tenant or guest) in Sully Station II, may also be temporarily parked in open view in an Assigned Common Area Parking Space provided it fits within the parking space, for a period not to exceed forty-eight (48) hours and not to exceed two (2) times in a calendar year unless prior written approval is obtained from the Board of Trustees or the Management Agent. The parking of such vehicle to solely load or unload for a period of time of four (4) hours or less shall not be considered as one of the two times.

C. COMPLETE BAN

1. Notwithstanding any exception noted above in Section II.B.1 through B.3, under no circumstances at any time, for any person, shall the following types of vehicles be allowed to park in open view in the Sully Station II Community UNLESS parked in an area, if any, designated for such purpose by the use of and subject to certain conditions stated on posted signs by the Board of Trustees:
 - (a) a tractor trailer;
 - (b) the cab (alone) of a tractor trailer;
 - (c) the trailer (alone) of a tractor trailer;
 - (d) any vehicle with a gross weight of 10,000 pounds or more;
 - (e)
 - (f) any vehicle with a length of 30 feet or more;
 - (g)
 - (h) any vehicle that could tow or transport a vehicle listed in C.1.(a)
 - (i) through (e) above.
2. Community Parking District. Under Fairfax County Code §82-5B the Sully Station II Community Parking District (CPD) prohibits the parking of watercraft, motor homes, campers, trailers, vehicles greater than or equal to 3 axles, vehicles with a GVWR greater than or equal to 12,000 lbs., and vehicles transporting greater than or equal to 16 passengers (except school buses) on public streets in residentially zoned areas. Vehicles parked in violation are subject to a \$75 fine for each violation and may be towed at the owner's expense. Enforcement of Community Parking District requirements is under the jurisdiction of the Fairfax County Police Department.
 - 1.
3. Non-vehicular items (for example, storage PODS, cones, furniture, recreational equipment, etc.) may not be placed in any parking area, whether located on public streets or in Common Areas within the Sully Station II Community Parking District, unless prior approval has been granted by the Management Agent. The Board, the Management Agent or other designated representatives have the authority to remove such items, and the Board may assess the lot for the full costs incurred by the Association in correcting the violation.

D. GENERAL PROVISIONS

I.

1. "Open view," for purposes of this Resolution, shall mean within view to anyone located within the community and where the vehicle is parked on a residential Lot (including a private driveway), a Common Area parking space(s) (including any assigned parking space), a Cluster Common Area parking space(s) (including any assigned parking space), a public street, a pipestem or on

Common Area open space within the boundaries of the Sully Station II Community and shall include any vehicle that is covered by a tarp or any other covering that serves any purpose, including the purpose of protecting it from theft or from weather, or the purpose, in the reasonable determination of the Management Agent, of shielding it from view to avoid the enforcement of this Resolution.

2. Notwithstanding any other provisions found in this Resolution, junk or derelict vehicles may not be parked or stored in open view on residential Lots, Common Area parking spaces, or Cluster Common Area parking spaces within the boundaries of the Sully Station II Community. Additionally, SSIICA Owners agree that they, and their tenants and guests, shall not park or store such derelict or junk vehicles on public streets within the Sully Station II Community.
3. For purposes of this resolution, a vehicle shall be deemed to be a junk or derelict vehicle if it is missing any necessary parts, such as, but not limited to, tires, wheels, engine, etc., that are required by law for operation of the vehicle on public streets. A vehicle shall be deemed to be a junk or derelict vehicle if it is missing a license plate, current registration sticker, decal or safety inspection permit required by law to operate a vehicle on public streets. Separate and apart from the requirements above, any vehicle on Common Area or Cluster Common Area, including any in an assigned parking space, that is not moved within 30 days shall be deemed to be in a non-operating condition and therefore a junk vehicle, which shall be the basis for a violation notice to be placed on the vehicle by the Management Agent and shall be subject to further enforcement.
4. The provisions above shall not apply to:
 - (a) any commercial vehicle when taking on or discharging passengers.
 - (b) any commercial vehicle when temporarily parked for a period of twelve (12) hours or less pursuant to the performance of work or service at a particular location.

III. GENERAL RESTRICTIONS APPLICABLE TO ALL VEHICLES

- A. GENERAL. Any vehicle parked or stored by an SSIICA Owner (or their tenant) or their guest at any time in open view within the boundaries of the Sully Station II Community, whether or not of the type of vehicle listed in subsections (a) through (j) in Section II.A.1 above, shall comply with the following conditions at all times:
 1. All vehicles must be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust emissions or appearance.
 2. The performance of major repairs to vehicles, including painting and the drainage of automobile fluids, is not permitted anywhere in open view on residential Lots,

Common Areas, or on the public streets within the boundary of the Sully Station II Community.

