

1 Governing 2 Documents

3 Amberleigh Homeowners Association, Inc.

4 Chapter 100

5 Organization

6 100.01 Definitions¹

7 As used in the governing documents, unless
8 context otherwise requires:

9 "Agent" means a professional management
10 organization retained by the board or such
11 other persons who shall be so named from time
12 to time.

13 "Annual Assessment" means the annual charge
14 shared by all members, established pursuant to
15 the governing documents.

16 "Assessable Unit" means any real property
17 within the properties which is subject to
18 assessments pursuant to the governing
19 documents.

20 "Association" means Amberleigh Homeowners
21 Association, Inc., a Virginia homeowners
22 association.

23 "Board" means the duly elected governing body
24 of the Association pursuant to the Governing
25 Documents.

26 "Board Representative" means the president,
27 vice-president, officer, director, or a board
28 member formally authorized by the board to

29 act as liaison with the agent between duly
30 convened meetings of the board.

31 "Common Area" means all real property owned
32 or leased by the association for the common
33 use and enjoyment of the owners pursuant to
34 the governing documents.

35 "Fees" means all fees, rates, and charges
36 established by the association that the owners
37 are obligated to pay pursuant to the governing
38 documents, including, but not limited to: annual
39 assessments, services assessments, special
40 assessments, maintenance and service charges,
41 interest, late payment costs and other charges
42 pursuant to the governing documents.

43 "Governing Documents" means the declaration
44 of covenants, conditions and restrictions,
45 supplementary declaration, covenants,
46 conditions and restrictions, if any, amendments
47 to the declaration, covenants, conditions and
48 restrictions, bylaws, deed of dedication,
49 subdivision, easement and rules and regulations
50 adopted by the board and any federal, state, or
51 local laws, rules, or regulations applicable to the
52 properties.

53 "Incident" means an accident, injury to a
54 person, damage to property

55 "Member" means a person entitled to
56 membership pursuant to the governing
57 documents.

58 "Owner" means the record owner, whether one
59 or more persons or entities, of the fee simple
60 title to any lot which is part of the properties,
61 including contract sellers, but excluding those
62 having such interest merely as security for the
63 performance of an obligation.

¹ Enacted May 17, 2012; amended October 2013;
amended by order June 20, 2014.

1 "Person" means a natural person, any legal
2 entity recognized by the commonwealth of
3 Virginia, and any governmental entity.

4 "Properties" means certain real property
5 described in the governing documents.

6 "Proof of compliance" means documentation
7 demonstrating compliance with a requirement
8 to hold a current license, bond, permit,
9 workers' compensation coverage; and general
10 liability insurance.

11 "Record" means any material on which written,
12 drawn, printed, spoken, visual or
13 electromagnetic information is recorded or
14 preserved, regardless of physical form or
15 characteristics, which has been created or is
16 being kept by an authority, including but not
17 limited to, handwritten, typed or printed pages,
18 maps, charts, photographs, films, recordings,
19 tapes, including computer tapes, computer
20 printouts and optical disks, drafts, notes,
21 preliminary computations and like materials.

22 "Resident" means:

23 (A) each individual occupying any
24 assessable unit pursuant to a lease
25 agreement with the owner thereof
26 who, if requested by the board, has
27 delivered proof of such lease
28 agreement to the board;

29 (B) members of the immediate family of
30 such individual or of an owner who
31 actually resides in an assessable unit
32 and in the same household with each
33 such individual or owner; or

34 (C) any person who has a fixed place of
35 habitation at an assessable unit of any
36 such individual or owner to which,

37 whenever he is absent, he has the
38 intention of returning.

39 "Special Assessment" means any special charge
40 established pursuant to the governing
41 documents.

42 "Tenant" means a person who occupies space in
43 an assessable unit either by virtue of a lease
44 with an owner or with the association.

45 "Townhouse" means the dwelling located on
46 an assessable unit.

47 "Vendor" means any person and their agents,
48 employees, or other persons engaged to
49 preform services or provide goods to the
50 association.

51 **100.02 Governing documents construction²**

52 (1) DIVISION. Unless context otherwise
53 requires, the governing documents shall be
54 divided as follows:

55 (a) Chapter, abbreviated "ch" or in the
56 plural "chs" and sequenced starting at
57 100.

58 (b) Section, abbreviated "s" or in the
59 plural "ss" and sequenced started at
60 "000.01"

61 (c) Subsection, abbreviated "sub" or in
62 the plural "subs" and sequenced
63 starting at "{1}"

64 (d) Paragraph, abbreviated "par" or in
65 the plural "pars" and sequenced
66 starting at "(a)".

² Enacted May 17, 2012; amended October 2013.

1	(e) Subdivision, abbreviated “subd” or	38	(ii) If the last day within which
2	in the plural “subds” and sequenced	39	an act is to be done, or
3	starting at “(i)”.	40	proceeding had or taken, falls
		41	on a Sunday or legal holiday the
4	(f) Subdivision paragraphs, abbreviated	42	act may be done or the
5	“subd par” or in the plural “subds par”	43	proceeding had or taken on the
6	and sequenced starting at “(A)”	44	next secular day.
7	(2) CONSTRUCTION RULES. In construing the	45	(iii) Regardless of whether the
8	governing documents, the following shall be	46	time limited in any statute for
9	observed unless construction in accordance	47	the taking of any proceeding or
10	with a rule would produce a result inconsistent	48	the doing of an act is measured
11	with the manifest intent of the association:	49	from an event or from the date
		50	or day on which such event
12	(a) <i>Singular and plural.</i> The singular	51	occurs, the day on which such
13	includes the plural, and the plural	52	event took place shall be
14	includes the singular.	53	excluded in the computation of
		54	such time.
15	(b) <i>Gender.</i> Words importing one	55	(iv) "Legal holiday" as used in
16	gender extend and may be applied to	56	the governing documents
17	any gender. Any person who is	57	means any legal holiday
18	designated a chairman or other similar	58	designated by the
19	title may use another equivalent title	59	commonwealth or by the
20	such as, in the case of a chairman,	60	United States of America.
21	"chair", "chairperson", "chairwoman" or		
22	other such appropriate title.		
		61	(v) This subd. (v) shall not apply
23	(c) <i>Tenses.</i> The present tense of a verb	62	to ch. 737.
24	includes the future when applicable.		
25	The future perfect tense includes past	63	(e) <i>Titles and history notes.</i> The titles
26	and future tenses.	64	to subchapters, sections, subsections,
		65	paragraphs and subdivisions of the
27	(d) <i>Time, how computed.</i>	66	governing documents and history notes
		67	are not part of the governing
28	(i) The time within which an act	68	documents.
29	is to be done, or proceeding		
30	had or taken, shall be	69	(f) <i>Construction of governing</i>
31	computed by excluding the first	70	<i>documents.</i> A governing document is to
32	day and including the last; and	71	be understood in the same sense as the
33	when any such time is	72	original unless the change in language
34	expressed in hours the whole of	73	indicates a different meaning so clearly
35	Sunday and of any legal holiday,	74	as to preclude judicial construction. If
36	from midnight to midnight,	75	the revision motion or resolution
37	shall be excluded.		

