

Policy Resolution 99-1
Vehicle Policies for Island Creek Community Association (ICCA)

Relating to the use, parking, storage and towing of vehicles.

WHEREAS, Article V of the Articles of Incorporation for Island Creek states the Association shall “take other acts or actions which would promote the health, safety and welfare of the Owners and Residents,” and

WHEREAS, Article IV, paragraph 4.02, subparagraph (h) of the Bylaws for Island Creek states the duties of the Board of Directors will be to, “adopt rules and regulations consistent with the terms of the Declaration and Bylaws:” and

WHEREAS, Article II, paragraph 2.01 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easement, states that “Each owner shall have a right and nonexclusive easement of enjoyment in and to the Community Facilities” and

WHEREAS, Article II, paragraph 2.01, subparagraph (k) of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easement, states that such easement shall be subject to “The right to regulate parking on Community Facilities through the granting of easements, licenses, or promulgation of rules and regulations. In areas where parking is provided on private streets and parking bays owned by the Association, the right of the Board to assign and reserve parking spaces for the exclusive use of individual Owners.” and

WHEREAS, Article VI, paragraph 6.07 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easement, states that “No commercial truck, commercial bus, taxicabs or other commercial vehicles of any kind, boats, trailers, campers, recreational vehicles and motor homes shall be parked on the Property without the prior written approval of the Covenants Committee.” It further states, “ The Association may enforce the provisions of this Section 6.07 by towing any non complying vehicle.” and

WHEREAS, Article VI, paragraph 6.09 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easement, states that “No garage shall be utilized for other than the purpose of storage of vehicles and other types of items normally stored in garages in first-class residential neighborhoods. No garage may be converted to living space.” and

WHEREAS, Article XIII, paragraphs (a) through (c) outline the requirements for common driveways and pipe stem driveways, stating “there shall be no parking within Common Driveways at any time except for delivery and/or emergency vehicles” and

WHEREAS, from the time homes began to be occupied at Island Creek, and continuously until the present time, there has been a parking system which was originally put in place by the Declarant of Island Creek, which reserves two common element parking spaces for each non-garage unit; and

WHEREAS, the Board of Directors desires to set forth in writing the details of that system and how the system will be administered;

NOW, THEREFORE, BE IT RESOLVED THAT the following vehicle policies be adopted by the Board effective this 22^d day of September, 1999.

I. General Provisions of this Resolution.

- A. Applicability. The provisions of this resolution apply to vehicles parked or stored in open view on the residential lots, common area parking spaces or parking areas, including private streets or on common area open space within the boundaries of the Island Creek residential community. These provisions apply equally to single family detached, single family attached (townhouses) and condominiums. More restrictive rules may be promulgated by the Board of Directors for any condominium association provided such rules otherwise comply with the provisions of this resolution. The Board of Directors of condominium associations may promulgate rules that are exceptions to these provisions only after written approval by the Board of Directors for Island Creek Community Association (ICCA).
- B. Definitions. The following standard terms and definitions are applied throughout this resolution.

Vehicles. Any motor vehicle operated on the streets of Island Creek whether licensed or not. This includes but is not limited to automobiles, trucks, vans and motorcycles. This term will include all special purpose vehicles, to include commercial vehicles, unless specifically limited.

Special Purpose Vehicles. These are non-standard or commercial vehicles commonly found in residential areas. They are specifically identified for more restrictive rules given their nature. They include but are not limited to mobile homes, semi-tractor trailers, commercial vehicles, boats on trailers and all other recreational vehicles not already described.

Parking Spaces. Any officially designated parking spot which is paved and marked in accordance with the provisions of this resolution.

Parking Areas. Open parking lots specifically designated to serve common use facilities. Within Island Creek there are two parking areas – the Club House parking area (adjacent to the pool) and the Tennis Court parking area (adjacent to the tennis courts at the club house).

Reserved Parking Spaces. Parking spaces that are marked for the exclusive use of a specific unit. They will be designated by a reserve number which corresponds to the lot number or unit number.