- 1.
3. Vehicles may be parked only in designated parking spaces. All vehicles must comply with “No Parking” areas as posted or designated, and must comply with all conditions stated on posted signs or painted on curbs and roads.
- 2.
4. No vehicle may park on any Common Area, Cluster Common Area, or portion of a Lot, unless that part of the Common Area or that portion of a Lot is specifically paved and improved for the specific purpose of vehicular parking.
5. Vehicles may not be parked or stored unattended in a hazardous condition, including, but not limited to, vehicles on jacks or blocks.

B. COMMON AREA AND CLUSTER COMMON AREA PARKING SPACES

1. SSIICA Owners or their tenants, and guests are entitled to use completely unmarked (i.e., no posted sign or painted markings on curb or pavement) Common Area parking spaces, and where appropriate, Cluster Common Area parking spaces, on a first-come, first-served basis until such time as such parking space may be either: (a) assigned to a particular Lot; or (b) otherwise designated for limited use by Owners (or their tenants) in a particular Cluster via Hanging Tags or decals issued by the Management Agent. All SSIICA Owners (or their tenants) and their guests should be aware that there are likely numerous Sections/Clusters in SSIICA that will have no “completely unmarked” parking spaces because all parking spaces will be either assigned to a Lot or reserved solely for Cluster Owners via Hanging Tags issued by the Management Agent.
2. Parked vehicles must not be parked so as to obstruct other parking spaces, sidewalks or ingress and egress areas or parked in such a manner that blocks one or more vehicles or occupies more than one established marked parking space.
3. Vehicles parked in spaces reserved for handicapped parking must display both the appropriate Section Hanging Tag (where Section Hanging Tags are required) and a Virginia Disabled Placard or License Plate.
4. Any vehicle parked in the **same** Common Area or Cluster Common Area unmarked, “open” or “visitor” parking space is subject to towing after three consecutive days using the same parking space at any time during those days.

IV. ENFORCEMENT

- A. NOTICE. The Board, the Management Agent or other designated representatives shall have the authority to issue a warning notice to vehicles that are in violation of this vehicle policy. The notice shall be placed on the vehicle and a copy retained by the Management Agent. ALL MEMBERS CONSENT TO THE BOARD, THE MANAGEMENT AGENT OR OTHER DESIGNATED REPRESENTATIVE ENTERING A LOT TO PLACE A NOTICE ON THE VEHICLE IN VIOLATION OF THIS RESOLUTION.
- B. TOWING FOLLOWING 24-HOUR NOTICE. The Board, the Management Agent or other designated representative shall have the authority to have any vehicles parked in the Common Area, including on Common Area parking spaces and Cluster Common Area parking spaces, including those that are assigned or licensed to particular SSIICA Owners (or their tenants), towed at the vehicle owner's risk and expense after twenty-four (24) hours from the date and time that a violation notice is placed on the vehicle. The Board, the Management Agent or other designated representative may cause the towing of any vehicle parked in violation of this Resolution notwithstanding the vehicle's owner claiming they did not see any notice placed on the vehicle.
- C. IMMEDIATE TOWING. Any vehicle **previously posted with a violation notice** for a violation of this Resolution that is again in violation of the same provision shall be subject to **immediate** towing, without notice of the new/continuing violation. The Board, the Management Agent or other designated representative may cause the towing of any vehicle parked in violation of this Resolution notwithstanding the vehicle's owner claiming they did not see any notice placed on the vehicle.
- D. Inclement Weather. In case of inclement weather, the Management Agent and/or the Board may delay enforcement of towing until the end of the weather event.
- E. Towing shall be an alternative to, or in addition to, all penalties set forth in the Governing Documents, including Policy Resolution No. 14, charges allowed under the Virginia Property Owners Association Act, including, but not limited to, Code of Virginia. §55-513, AND INCLUDING THE VOIDING OF ANY PARKING LICENSES ISSUED BY THE SSIICA TO THE OWNER, OR THEIR TENANT.
- F. The Board has granted permission to the Fairfax County Police Department to enter onto the Common Area and enforce the provisions of the Commonwealth of Virginia and Fairfax County motor vehicle registration and licensing requirements and to enforce the provisions of the Commonwealth of Virginia and the Fairfax County motor vehicle laws.
- G. The Board shall allow representatives of Fairfax County Fire and Rescue Department to enter onto the Common Area and enforce the provisions of the Fairfax County Fire Prevention Code.

