

COLESON CLUSTER ASSOCIATION

PARKING AND CARPORT REGULATIONS

These Parking and Carport Regulations were reaffirmed and approved by the Coleson Cluster Board of Directors at an open meeting on October 2, 2019. The new regulation (I)(d) went into effect on December 1, 2019.

These regulations replace all existing Cluster regulations on the same subject, including Section I and II of Carport Assignments and Section IV of Motor Vehicle Operation within Coleson Cluster.

The Coleson Cluster Association is charged with the responsibility of management, care, and maintenance of its deeded common property in its Articles of Incorporation and as delegated by Article VII, Section 1(b) of the amended Reston Deed of Dedication, after notice and hearing, to establish reasonable rules for use of Cluster common ground, including parking rules.

All Fairfax County and State of Virginia motor vehicle regulations shall be observed within Coleson Cluster.

All residents and guests shall observe and abide by any parking and traffic regulations of the Association or local authorities. Residents shall be responsible for ensuring that their visitors, including service vehicles, follow these regulations.

I. PARKING ASSIGNMENTS

- a) The carports, roadways, and open parking spaces are the property of the Coleson Cluster Association, and are for use by townhouse owners or, in the case of a rental situation, by the renter occupant. Each residence is assigned one (1) carport, for the exclusive use of that residence. The assignment of the carport does not negate the Board's right to decide the rules and regulations for the carports. The Cluster has over 50 open parking spaces. These spaces have not been assigned by these regulations and are available for use by any resident's authorized vehicles or visitors.
- b) Townhouse owners or renter occupants shall not rent or otherwise assign use of carports to any other person, without written permission of the Board of Directors, Coleson Cluster Association.
- c) Neither Coleson Cluster Association nor the Coleson Cluster Board of Directors shall convey title, easement, or any other form of ownership to the parking space that is assigned to a residence. All parking spaces shall remain part of the common ground and thereby remain the property of the association as a whole.
- d) Coleson Cluster Association shall consider resident requests for reasonable accommodations in rules, policies, or practices to afford handicapped persons equal opportunity to use and enjoy a dwelling unit or common area in compliance with the Fair Housing Amendments Act of 1988 and the Americans with Disabilities Act of 1990.

Residents may petition the board of directors to assign a reserved handicapped parking space as a reasonable accommodation of a disability. To petition the board, residents shall submit a statement to the board that (1) identifies the impairment and explains how it affects their major life activities; (2) indicates

whether the reserved handicapped parking space is necessary to allow the person equal opportunity to use the dwelling; and (3) states the length of time for which they expect to need the reserved handicapped space.

The board shall review such petitions with the cluster attorney to determine:

- (1) Impairment: Does the petitioner have a physical or mental impairment that substantially limits one or more of the person's major life activities?
- (2) Necessity: Is the requested accommodation or modification necessary to afford the proper applicant equal opportunity to use the dwelling?
- (3) Reasonableness: Is the requested accommodation or modification reasonable?

The board shall communicate its decision to the petitioner in a timely manner.

The board shall periodically audit reserved parking accommodations and shall reclaim the space for common use if the accommodation is no longer needed or is no longer reasonable.

- e) Each residence will be given up to two (2) non-transferable parking permits to place on their vehicles parked within the Cluster. A permit must be displayed on or in the vehicle where it is visible.
- f) Residents or renters may be given one additional permit by the Board in circumstances which may justify a third permit. Vehicles in excess of the authorized number must not be parked overnight on Cluster property. They must be parked outside of Cluster property.
- g) Guests and visitors do not require permits for short-term parking, which are stays up to seven (7) days. Guest vehicles staying for more than one (1) week are considered long term. The resident must notify the Board and receive permission, or the vehicle may be subject to towing.
- h) Residents are encouraged to register their permitted vehicles with the Board to aid in administering the enforcement regulations. Registration can be made by giving a member of the Board, its secretary or treasurer a written note stating the type and model of the car, its license tag number, and color.

II. CARPORT REGULATIONS

- a) Carport use is limited to vehicle parking, placement of covered, plastic trash cans, recycle bins, and overhead storage for extension ladders, in accordance with the design approved by the Cluster Board of Directors. No other items may be stored in carports without the express written permission of the Board of Directors. Failure to comply with the carport regulations will result in the offending items subject to being removed without notice to the resident and put into storage by the Cluster at the resident's expense, and/or the resident being assessed \$25 for any part of a month that the items remain.
- b) No modifications or additions to the carports are permitted without written permission of the Board of Directors.
- c) All parking regulations apply to the carports as well as to the open spaces.