1 contains a note which says that the
2 meaning of the statute to which the
3 note relates is not changed by the
4 revision, the note is indicative of the
5 board's intent.

6 (3) CONSTRUCTION OF WORDS AND PHRASES.
7 In the construction of governing documents the
8 words and phrases which follow shall be
9 construed as indicated unless such construction
10 would produce a result inconsistent with the
11 manifest intent of the board:

12 (a) *General rule.* All words and phrases
13 shall be construed according to
14 common and approved usage; but
15 technical words and phrases and others
16 that have a peculiar meaning in the
17 governing documents shall be
18 construed according to such meaning.

19 (b) *Following.* "Following," when used
20 by way of reference to any division of
21 the governing documents, means the
22 division next following that in which the
23 reference is made.

24 (c) *Heretofore and hereafter.*
25 "Heretofore" means any time previous
26 to the day on which the governing
27 document containing it takes effect;
28 "hereafter" means the time after the
29 governing document containing such
30 word takes effect.

31 (d) *Month.* "Month" means a calendar
32 month unless otherwise expressed.

33 (e) *Nighttime.* "Nighttime," used in any
34 governing document means the time
35 between one hour after sunset on one
36 day and one hour before sunrise on the
37 following day; and the time of sunset
38 and sunrise shall be ascertained

39 according to the mean solar time of
40 Eastern Time, as given in any almanac.

41 (f) *Preceding.* "Preceding," when used
42 by way of reference to any division of
43 the governing documents, means the
44 division next preceding that in which
45 the reference is made.

46 (g) *Week.* "Week" means seven (7)
47 consecutive days.

48 (h) *Written or in writing.* "Written" or
49 "in writing" includes any representation
50 of words, letters, symbols or figures.

51 **100.03 Certified governing documents.³**

52 The governing documents as certified by the
53 board shall be prima facie evidence of the
54 governing documents in effect; but they shall
55 not preclude reference to, nor control, in case
56 of any discrepancy, any original motion or
57 resolution of the board or membership.

58 **100.04 Renumbering.⁴**

59 The treasurer or president may renumber,
60 retitle, and reorganize these rules.

61 **100.05 How cited.⁵**

62 These rules shall be styled Amberleigh Rules
63 and cited by section number and any division
64 within the rules. When cited outside the rules,
65 the citation shall be followed "AMB rules".

66 **100.06 Duty to comply.⁶**

67 Every person subject to the governing
68 documents has a duty to comply.

³ Enacted May 17, 2012.

⁴ Enacted May 17, 2012; amended May 16, 2013.

⁵ Enacted May 17, 2012.

⁶ Enacted May 17, 2012.

1 **100.07 Effective date of rules.⁷**

2 Unless otherwise directed or when required by
3 law, a rule or rule amendment is effective when
4 adopted.

⁷ Enacted May 17, 2012.

Chapter 200

Declaration

[Insert Declaration]

Chapter 300

Articles of Incorporation

[Insert articles of incorporation]

Chapter 400

Bylaws

[Insert bylaws]

1 **Chapter 500**

2 **Board**

3 **500.01 Definitions**⁸. As used in this section
 4 unless context otherwise requires:

5 [RESERVED FOR DEFINITIONS]

6 **500.02. Membership**⁹. The size of the board
 7 shall be fixed at nine (9) directors.

8 **500.03 Regular meeting**¹⁰.

9 (1) VENUE.

10 (A) Regular meetings of the board shall
 11 be held at the Loyal Order of the
 12 Moose, Lodge 1076 on the third
 13 Thursday of the month.

14 (B) The room shall be arranged as
 15 follows:

16 (i) Sufficient tables and chairs
 17 arranged in a horseshoe.

18 (ii) At least twelve (12) chairs
 19 arranged in two (2) rows facing
 20 the open end of the tables.

21 (C) Appropriate directional signage.

22 (2) ORDER OF BUSINESS. The format of the
 23 agenda shall be as follows:

24 **Board of Directors**
 25 **Amberleigh Homeowners Association, Inc.**

26 **Venue**

27 **Regular Meeting**

⁸ Enacted September 21, 2012.

⁹ Enacted September 21, 2012; amended May 16, 2013.

¹⁰ Enacted September 21, 2012.

30 **Date**

31 **Time**

32

33 1. Call to order (president)

34 a. Roll call

35 b. Announcements

36 c. Explanation of open forum

37 d. Appointments; vacancies

38 2. Consent agenda (secretary and treasurer):

39 a. Approval of the agenda

40 b. Approval of minutes

41 c. Architectural modification requests

42 d. Financial statements

43 e. Collection actions

44 f. Other actions

45 3. Administration committee (treasurer)

46 4. Operations committee (chair)

47 5. Management report (agent)

48 6. Old business (president)

49 7. New business (president)

50 8. Homeowners' forum (president)

51 9. Executive session (president)

52 10. Actions after executive session (president)

53 11. Action item review (agent)

54 12. Adjournment

55 (3) An attendance roll shall be available to
 56 record directors and others in attendance.

57 **500.04 Rules of order**¹¹.

58 (1) RULES OF ORDER. Robert's Rules of Order,
 59 tenth (10th) edition shall be considered
 60 authoritative when not in conflict with the
 61 governing documents.

62 (2) CONSENT AGENDA.

63 (A) *Items*. The following items shall be
 64 included on the consent agenda:

¹¹ Enacted September 21, 2012.