Primary Parking Spaces. The first choice for parking any vehicle. For houses and townhouses with garages, the primary parking space is your garage and driveway. For

non-garage townhouses the primary parking space is your designated reserved parking spaces. For condominiums, primary parking is any properly marked space within the condominium lots.

- C. Island Creek Community Association Responsibilities. Nothing in this resolution shall be construed to hold ICCA, the ICCA Board of Directors, ICCA committees or committee members, or ICCA agents responsible for damage to vehicles or loss of property from vehicles which are parked in the Island Creek residential community.
- D. Liability. Owners of vehicles which cause damage on or to ICCA common area shall be held liable for such damage, including any and all costs of repairs to pavement, curbs and gutters, signs and identifications, landscaping, etc.

II. General Rules on Parking and Parking Spaces

The following general rules will be followed by all owners/residents of Island Creek. Failure to follow these rules will result in enforcement actions as outline in Section VIII of this document.

- A. Non-reserved parking spaces located on the general common areas or in townhouse and single family neighborhoods within Island Creek are reserved for the use of Island Creek residential owners/residents and the guests of Island Creek residential owners/residents. They are available on a first-come-first-served basis.
- B. Vehicles may only be parked in paved parking spaces and parking areas. Parking on grass areas, to include private yards, is strictly prohibited in all areas of Island Creek.
- C. Street parking is only authorized along John Thomas Drive, Thomas Grant Drive and within the single family detached housing areas unless otherwise prohibited for fire lanes or other safety reasons.
- D. Vehicles may not be parked in fire lanes at any time. All vehicles must comply with “No Parking” areas as posted or designated (typically a yellow curb and/or sign).
- E. Vehicles may not be parked so as to occupy more than one parking space or to block any other vehicle parked in conformance with this resolution. Vehicles may not be parked so as to block ingress or egress of other vehicles to adjacent parking spaces or streets.
- F. In any area where reserved parking space assignment plans have been adopted, no resident or guest may park a vehicle in another resident’s assigned parking space without prior authorization from the resident to whom the space has been assigned.
- G. Vehicles may not be parked or stored unattended in a hazardous condition, including, but not limited to vehicles on jacks or blocks.
- H. Major repairs to vehicles, including but not limited to, painting, changing of major components or drainage of automobile fluids is not permitted in common area parking spaces or parking areas. Vehicles may be washed in common area parking spaces using standard,

commercially acceptable detergents and water so long as neighboring vehicles are not affected.

- I. No sign, initials, numbers, storage containers or other additions or alterations to parking spaces may be painted, displayed or erected by any owner/resident without prior written approval from the Island Creek Covenants Committee.
- J. No vehicle other than a vehicle clearly indicated as operated by or for a handicapped person may be parked in any space reserved for handicapped parking.
- K. All vehicles must conform to the Fairfax County and State of Virginia codes, ordinances and statutes. All vehicles must bear current licenses, registrations, stickers and certifications as required by the county and state where the vehicle is registered.

III. Prohibited Vehicles

- A. The following special purpose vehicle types may not be parked or stored in open view on any residential lots, in common area parking spaces or other parking areas within the boundaries of Island Creek.
- B. Prohibited vehicles:
 - 1. Any boat, boat trailer or other type of trailer regardless of use.
 - 2. Any motor home, or self-contained camper.
 - 3. Any camper slip-on where the back of the camper is higher than the roofline of the cab of the truck.
 - 4. Any mobile home, trailer or fifth wheel vehicle
 - 5. Any pop-up camp/tent trailer or similar recreation oriented portable vehicle or transportable facility or conveyance
 - 6. Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies, all-terrain vehicles, non-operational automobile collections or other automotive equipment not licensed for use on the highways of Virginia
 - 7. Any vehicle defined in Chapter 112 of the Fairfax County Code as a commercial vehicle
 - 8. Any vehicle with commercial signs, advertising or visible commercial equipment, except that such vehicles may be temporarily parked in the case of a vendor or contractor providing commercial services to an Island Creek property owner/resident. Such vehicles may not be parked overnight.
 - 9. Private or public school or church buses and vans.
 - 10. Any truck with more than two-and-one-half (2 ½) tons empty weight (EW) irrespective of whether or not such vehicle otherwise complies with the provisions of this article
 - 11. Any vehicle longer than 19 feet or wider than 8 feet irrespective of whether or not it otherwise complies with the provisions of this article.
- C. No derelict vehicle shall be parked in an Island Creek residential neighborhood parking space or general common parking area at any time. For this purpose, a derelict vehicle shall be a vehicle defined by the Virginia Code as an abandoned vehicle.

