

# **SUNDERBRIAR CLUSTER ASSOCIATION**

## **Policy Resolution No. 2001-01**

### **(Resident Parking Regulations)**

WHEREAS, §55-513 of the Code of Virginia and Article V, Section 1 (a) of the Bylaws provide the Board of Directors the power to adopt, publish and enforce rules and regulations governing the use of the common areas; and

WHEREAS, the Board of Directors deems it necessary and in the best interest of Sunderbriar Cluster to establish rules and regulations governing parking within the Association which are consistent with the Fairfax County Code and which more closely reflect the developer's interest.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules and regulations governing parking within Sunderbriar Cluster are duly adopted by the Board, thereby superseding all previously published parking regulations:

#### **A. Rules and Regulations Governing Use of Parking Spaces**

1. These regulations shall apply to all owners and residents of Sunderbriar Cluster. Owners are responsible for informing and providing tenants and guests with current regulations.
2. Dwelling units with garages have been designed with a minimum of two spaces, and as such, do not have designated reserved parking spaces on Cluster common property. Dwelling units without garages have been given permission to use two common area spaces. These spaces are identified "Reserved XX" with the dwelling unit number marked in those spaces. All other parking spaces in the Cluster may be used by any resident or guest.
3. The Board of Directors shall provide a "Notice of Permission to Use" for designated reserved parking spaces to property owners of non-garage units. This "Notice of Permission to Use" is the delegation from the Sunderbriar Cluster Board of Directors for exclusive use of designated reserved parking spaces. Permission to use shall be granted on an annual basis and with change of occupancy.
4. The Permission to Use designated reserved parking spaces shall not be construed as permanent conveyance to individual dwelling units.
5. The Board of Directors shall provide warning notice forms for parking violations to all owners of garage and non-garage units.
6. Parking is prohibited in areas marked "NO PARKING", marked with YELLOW CURBING, or NOT LINED for parking.
7. Parking of boats, trailers, and oversized recreational vehicles (vehicles which exceed the dimensions of one marked parking place) is prohibited on Cluster property.
8. All vehicles operated or parked on Cluster property shall be subject to all state and county codes (i.e., current tags, inspection and county stickers) governing motor vehicles.
9. Any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation are removed, destroyed, damaged, or deteriorated, may not be parked or stored on Cluster property.
10. No vehicles may be repaired or painted on Cluster property, including any parking space, with the exception of minor preventive maintenance and minor adjustments. Drainage or disposal of any automobile fluids in

parking spaces or any other common area is prohibited. All vehicle maintenance and adjustments must be made during daylight hours. Vehicles must be returned to operable condition by the end of daylight hours. No unattended vehicle may be left on blocks, ramps, or jacks at any time.

11. No parking space shall be used to store any vehicles or items, including, but not limited to, building supplies, lumber and paint.

### **B. Enforcement of Parking Regulations**

12. The Board of Directors of the Sunderbriar Cluster Association shall be responsible for the enforcement of parking regulations in all common areas in the Cluster. Enforcement is defined as issuance of a warning, notification, or towing and/or imposition of monetary charges pursuant to §55-513 of the Code of Virginia.

13. The Board shall be responsible for initiating towing of vehicles from designated reserved parking spaces if the designee is in violation of Cluster parking rules.

14. Signs are posted at entrances to Sunder and Bachan Courts identifying the area as a "Private Parking Zone " with parking for residents and guests only and that towing is enforced.

15. No person is entitled to park in a designated reserved parking space without the permission of the property owner or resident who is granted "permission to use" that space.

16. If an unauthorized vehicle is parked in a designated reserved parking space, the property owner who is granted permission to use should take the following steps:

1. Request the owner or operator of the unauthorized vehicle to move the vehicle;
2. Place a warning notice on the unauthorized vehicle;
3. Have the vehicle removed by initiating a towing request to the Sunderbriar Board of Directors.

17. **No property owner is required to have cars towed from their designated reserved space(s).** The homeowner issued the Notice of Permission to Use letter is the only person who may initiate a request to the Board of Directors for towing of unauthorized vehicles from their designated reserved space(s). This letter must be presented to the Board at the time the towing request is made.