1	(i) Receiving of reports with	31	(F) Adjournment including the time.
2	further action or discussion;	32	(2) The following are not required to be
3	(ii) Ministerial acts;	33	included in the minutes except when required
4	(iii) Other administrative items	34	by law:
5	where no discussion is	35	(A) The maker of the motion;
6	expected.	36	(B) Debate; or
7	(B) <i>Consideration</i> .	37	(C) Reports;
8	(i) Any director may object to	38	500.06 Hearings¹³.
9	an item being included on the	39	(1) SCHEDULING. In general, a hearing
10	consent agenda. When an	40	shall:
11	objection is raised, the item	41	(a) Proceed or succeed a regular
12	shall be moved to new	42	meeting or another hearing;
13	business.	43	(b) Be held during the recess of
14	(ii) By consensus any item on	44	a regular meeting; or
15	the consent agenda may be	45	(c) Be otherwise scheduled by
16	amended.	46	the president.
17	(iii) The consent agenda shall be	47	(2) ROLL. The call to order, roll, and
18	considered in a single motion.	48	other introductory items of either a
19	(3) Second not required. A second is not	49	preceding hearing or regular meeting
20	required for the board to consider a motion or	50	occurring on the same day shall apply
21	other action.	51	to a succeeding hearing or regular
22	500.05 Minutes¹².	52	meeting.
23	(1) The minutes shall record:	53	(3) ORDER OF BUSINESS. The order of
24	(A) Venue, time and date when called	54	business for each hearing shall be as
25	to order;	55	follows:
26	(B) Attendance;	56	(a) An introduction by
27	(C) Appearances;	57	management of the caption of
28	(D) Referrals;	58	the hearing.
29	(E) Motions and other actions taken;	59	(b) Presentation of the petition
30	and	60	or application by the petitioner

¹² Enacted September 21, 2012.

¹³ Enacted September 21, 2012.

1 or applicant including written
2 documents.
3 (c) Question or requests for
4 further information.
5 (4) ACTION. The records and action of
6 the hearing shall be recorded in the
7 minutes of the next regular meeting.

8 **500.07 Homeowners forum¹⁴.**

9 (1) ADDRESSING THE BOARD. Any member
10 wishing to address the board may do so during
11 the homeowners forum. Each person
12 addressing the board shall have three (3)
13 minutes. If the demand to address the board
14 exceeds the time allotted, the board may move
15 the homeowners forum to another part of the
16 agenda or recess to another day.

17 (2) DECORUM. Members shall:

- 18 (a) Address comments to the chair;
- 19 (b) Avoid personalities or questioning
20 motives;
- 21 (c) Confine remarks to the merits of a
22 legitimate issue of the association;

23 **500.08 Ejection¹⁵.**

24 (1) No person shall remain in any meeting who:
25 (a) Having been warned disrupts a
26 meeting a second time;
27 (b) Disturbs the peace; or
28 (c) Creates a hazard or nuisance.

29 (2) A person who acts contrary to
30 subsection (1) shall be directed to leave
31 the meeting by any director.

32 (3) Any director may request the
33 assistance of law enforcement to
34 remove a person remaining after being
35 required to leave.

36 **500.09 Attendance at meetings¹⁶.**

37 Meetings are open to members or their
38 representatives pursuant to law.

39
40 **500.10. Street Representatives.¹⁷**

41 (1) APPOINTMENT. The officer may appoint any
42 resident a representative of a subunit of the
43 properties. There is no limit to the number of
44 street representatives that may be appointed.

45 (2) DUTIES. The street representative shall:

46 (a) *Review*. Periodically review their
47 subunit, reporting any common areas
48 needing attention to the agent or
49 board;

50 (b) *Relationships*. Strive to build
51 relationships with all residents of their
52 subunit and encourage
53 communications;

54 (c) *Report*. Attend or submit a report to
55 the board at the regular meetings
56 representing the concerns of their
57 subunit.

58
59 **500.11 [RESERVED]**

¹⁴ Enacted September 21, 2012.

¹⁵ Enacted September 21, 2012.

¹⁶ Enacted September 21, 2012.

¹⁷ Enacted July 17, 2014.

1 **Chapter 510**
2 **Community Relations**
3 **510.01 Community relations group.**¹⁸
4 (1) CREATION, MEMBERS, LEADERS. There is
5 created a group on community relations. The
6 board shall appoint at least one leader of the
7 group. The group shall report to the committee
8 on administration. Any member of the
9 association may become a member of the
10 group.
11 (2) MEETING; QUORUM. The group shall meet
12 when established by the group or at the call of
13 the leader or the president. At least two
14 members shall constitute a quorum.
15
16 **510.02 Purpose.**¹⁹
17 (1) PURPOSE.
18 (A) The group shall promote:
19 (i) Communication and
20 information between the
21 association and the members;
22 (ii) The association to the
23 community; and
24 (iii) Vendors.
25 (B) The group shall serve as a
26 coordinating point between the
27 association and other community
28 organizations.
29 (C) The group may assist members with:

¹⁸ Enacted May 16, 2013.

¹⁹ Enacted May 16, 2013.

30 (i) Questions about the
31 association; and
32 (ii) Navigating the processes
33 and procedures of the association.
34 (2) Nothing in this chapter shall alter the
35 processes and procedures of the association.
36
37 **510.03 Memberships authorized.**²⁰
38 Memberships in the following groups is
39 authorized. The initial proposed budget shall
40 include a sum sufficient for the cost of
41 membership and reasonable participation.
42 (1) Community Association Institute, including
43 the Washington Metropolitan Chapter and the
44 Virginia Legislative Committee;
45 (2) Fairfax County Federation of Citizens
46 Association; and
47 (3) Lee District Association of Civic
48 Organizations.

²⁰ Enacted May 16, 2013.

1 **Chapter 520**

2 **Record Retention**

3 **525.01 Definitions**²¹. As used in this chapter,
4 unless context otherwise requires:

5 (1) “Annual meeting” means the meeting of the
6 members of the association;

7 (2) “Governing document” has the meaning
8 given in ch. 100;

9 (3) “Mass communication” means a uniform
10 communication sent to association members;

11 (4) “Proceedings” means the minutes and other
12 records of a meeting of a body of the
13 association;

14 (5) “Record” has the meaning given in ch. 100;
15

16 **525.02 Calculating time**²². Time shall be
17 calculated pursuant to ch. 100 and exclude the
18 time:

19 (1) The record is effective; and

20 (2) There is activity related to the record.