- H. Vehicles parked in spaces reserved for handicapped parking that are not clearly identified as operated by or for a handicapped person shall be reported to the Fairfax County Police Department. However, if the vehicle that is parked in a handicapped parking space is not clearly identified as operated by or for a handicapped person, and it is also a vehicle that is described in Section 1 (a-j) above as not approved, then the vehicle will be subject to all enforcement provisions in this Resolution without a call to the police. The Board, the Management Agent or other designated representative shall also have the sole discretion to enforce this Resolution, following their determination of pertinent facts and as they deem reasonable and within the limitations of federal and state law, regarding any vehicles parked in open view in violation of this Resolution, and which have license plates or vehicle placards showing that the vehicle is operated by a handicapped person.
- I. The Board, the Management Agent or other designated representative shall have the authority to look under any vehicle cover, such as a tarp, on vehicles parked or stored in Common Areas (including Cluster Common Areas) to confirm compliance with this Resolution.
- J.
- J. The Board, the Management Agent or other designated representative may cause the towing without notice of vehicles parked in fire lanes.
- K. The Board, the Management Agent or other designated representative may cause the towing without notice of vehicles parked in such a manner which blocks one or more vehicles or prohibits ingress or egress to the parking area.
- L. The Board, the Management Agent or other designated representative may cause the towing, without notice, of vehicles parked in such a manner that occupies more than one marked space.
- M. The Board, the Management Agent or other designated representative shall have the authority to post a violation notice on any inoperable vehicles (those not capable of starting and moving under their own power), but may delay, in their discretion, the removal of any Registered Vehicle to after seventy-two (72) hours, as opposed to the twenty-four (24) hour period noted above. In the event the Registered Vehicle is not removed and/or the violation is not corrected within seventy-two (72) hours, the Board, the Management Agent, or the designated representatives may cause the towing of the vehicle without further notice.
- N. The Board, the Management Agent or other designated representative shall have the authority to post a violation notice on any vehicles that do not display any State or County required valid (current) license plate or inspection decal, but may delay, in their discretion, the removal of the vehicle or correction of the violation for ten (10) days, as opposed to the twenty-four (24) hour period noted above. In the event the vehicle is not removed and/or the violation is not corrected within ten (10) days, the Board, the Management Agent or other designated representative may cause the towing of the vehicle without further notice.

- O. The Board, the Management Agent or other designated representative shall have the authority to post a violation notice on commercial and recreational vehicles directing removal of the vehicle within twenty-four (24) hours from any unassigned Common Area Parking Space. In the event the vehicle is not removed within twenty-four (24) hours, or is removed but then returns in the same violative condition, the Board or the Management Agent may cause the towing of the vehicle at the owner's expense without further notice.
- P. Any resident who repeatedly violates any one of these rules or regulations may have their Association-issued parking license (e.g., hanging tag) revoked and are subject to the Association's Policy Resolution Number 14, Enforcement Procedures.
 - 1. On the third and any subsequent offense, the offender will be called to a hearing before the Board of Trustees following the hearing procedures defined in Policy Resolution Number 14.
 - 2. The Board may revoke the parking license as follows:
 - a) One of the Unit's assigned parking licenses will be removed from use by the Management Agent.
 - b) The first revocation will be for a period of one month; the second will be for a period of two months; and the third and subsequent revocations will be for three months each.

V. ASSOCIATION NOT RESPONSIBLE

Nothing in this Resolution shall be construed to hold the SSIICA, the Board of Trustees or the Management Agent responsible for damage to vehicles or the loss of property from vehicles parked on the Common Areas.

SULLY STATION II COMMUNITY ASSOCIATION
RESOLUTIONS ACTION RECORD

Resolution Type: Policy

No. 7

Relating to the use, parking and storage of vehicles.

Duly adopted at a meeting of the Board of Trustees of Sully Station II Community Association, held on March 25, 2021.

Motion by: Glenn Martin

Seconded by: Bill Perry

TRUSTEE	POSITION	YES	NO	ABSTAIN	ABSENT
Karen Hogan	President	X			
Patrick Morris	Vice President	X			
Edvin Gusinac	Secretary				X
Glenn Martin	Treasurer	X			
Bill Perry	Legal Liaison	X			
Lisa Forester	Trustee	X			
Adrian Isaicu	Trustee	X			

ATTEST:

Secretary

Date

FILE: Governing Documents, Book of Regulations, Part One – Policy Resolutions

Resolution Effective: April 15, 2021

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