III. MOTOR VEHICLE OPERATION WITHIN COLESON CLUSTER

- a) Vehicles brought onto Coleson Cluster property must display current license plates and valid state and county registration with appropriate insurance and inspection tags. The Cluster Board may, at its discretion, give permission to the Fairfax County police to enter the Cluster and issue tickets to vehicles.
- b) Vehicles, including motorcycles, shall be parked only in designated areas. These areas include roadway, open parking spaces and carports. Vehicles may not park or be left standing in the fire lanes or other areas where parking is restricted. Vehicles found parked or standing in the yellow fire lanes are subject to immediate towing without warning at the owner's expense to ensure unimpeded access by police, fire department, and ambulance equipment to all homes.
- c) Temporary commercial vehicle access to Coleson Cluster is limited to delivery of goods and services. Routine parking of commercial vehicles on Cluster property is prohibited without written approval of the Board. Overnight parking of commercial vehicles or vehicles weighing over 6600 pounds is forbidden within Cluster property.
- d) Major repair of vehicles on Coleson Cluster property is prohibited. Minor repair or maintenance may be performed in the parking lot so long as it can be completed in 24 hours. Any resident servicing or repairing their vehicle on Cluster property shall be responsible for timely clean-up of the area or be subject to an assessment by the Board... Vehicles may not be left on blocks unattended at any time. Questions regarding what constitutes a major repair should be referred to the Cluster Board of Directors.
- e) Inoperable vehicles may not be stored on Coleson Cluster property at any time. "Inoperable" is defined as either one missing necessary parts such as tires, wheels, engine, etc., or one not moved for a period of four (4) weeks. Such a vehicle may be presumed to be inoperable, and therefore subject to towing at the owner or resident's expense. Residents must notify the Cluster Board of Directors of special circumstances in which their vehicles will not be used for longer periods of time (for example, extended travel, or illness, etc.).
- f) Boats, campers, trailers and RVs may not be parked on Cluster property.
- g) The speed limit in the Cluster is 15 miles per hour.

IV. PENALTIES AND WARNINGS

- a) The Coleson Cluster Association Parking and Carport Regulations will be strictly enforced. Violations of these regulations will result in the issuance of assessments, towing, or the loss of privileges to use Coleson Cluster Association Common Property.
- b) Under Fairfax County Code Chapter 82, Article 5, Section 32, the Coleson Cluster Board of Directors has the authority to tow any vehicle violating these regulations. All towing expenses and risk are the responsibility of the resident or owner of the vehicle.

c) The Association and Board of Directors shall be held harmless by the resident or owner of the vehicle for any and all damages or losses to vehicles or the loss of property from vehicles as a result of illegal parking or abandonment of the vehicle on Cluster property.

d) The Association and Board of Directors shall be held harmless by the resident for any and all damages or losses to resident property removed from the carports and put into storage.

e) Vehicles may be towed for any one of the following:

- Vehicles parked outside of the designated parking space, including yellow fire lanes,
- Vehicles not displaying an approved Coleson Cluster Association parking permit, , unless otherwise approved by the Board,
- Commercial vehicles left in the parking lot overnight,
- Missing or improper license plates,
- Missing or expired Virginia license plate stickers, County sticker, or Virginia State Inspection sticker,
- Resident vehicles which are inoperable and have not moved in four (4) weeks,
- Guest vehicles which have not been approved for parking longer than one (1) week.

f) Warning and notification schedule: The following guidelines and schedule will be used to notify the resident or owner of the vehicle of the Parking or Carport violation, and request to comply with the Cluster regulations:

- For vehicles parked outside of the designated parking spaces, including yellow fire lanes, towing may take place without a warning.
- For all other violations that have a towing penalty a notice will be posted on the vehicle and attempts will be made to contact the owner by phone, email, or letter delivered to the resident's mail slot. The message will name the violation and state that the vehicle will be towed after a period of three (3) days if the violation is not corrected or another solution is authorized by the Board.
- Unauthorized storage of materials or goods within the carports: a notice will be issued to the resident, stating that the goods must be removed within seven (7) days. If not removed from the carport the Board may then take action to assess the resident \$25 per month or any part of a month the items are not removed or, alternatively, move the goods into storage at the owner's expense.

g) A resident who repeatedly violates these parking and driving regulations faces a potential loss of the right to operate motor vehicles on Cluster common property, including the right to have an assigned carport or to park in the open areas.