21

22 **525.03 Saving clause**²³. Notwithstanding the
23 governing documents, a record shall be
24 retained when required by law or if inexpedient
25 to destroy.

26

²¹ Enacted September 21, 2012.
²² Enacted September 21, 2012.
²³ Enacted September 21, 2012.

27 **525.04 Implementation; supervision**²⁴.

28 (1) The agent shall be the custodian of
29 association records.

30 (2) Frequently, but not less than annually, the
31 agent shall review association records for
32 records no long required to be retained.
33 Records no long required to be retained shall be
34 destroyed in a secure manner.

35 (3) The committee on administration may direct
36 how this chapter shall be implemented.

37 (4) Unless inexpedient,

38 (a) Records shall be created in or
39 converted to an electronic format; and

40 (b) Records shall be available to
41 members on the association website
42 pursuant to 550.02.

43

44 **525.05 Permanent records**²⁵. The following
45 records shall be permanently retained by the
46 association:

47 (1) Governing documents, including previous
48 versions and amendments; and

49 (2) Proceedings of the board and annual
50 meetings;

51 (3) Annual audited financial statements;

52 (4) Mass communications;

53 (5) Documents submitted to the government.

54

²⁴ Enacted September 21, 2012.
²⁵ Enacted September 21, 2012.

1 **525.06 Business records**²⁶. The following
2 records shall be retained for seven (7) years:

3 (1) Financial records, except as provided in s.
4 525.05;

5 (2) Insurance records;

6 (3) Contracts, bids, invoices;

7 (4) Warranty and guarantees of performance;

8 (5) Legal records.

9
10 **525.07 Annual meeting**²⁷. The following shall
11 be retained until the next annual meeting:

- 12 (1) Poll list
- 13 (2) Proxy statement
- 14 (3) Ballots

15
16 **525.08 Member records**²⁸.

- 17 (1) Member records include:
 - 18 (a) Financial account and transactions;
 - 19 (b) Architectural modification requests;
 - 20 (c) Association complaint as defined by
 - 21 18 VAC 48-70-10.
- 22 (2) Member records shall be retained the later
- 23 of three (3) years after
 - 24 (a) A person ceases to be a member;

25 (b) Member obligations have been met
26 or discharged; or

27 (3) Notwithstanding subsection (2), an
28 association complaint shall be retained for one
29 (1) year after final action.

30

31 **525.09 General communications**²⁹.

32 Communications between the association and
33 members or the public shall be retained until a
34 matter is disposed of. Unless inexpedient,
35 routine communications, solicitations, or drafts,
36 shall not be retained once a matter is resolved
37 or if a final action is contained in another
38 record.

39

40 Chapter 550

41 Record Request

42 **550.01 Definitions**³⁰

43 As used in this chapter, unless context
44 otherwise requires:

45 (1) "Record request" means a request to either
46 examine a record or order a copy of a record.

47 (2) "Requestor" means a person making a
48 record request.

49 **550.02 Implementing law; delegating authority**
50 **and relief; electronic availability**³¹

51 (1) ENABLING LAW. This chapter is enacted
52 pursuant to s. 55-510 (A) to (D), Code of Virginia
53 as amended.

²⁶ Enacted September 21, 2012.

²⁷ Enacted September 21, 2012.

²⁸ Enacted September 21, 2012.

²⁹ Enacted September 21, 2012.

³⁰ Enacted May 17, 2012.

³¹ Enacted May 17, 2012.

1 (2) DELEGATION. The authority to administer
2 this chapter is delegated to the agent. A
3 requestor may seek relief from the board of the
4 agent’s determination.

5 (3) ELECTRONIC AVAILABILITY. Unless
6 prohibited by law or if inexpedient³², records
7 shall be posted on the association website.

8 **550.02 Examining and copying records.**³³

9 (1) WHO MAY REQUEST. Only a member in
10 good standing or their authorized agent may
11 submit a record request.

12 (2) REQUEST, HOW MADE. A record request
13 shall be submitted on a form prescribed by the
14 association. Such a request shall include:

15 (a) The name and contact information
16 of the requestor;

17 (b) A specific description of the record;

18 (c) If the requestor is requesting to
19 examine the record or order a copy;
20 and

21 (d) An acknowledgement that the
22 requestor is responsible for:

23 (i) Payment of fees pursuant
24 applicable to the request;

25 (ii) That the request is subject
26 to applicable law and the
27 governing documents;

28 **550.03 Filing a request.**³⁴

29 (1) ACTING ON A REQUEST. The association has
30 at least five (5) days to act on a record
31 request³⁵.

32 (2) EXAMINING A RECORD. Examination of a
33 record shall be at the office of the agent and
34 mutually-agreeably date and time during
35 standard business hours.

36 **550.04 Excluded record.**³⁶ The record
37 described under s. 55-510 (C)³⁷ are excluded
38 from a records request.

39 **550.05 Fees.**³⁸

³⁵ See ch. 100 for how time is calculated.

³⁶ Enacted May 17, 2012.

³⁷s. 55-210 (C), Code of Virginia: “C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern: (1) Personnel matters relating to specific, identified persons or a person's medical records; (2) Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation; (3) Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party; (4) Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55-513; (5) Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine; (6) Disclosure of information in violation of law; (7) Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55-510.1; (8) Documentation, correspondence or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or (9) Individual unit owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association. [Current as of May 8, 2012].

³² That is: not practical, suitable, or advisable.

³³ Enacted May 17, 2012.

³⁴ Enacted May 17, 2012.

1 [Repealed]

2

³⁸ Enacted May 17, 2012; repealed November 2014.
NB, contents transferred to ch. 650.

1 **Chapter 575**

2 **Technology**

3
4 **575.01 Use of technology.**³⁹

5 To the extent permitted by law now or in the
6 future:

7 (a) Any notice required to be sent or
8 received;

9 (b) Any signature, vote, consent or
10 approval required to be obtained; or

11 (c) Any payment required to be made,

12 Under the governing documents may be
13 accomplished using the most advanced
14 technology available at that time if such use is a
15 generally accepted business practice. This
16 chapter shall govern the use of technology in
17 implementing the provisions of the governing
18 documents dealing with notices, payments,
19 signatures, votes, consents or approvals.