18. The Board of Directors of the Sunderbriar Cluster Association has the sole authority and discretion to authorize towing from designated reserved spaces, and in areas marked "NO PARKING", marked with YELLOW CURBING, or NOT LINED for parking. **Property owners may not authorize towing.** All towing is at the vehicle owner's risk and expense.

19. Costs incurred by the Association to enforce the provisions of these regulations, including towing costs, court costs and attorney's fee, shall be the sole responsibility of the owner of the vehicle subject to the enforcement.

20. Nothing contained in these regulations, whether expressed or implied, shall be construed to impose any liability whatsoever on the Association, the Board of Directors, or the Association staff for damage to vehicles parked on Association property, property loss as a result of violation of the Bylaws or the rules and regulations concerning parking, or for damage or loss resulting from unauthorized towing,

I hereby certify that the Board of Directors duly adopted this Policy Resolution on November 28, 2001.

SUNDERBRIAR CLUSTER ASSOCIATION

By: \_\_\_\_\_  
**<Signed>**  
Robin Smyers President

# Sunderbriar Cluster Warning Notice

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Warning issued on (date)\_\_\_\_\_.

**This vehicle has been found to be parking in violation of the  
Sunderbriar Cluster parking regulations as noted below:**

- \_\_\_\_ Parking an inoperable and/or unlicensed vehicle
- \_\_\_\_ Parking a recreational vehicle on cluster property
- \_\_\_\_ Parking in other than designated areas
- \_\_\_\_ Blocking a driveway entrance
- \_\_\_\_ Long term parking in an unreserved space on this  
date \_\_\_\_\_
- \_\_\_\_ Other \_\_\_\_\_

A record has been made of this violation. The Sunderbriar Board of Directors may have the vehicle ticketed by the police or towed away at the owners' expense.

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(Detach at dotted line and give to Sunderbriar Board within 24 hours of the incident)

Warning Notice Issued:

Make \_\_\_\_\_

Time \_\_\_\_\_

Model \_\_\_\_\_

Date \_\_\_\_\_

Color \_\_\_\_\_

Location \_\_\_\_\_

License No \_\_\_\_\_

Resident \_\_\_\_\_

State of License \_\_\_\_\_

Board of Director's Signature \_\_\_\_\_

# Sunderbriar Cluster Warning Notice

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Warning issued on (date) \_\_\_\_\_

**This vehicle has been found to be parked in violation of the Sunderbriar Cluster parking regulations as noted below:**

**Parking without permission  
in a designated reserved  
space**

**A record has been made of this violation and will be kept on file. The Sunderbriar Board of Directors may have the vehicle ticketed by the police or towed away at the owners' expense.**

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(Detach at dotted line and submit lower portion to Sunderbriar Board within 24 hours of the incident)

Warning or Towing Notice Issued: (Circle appropriate type)

Make \_\_\_\_\_

Time \_\_\_\_\_

Model \_\_\_\_\_

Date \_\_\_\_\_

Color \_\_\_\_\_

Location \_\_\_\_\_

License No \_\_\_\_\_

Resident \_\_\_\_\_

State of License \_\_\_\_\_

Signature \_\_\_\_\_

# **SUNDERBRIAR CLUSTER**

## *Notice of Permission to Use*

This Notice gives permission to \_\_\_\_\_  
to use two reserved parking spaces marked \_\_\_\_\_. This Notice  
does not entitle the above named person(s) to have vehicles towed from the above  
reserved spaces.

Appropriate identification and a copy of this Notice MUST be shown to a member of  
the Sunderbriar Board of Directors, in order to initiate a request for towing.

The property owner identified on this Notice must adhere to all current Sunderbriar  
Cluster parking regulations and can only request to have vehicles towed from the  
above designated reserved spaces.

This Notice of Permission to Use will be issued on an annual basis.

\_\_\_\_\_

Robin Smyers, President

Sunderbriar Cluster Association

\_\_\_\_\_

Date