- D. No junk vehicles shall be parked in an Island Creek residential neighborhood parking space or general common parking area at any time. For this purpose, a junk vehicle is defined as a vehicle which is missing any essential parts, such as but not limited to tires, wheels, engine, brakes, windows, lights and lenses, exhaust system, etc. that are necessary for legal operation of the vehicle on public streets.
- E. All vehicles must be kept in proper operating condition so as not to be a hazard or nuisance by noise, exhaust emission or other detractors.
- F. No vehicle shall be parked with “For Sale” signs except for those attached to the interiors of not more than two side rear windows. Vehicles displaying “For Sale” signs shall not be parked in any common areas or on any street for the express purpose of advertising the sale.
- G. Owners/residents who have a temporary requirement to park an otherwise prohibited vehicle must submit a written request to the Island Creek Covenants Committee in advance. An example would be a moving van which is required during move-in or move-out. Reasonable requests will be granted a temporary waiver to this provision.

IV. Common Area Parking Use

- A. Primary Parking Spaces. All owners and residents will utilize their primary parking spaces first. Within the townhouse area non-garage townhouse owners/residents will park in their reserved spaces first, before using any other available parking. Garage townhouse owners/residents will use their garage/driveway first, before using any other available parking. Condominium owners/residents will utilize parking within the lots assigned to their buildings before using on-street parking. Single family detached homes will utilize their garage/driveway first, before using on-street parking.
- B. Visitor Parking. Owners/residents who have guests shall instruct them before their arrival on the provisions of this resolution. Specifically that they may only park in non-reserved parking spaces.
- C. Special Event Parking. Owners/residents who will be hosting a large number of people at their home at one time (having a party) must consider their neighbors and instruct their guests in the following rules for special event parking:
 - 1. Guest may park in non-reserved parking on a first-come-first-served basis.
 - 2. When non-reserved parking is exhausted, special event guests must be directed to park in the nearest common area parking area. These areas are specifically, the two parking lots adjacent to the club house (pool/tennis court lots) .

V. Reserved Parking Spaces and Plan Approval Process

- A. The standard practice put in place by the Island Creek builder/developer in 1994 for assignment of two reserved parking spaces to non-garage townhouses will be maintained without change. This resolution serves to “memorialize” the process.

- B. The process developed and implemented by the builder board for approval of reserved parking plans remains unchanged except such plans must include coordination from all directly affected residents (garage units and non-garage units). All proposed plans must be submitted to the Island Creek Board of Directors for approval prior to marking.

VI. Standard Markings for All Parking Facilities

- A. The reserved parking spaces shall be marked as follows:
 - 1. Townhouse reserved parking spaces shall be marked "RESERVED XXX", where "XXX" represents the lot number or unit number of the assigned townhouse.
 - 2. Condominium reserved parking spaces shall be marked according to a plan adopted by the Condominium Association or its Board of Directors.
- B. Handicapped parking spaces will be marked in accordance with Fairfax County code governing handicapped parking.