20 **575.02. Electronic Means.**⁴⁰

21 To the extent permitted by law, a member or
22 other person may perform any obligation or
23 exercise any right by use of any technological
24 means providing sufficient security, reliability,
25 identification and verifiability.

26 (1) ACCEPTABLE TECHNOLOGICAL. Acceptable
27 technological means shall include without
28 limitation electronic communication over the
29 internet, the community or other network,
30 whether by direct connection, intranet,
31 telecopier or e-mail.

32 (2) SIGNATURE REQUIREMENTS. A digital
33 signature meeting the requirements of
34 applicable law shall satisfy any requirement for
35 a signature under the governing documents.

36 (3) ELECTRONIC FUNDS TRANSFER. Payment of
37 all sums to and from the association and the
38 members or other persons may be made by
39 electronic transfer of funds creating a record
40 evidencing the transaction for the period such
41 record would be required to be available in
42 non-electronic form.

43 (4) VOTING RIGHTS. Voting and approval of any
44 matter under the condominium instruments
45 may be accomplished by electronic means
46 provided that a record is created as evidence
47 thereof and maintained as long as such record
48 would be required to be maintained in non-
49 electronic form.

50 (5) NON-TECHNOLOGY ALTERNATIVES. If any
51 member or other person does not have the
52 capability or desire to conduct business using
53 electronic or other technological means, the
54 association shall make reasonable
55 accommodation, at its expense, for such person
56 to conduct business with the association
57 without use of such electronic or other means
58 until such means has become generally
59 accepted in similar communities in the area.

60 **575.03. Ratification of prior electronic acts.**⁴¹

61 Unless prohibited by law, all electronic acts
62 made prior to the effective date of this ch. 575
63 are recognized or ratified.

³⁹ Adopted June 19, 2014.

⁴⁰ Adopted June 19, 2014.

⁴¹ Adopted June 19, 2014; amended by order.

- 1 **575.04 Vendors.**⁴² Notwithstanding this ch.
- 2 575, the president may require the use of
- 3 certain technology by a vendor.

⁴² Adopted June 19, 2014; amended by order.

1 **Chapter 600**
2 **Finances**
3 **600.01 Committee on administration**⁴³.
4 (1) CREATION, MEMBERS, OFFICERS. There is
5 created a committee on administration. The
6 committee shall consist of the treasurer and
7 four members appointed by the board to one
8 year terms. The treasurer shall chair the
9 committee and appoint a clerk.
10 (2) MEETING; QUORUM. The board shall meet
11 on the second Tuesday of the month by phone
12 conference unless called on a different date by
13 the chair or as established by the committee.
14 At least two members shall constitute a
15 quorum.
16 (3) PURPOSE⁴⁴. The committee shall have
17 jurisdiction over:
18 (A) Budget.
19 (B) Insurance.
20 (C) Legal.
21 (D) Accounting.
22 (E) Audit.
23 (F) Tax.
24 (G) Cash and treasurer management.
25 (H) Communications.
26 (I) Reserve study.
27 (J) Organizational membership.
28 (K) Management agent.

⁴³ Enacted February 23, 2012.

⁴⁴ Pursuant to 2012 budget.

29 **600.02 Fiscal and Tax Policy**⁴⁵
30 (1) FISCAL YEAR⁴⁶. A calendar fiscal year is
31 established commencing January 1, 2012.
32 (2) AUTHORITY. The financial statements and
33 accounting records shall be kept in accordance
34 with generally accepted accounting principles.
35 The common interest realty associations audit
36 and accounting guide shall be considered
37 authoritative.
38 (3) TAX ELECTION. The association elects to
39 apply all or part of the excess assessment
40 income of the current year to the succeeding
41 year's assessment and that such final amount
42 shall be determined by the board.
43 (4) ACCOUNTING POLICY. Fund accounting is
44 elected.
45 **600.03 Homeowners' equity**⁴⁷
46 (1) FUND. The following are established:
47 (a) *General fund*. There is created the
48 general fund where all operating
49 revenue shall be deposited and
50 operating expenses shall be withdrawn.
51 The general fund shall finance the other
52 funds.
53 (b) *Replacement fund*. There is created
54 a replacement fund for the purpose of
55 repairing, replacing, and restoring
56 capital components pursuant to s. 55-
57 514.1, VA code. An allocation in
58 homeowners' equity relating to this
59 fund shall be established.

⁴⁵ Enacted February 23, 2012; amended October 18, 2012; November 2013.

⁴⁶ Pursuant to 2012 budget.

⁴⁷ Enacted February 23, 2012; recreated November 2013.

1 (c) *Capital fund*. There is created a
2 capital fund for the purpose of
3 improving and acquiring assets. An
4 allocation in homeowners' equity
5 relating to this fund shall be
6 established.

7 (d) *Contingency fund*. There is created
8 a contingent fund for the purposes of
9 covering extraordinary or unusual
10 expenses. An allocation in homeowners'
11 equity relating to this fund shall be
12 established.

13 (2) DISPERSING HOMEOWNERS' EQUITY. No
14 amount may be dispersed from the
15 replacement, capital, or contingency fund
16 except by resolution.

17 **600.04 Budget and dues⁴⁸**

18 (1) Three months prior to the end of the fiscal
19 year, the agent or treasurer shall submit to the
20 committee:

21 (A) Actual expenses from the prior fiscal
22 year;

23 (B) Current budget;

24 (C) Actual current fiscal year expenses;

25 (D) Projected expenses for the current
26 fiscal year;

27 (E) Summary of major contracts; and

28 (F) Major anticipated expenses and
29 projects.

30 (2) Two months prior to the end of the fiscal
31 year:

32 (A) The treasurer shall direct the
33 drafting of a preliminary budget and
34 submit it to the committee;

35 (B) The committee shall seek
36 community input on preliminary
37 budget; and

38 (C) The committee shall recommend a
39 budget to the board.

40 (3) One month prior to the end of the fiscal
41 year, the board shall:

42 (A) Hold a community hearing on the
43 recommended budget;

44 (B) Consider any member comments as
45 well as any amendments;

46 (C) Establish the annual assessment and
47 adopt a budget.

48 (4) The agent shall submit actual and budget
49 amounts to the committee monthly. The
50 committee shall report to the board any
51 material variance or other notable item with
52 any recommended action.

53 (6) The committee may recommend
54 amendments to an adopted budget.

55 (7) The following are the budget accounts of the
56 association:

57

58 **600.05 Accounts receivable and collections⁴⁹**

59 [Insert policy]

60 **600.06 Audit⁵⁰**

⁴⁸ Enacted February 23, 2012.

⁴⁹ Enacted February 23, 2012.

⁵⁰ Enacted February 23, 2012.

1 (1) The committee shall annually recommend
2 an independent auditor to the board.

3 (2) An audit shall be conducted annually.

4 (3) The treasurer shall execute and engagement
5 and other representations to the auditor.

6 (4) Financial statements presented by the
7 auditor shall include budget information.

8 (5) The auditor shall submit its final report
9 directly to the members of the board.

10 **600.07 Investment policy**⁵¹

11 (1) DEFINITIONS. For the purposes of this
12 section:

13 (A) "Liquid instruments" means cash,
14 checking, and savings accounts.

15 (B) "Core investments" means
16 investment grade certificate of
17 deposits, bonds, and money market
18 accounts.

19 (C) "Satellite investments" means index
20 shares, exchange traded funds, and
21 other conservative investments.

22 (2) Operating funds, operating reserves, or
23 funds budgeted to be expended within one year
24 shall be held in liquid instruments.

25 (3) Generally, replacement reserves and capital
26 reserves shall be held in core investments.

27 (4) Notwithstanding, subsection (3) the
28 committee may recommend and the board
29 adopt a plan to hold replacement and capital
30 reserves not expected to be expended within
31 one year in satellite investments.

⁵¹ Enacted February 23, 2012.

32 (5) The committee may authorize a sum
33 sufficient from the operating reserve to retain a
34 qualified advisor to assist the committee in
35 recommending a plan under subsection (4).

36 **600.08 Disbursements**⁵²

37 (1) All disbursements shall be pursuant to the
38 governing documents, budget, and directives of
39 the board and officers.

40 (2) The agent may approve disbursements from
41 the operating account:

42 (A) Less than \$1001;

43 (B) Pursuant to a contract or approved
44 obligation;

45 (3) The treasurer or president may approve
46 disbursements less than \$501 or pursuant to
47 board directive from the petty cash account.

48 (4) The treasurer or president may direct
49 amounts to be transferred to replenish the
50 petty cash account.

51 (5) AGENT PAYMENTS: Any disbursement to the
52 agent must be specifically approved by the
53 treasurer or president.

54 (6) COMMUNITY EVENTS. Notwithstanding
55 subsection (3) and subject to 725.03,
56 community events shall be paid from the petty
57 cash checking account.

58 **600.09 Reserve study**⁵³

59 [Insert policy]

60 **600.10 Fees**⁵⁴

⁵² Enacted February 23, 2012; amended May 17, 2013; November 2013.

⁵³ Enacted February 23, 2012; November 2014. NB, contents transferred to ch. 650.

1	[Repealed]	31	(e) "Social activities" means the cost of community events.
2	600.11 Budget accounts defined. ⁵⁵	32	
3	The following budget accounts are established	33	(f) "Board" means the costs relating to the board of directors, the continuing education of the board of directors, and the annual retreat.
4	and defined:	34	
5	(1) REVENUE.	35	
6	(a) "Assessment income" means the	36	
7	proceeds from the annual assessment	37	(g) "Taxes" means the costs of state, federal, and local taxes due.
8	fee.	38	
9	(b) "Interest" means deposit earnings.	39	(h) "Licenses and fees" means the costs of required governmental registrations, licenses, or permits.
10	(c) "Late fee income" means the	40	
11	proceeds of the late fee imposed.	41	(i) "Insurance" means the costs of keeping an insurance policy in force.
12	(d) "Miscellaneous income" means the	42	
13	proceeds of the fees other than the	43	(j) "Audit and tax preparation" means the costs of the annual audit and tax preparation.
14	annual assessment or interest.	44	
15	(e) "Legal fee income" means the	45	(k) "Legal – general" means the cost of general legal counsel.
16	proceeds of a collection action other	46	
17	than the cost of collections.	47	(l) "Legal – collections" means the legal costs of collections.
18	(2) EXPENSES.	48	
19	(a) "Bad debt" means the estimated	49	(m) "Management" means the cost of management agent services. It does not include other amounts charged pursuant to the agreement in force.
20	amount of uncollectable revenue.	50	
21	(b) "Bank service charges" means fees	51	(n) "Community meetings" means the costs of the end of year mailing and the annual meeting.
22	charged by the deposit institution	52	
23	relating to members.	53	(o) "Common area maintenance" means other costs relating to the grounds contract.
24	(c) "Miscellaneous administration"	54	
25	means the costs of storage, production,	55	(p) "General repairs" means the costs of repairs to the common areas.
26	mailing, and delivery, coupon books,	56	
27	notices, and other miscellaneous	57	
28	expenses.	58	
29	(d) "Recording secretary" means the	59	
30	cost of a professional recorder.	60	
		61	
		62	

⁵⁴ Enacted February 23, 2012.

⁵⁵ Enacted November 2013.

1 (q) "Litter and debris" means the cost of 32 unemployment insurance account, and tax
2 emptying trash cans on the common 33 identification numbers and accounts required
3 areas. 34 by law, or other prudent acts;

4 (r) "Grounds contract" means the 35 (3) Shall establish prudent employment policies
5 general costs of the common area 36 and a job description.
6 maintenance.

7 (s) "Dog park" means the costs of
8 maintaining the dog park.

9 (t) "Irrigation" means the costs of
10 irrigation system at the front entrance.
11 (u) "Pest control" means the costs of
12 extermination services.

13 (v) "Snow removal" means the cost to
14 clear and treat the streets due to snow.

15 (w) "Trash removal" means the costs
16 for trash and recycling services.

17 (x) "Tree care" means the costs relating
18 to trees.

19 (y) "Electricity" means the costs of
20 electricity.

21 (z) "Water and sewer" means the costs
22 of water and sewer.