VII. Towing of Unauthorized Vehicles

- A. Any vehicle parked in the Island Creek residential community which does not conform to the stipulations of this resolution, including any vehicle parked in a residential neighborhood reserved parking space assigned to another, will be subject to the towing provisions of this resolution by ICCA's authorized towing agent at the complete expense and risk of the owner of the offending vehicle.
- B. Under Virginia Code §46.2-1231, all areas subject to towing must be posted. Signs will be installed and maintained by ICCA in all areas of Island Creek where this policy applies – primarily the townhouse sections. Additionally, the Fairfax County Police Department will be notified by the towing company when a vehicle is being removed from private property, to include reserved parking spaces within the common areas of Island Creek.
- C. Vehicle towing may be initiated by any member of ICCA's Board of Directors, any ICCA administrative staff member, or ICCA's managing agent. ICCA shall not accept responsibility for the enforcement of residential neighborhood reserved parking space assignments.
- D. Owners/residents with reserved parking are responsible for contacting the towing agent directly to have a vehicle removed from their reserved spot. The owner/resident requesting the tow accepts full responsibility for the action and will be required to sign the request form presented by the towing agent.
- E. After-hours towing (when the on-site manager is not available) may be initiated by any owner/resident with the full understanding that all responsibility, liability and cost for an improper tow is born by the person initiating the action. All after-hours towing shall be done through the authorized towing agent.
- F. The following parking violations will be subject to immediate towing without notice.

1. Any vehicle parked in a designated fire lane.
2. Any vehicle parked so as to block another vehicle or so as to prevent ingress or egress from or to adjacent parking spaces, parking areas or a street.
3. Any vehicle parked in a posted "No Parking" area.
4. Any unauthorized vehicle in a reserved parking space.

G. Those parties empowered to initiate towing shall have authority to issue a warning notice to any vehicle which is in violation of provisions of this resolution not specifically designated in paragraph F, above. A notification of intent to tow shall be placed on a vehicle in violation of the provisions of this resolution. Any vehicle given such notice shall be subject to the towing provisions of this resolution at the owner's risk and expense forty-eight (48) hours from the hour such vehicle is served with a notice. Any vehicle previously served with such notice for violation of any provision of this resolution shall be subject to immediate towing without further notice for a repetition of the same violation. A copy of the notice shall be retained by ICCA. Violations that will be given notice prior to towing include, but are not limited to:

1. Any vehicle deemed derelict or a nuisance.
2. Any prohibited vehicle as outlined in section III, paragraph B above.
3. Any vehicle which does not exhibit each required county and state license, registration sticker, and certification or which exhibits a county or state license, registration sticker, or certification which has expired.

H. ICCA shall engage an authorized towing agent. ICCA's authorized towing agent shall be properly insured and bonded. Other towing companies shall not be used. If a towing company other than ICCA's authorized towing agent is used, it shall be at the complete expense and risk of the initiator of the tow.

VIII. Enforcement Procedures.

A. Proper enforcement relies on the cooperation and involvement of all owners and residents. The Board of Directors and property management company can not patrol all areas on a continuing basis to find and notify all violators. Each owner and resident shall:

1. Respect the Plan. Be a good neighbor. Use your primary parking areas first to maximize the parking available for guests. Respect reserved parking spaces. Observe the restriction on recreational vehicles to maintain the appearance of the neighborhood for all owners/residents. Comply with posted no parking areas such as fire lanes.
2. Notify Your Guests. All residents are responsible for notifying their guests **in advance** of the parking restrictions of the Island Creek Community Association.
3. Discuss Parking Problems. Prior to initiating towing, make a good faith effort to locate the owner of the offending vehicle and ask that the vehicle be removed. Where you notice a violation, politely notify the person so they have the opportunity to correct the situation.

4. Report Violations. When you can not resolve a parking issue on your own, report the violation to the on-site manager for resolution.
- B. Assessment of Charges for Violations. The Board of Directors shall have the authority to assess owners of units for non-compliance with these rules by the unit owner, or anyone who is occupying the owner's unit, pursuant to Section 55-513 of the Virginia Property Owners Association Act, after due notice and hearing. Charges assessed may be up to \$50 per occurrence. In assessing charges, the Board of Directors will take into account the number of warnings and number of other instances of noncompliance by the person cited for noncompliance.