23

24 **600.12. Employees.**⁵⁶

25 The president:

26 (1) Pursuant to art. IX, sec. 1 (e), is authorized to
27 hire, supervise, and direct all employees
28 authorized by ch. 676 (budget) and may
29 delegate this responsibility;

30 (2) Is authorized a sum sufficient to contract for
31 workers' compensation insurance, establish an

⁵⁶ Enacted July 17, 2014.

1 **Chapter 650**
2 **Fees**
3 **650.01 Fee collection.**⁵⁷
4 Any fee imposed shall be subject to ch. 900.
5 **650.02 Annual assessment.**⁵⁸
6 The annual assessment is established pursuant
7 to ch. 675.
8 **650.03 Collection and enforcement fees.** ⁵⁹
9 The following are imposed on the account of a
10 member:
11 (1) For turning an account over to collections,
12 twenty-five dollars (\$25.00);
13 (2) For the delivery of a notice by certified mail
14 or a delinquency notice, six dollars (\$6.00);
15 (3) For the failure to pay the annual assessment
16 when due, 5 percent of the amount due
17 pursuant to s. 55-513.3, Code of Virginia;
18 (4) For the administration of a payment plan,
19 twenty five dollars (\$25.00) per month.
20 (5) For the return of a check, draft, or other
21 instrument, thirty dollars (\$30.00).
22 **650.04 Resale, questionnaires, and**
23 **certification fees.** ⁶⁰
24 The following are imposed on any requesting
25 person, for a:
26 (1) Disclosure packet or resale certificate as
27 defined by law, two-hundred and fifty dollars

⁵⁷ Enacted November 2013.

⁵⁸ Enacted November 2013.

⁵⁹ Enacted November 2013.

⁶⁰ Enacted November 2013.

28 (\$250.00); when expedited for delivery under
29 72 hours, two-hundred and seventy-five dollars
30 (\$275.00);
31 (2) Appraiser questionnaire, fifty dollars
32 (\$50.00);
33 (3) Budget, twenty-five dollars (\$25.00);
34 (4) Settlement or closing questionnaire, one-
35 hundred-fifty dollars (\$150.00);
36 (5) Standard financial certification requests,
37 one-hundred and seventy-five dollars (\$175.00);
38 when customized, two-hundred dollars
39 (\$200.00);
40 (6) Budget, bylaws, covenant, insurance
41 declaration, litigation statements, and financial
42 certification, one-hundred and seventy-five
43 dollars (\$175.00);
44 (7) Budget, insurance declaration, financial
45 certification, one hundred twenty five dollars
46 (\$125.00)
47 (8) Setting up of a new member account, fifty
48 dollars (\$50.00)
49 **350.05 Record request fees.**⁶¹
50 The following fees are imposed and due when a
51 record request is filled pursuant to ch. 550. For
52 the:
53 (1) Compilation of association records to
54 electronic format for onsite examination:
55 twenty-five dollars (\$25.00);
56 (2) Compilation of assessable unit records to
57 electronic format for onsite examination:
58 twenty-five dollars (\$25.00);

⁶¹ Enacted November 2013.

- 1 (3) Onsite access to association records: twenty-
2 five dollars (\$25.00) per hour;
- 3 (4) Minutes of the meetings of the board up to
4 six (6) months: twenty dollars (\$20.00);
- 5 (5) Articles of incorporation: twenty dollars
6 (\$20.00);
- 7 (6) Bylaws: twenty dollars (\$20.00);
- 8 (7) Declaration: ten dollars (\$10.00);
- 9 (8) Annual financial statement: ten dollars
10 (\$10.00);
- 11 (9) Current and unaudited financial statement:
12 ten dollars (\$10.00);
- 13 (10) Insurance declaration: fifty dollars (\$50.00);
- 14 (11) Current reserve study: fifty dollars
15 (\$50.00);
- 16 (12) Complete set of governing documents: fifty
17 dollars (\$50.00); and
- 18 (13) Any other record: fifteen cents (\$0.15) per
19 page.

20 **650.06 Other fees.**⁶²

- 21 (1) LATE ARCHITECTURAL MODIFICATION
22 REQUEST FEE: Assessed against a member who
23 submits an architectural modification request
24 after work has begun or has been completed:
25 one-hundred dollars (\$100.00);

⁶² Enacted November 2013.

1	Chapter 675		Legal Fee	<u>1,500</u>
2	Budget		Income	
3	675.01 Duration. ⁶³		Total Other Revenue	<u>9,049</u>
4	This chapter is established and shall be effective		TOTAL INCOME	<u>504,191</u>
5	January 1, 2014 and every subsequent year		EXPENSES	
6	unless sooner amended or repealed.		Administrative	
7	675.02 Annual assessment. ⁶⁴		Bad Debt Expense	10,000
8	The annual assessment is established at one-		Bank Service Charges	120
9	thousand, sixteen and 72/100 dollars		Miscellaneous Admin	7,980
10	(\$1016.72). For members with the privilege of		Recording Secretary	<u>250</u>
11	quarterly remittance, two-hundred, fifty-four		Total Administrative	18,350
12	and 18/100 (\$254.18).		Communication s	
13	675.03 Budget. ⁶⁵		Website	<u>0</u>
14	The operating fund budget is established as		Total Communication s	0
15	follows:		Activities	
	INCOME		Meeting Expenses	5,000
	Assessment Revenue		Social Activities Board Expenses	7,000
	Assessment Income	<u>495,143</u>	Total Activities	15,000
	Total Assessment Revenue	495,143	Taxes & Insurance	
	Other Revenue			
	Interest-Operating	169		
	Interest-Reserves	5,388		
	Late Fees	1,271		
	Miscellaneous Income	720		

⁶³ Enacted November 2013.

⁶⁴ Enacted November 2013.

⁶⁵ Enacted November 2013.

	Taxes-Federal & State	2,100		Pet Waste Contract	0
	Licenses & Fees	388		Snow Removal	5,000
	Insurance	<u>4,080</u>		Trash Removal	72,939
Total Taxes & Insurance		6,568		Tree Care	<u>4,345</u>
			Total Operations & Maintenance		199,396
Professional Fees			Utilities		
	Audit/Tax Prep	3,225		Electricity	5,429
	Collections Expense	0		Water & Sewer	<u>1,400</u>
	Legal-General	6,000			
	Legal-Collections Management Contract	21,818		Total Utilities	6,829
Total Professional Fees		80,659		Reserves	
				Reserve Contribution	121,600
Operations & Maintenance				Operating Reserves	15,000
	Common Area Maintenance	6,700		Capital Reserves	25,000
	General Repairs & Maintenance	5,500		Reserves Reinvested Interest	<u>5,388</u>
	Litter and Debris Service	4,620		Total Reserves	<u>166,988</u>
	Grounds Contract	97,161		TOTAL EXPENSES	<u>493,791</u>
	Community Dog Bags	1,008	1	NET INCOME	<u>10,400</u>
	Irrigation System	1,048	2		
	Landscape Enhancements	0	3	675.04 Enumerated projects. ⁶⁶	
	Pest Control	1,075	4	(1) From the replacement fund:	
				(a) Tennis court resurfacing;	

⁶⁶ Enacted November 2013.

1 (b) Erosion control between Greenleigh
2 and Briarleigh Ways; and

3 (c) Asphalt repair.

4 (2) From the capital fund:

5 (a) Front and rear entrance
6 improvements; and

7 (b) Storage sheds.

8

9 **675.05 Position Authority⁶⁷**

10 (1) One (1) full-time equivalent employee
11 position is authorized at a rate not to exceed
12 fifty dollars (\$50.00) per hour.

13 (2) The total cost of this position shall be
14 charged back to the appropriate budget line
15 item.

⁶⁷ Enacted July 17, 2014.

1 **Chapter 700**
2 **Architectural**
3 **700.01 Authority; duty**⁶⁸
4 (1) This chapter is enacted pursuant to art. V, s.
5 1 to 5, ch. 200.
6 (2) Every member has a duty to comply with
7 this chapter including obtaining approval prior
8 to making a change to the exterior of an
9 assessable unit except when allowed by this
10 chapter.
11 **700.02 When approval is not required; advice**⁶⁹
12 (1) Approval to make a change to the exterior of
13 an assessable unit is not required when the
14 change relates to general maintenance and
15 repair that does not alter the design or
16 materials used.
17 (2) A member may request the advice of the
18 association of a change that requires approval.
19 Such a request shall be responded to promptly
20 in writing and entered onto the records of the
21 member and the specified property.
22 (3) Replacing material with more superior
23 material shall not require approval if it is of the
24 same design and color.
25 **700.03 Request for approval**⁷⁰
26 A member may submit a request for approval
27 for a change to an assessable unit by submitting
28 the following to the association:
29 (1) A form prescribed by the association and
30 executed by the member;

⁶⁸ Enacted May 17, 2012.

⁶⁹ Enacted May 17, 2012.

⁷⁰ Enacted May 17, 2012.

31 (2) A plat of the assessable unit;
32 (3) A plan to scale with dimensions and a
33 description of the proposed change;
34 (4) If the proposed change includes a change of
35 color:
36 (a) The name of the color of adjacent
37 units;
38 (b) The name of the color of the
39 proposed change;
40 (c) A sample of the color of the
41 proposed change; and
42 (d) How the proposed color is in
43 harmony with the color of adjacent
44 assessable units.
45 (5) A list, description, and appropriate samples
46 of the proposed change;
47 (6) Photographs of the assessable unit and
48 adjacent assessable units annotated with
49 proposed changes;
50 (7) An explanation of how the proposed change
51 will be in harmony with adjacent units;
52 (8) If required by law, a copy of applicable
53 permits issued by a governmental agency;
54 (9) Whether the member or a contractor will be
55 retained to make the change. If a contractor is
56 retained: the name, address, and phone
57 number of the contractor and of the person
58 supervising workers.
59 (10) A work plan that includes:
60 (a) The days and hours work will be
61 performed and the date work will be
62 completed;

1 (b) Daily site clean-up and disposal of
2 waste;

3 (c) Minimizing the impact on other
4 members;

5 (d) Minimizing the impact on parking
6 and access to assessable units.

7 (11) Whether the member requests to appear
8 before the committee prior to the committee
9 acting on the request.

10 **700.04 Architectural review committee**⁷¹

11 When no specific architectural review
12 committee has been appointed, the members
13 of the board shall constitute the architectural
14 review committee.

15 **700.05 Request review**⁷²

16 (1) An incomplete submission shall not be
17 accepted and shall be returned to the member
18 with a notice stating the reason it is incomplete.
19 An incomplete submission shall not be
20 considered a request.

21 (2) The agent shall review a submission for
22 completeness and adherence to this chapter
23 and shall make a recommendation to the
24 committee.

25 (3) The committee shall take one of the
26 following actions on a request within sixty (60)
27 days of receiving a request:

28 (a) Approval;

29 (b) Approval with conditions;

30 (c) Denial;

31 (4) Notice of committee action shall be
32 transmitted in writing to the member.

33 (5) Any modification of an approved or
34 approved with conditions request must be
35 approved or approved with conditions by the
36 committee prior to execution. A request for
37 modification shall be made by meeting the
38 requirements under s. 700.03.

39 (6) Unless otherwise approved by the
40 committee, changes and modifications
41 approved by committee must be completed
42 within twelve (12) months of the notice of
43 approval or approval with conditions being
44 sent. A request for an extension of time to
45 complete shall include an explanation and
46 completion date.

47 **700.06 Inspection of completed change**⁷³

48 (1) The member shall notify the association
49 within two (2) weeks of the completion of the
50 change including all modifications.

51 (2) The agent shall inspect the work for
52 compliance with committee approval and
53 conditions and recommend an action to the
54 committee.

55 (3) If the work complies with the committee
56 approval and conditions, the association shall
57 send written notice to the member to that end.
58 If the work does not comply with the
59 committee approval and conditions, written
60 notice shall be sent to the member stating the
61 deficiency and by what date the member shall
62 make remedy.

63 **700.07 Other assessable units; common**
64 **areas**⁷⁴

⁷¹ Enacted May 17, 2012.

⁷² Enacted May 17, 2012.

⁷³ Enacted May 17, 2012.

⁷⁴ Enacted May 17, 2012.

1 (1) No change on any assessable unit may cause
2 adverse drainage to another assessable unit or
3 the common area.

4 (2) No person has exclusive use of the common
5 areas without approval.

6 (3) No person shall on the common areas:

7 (a) Plant a garden or landscape without
8 approval;

9 (b) Store any item without approval; or

10 (c) Operate or park a vehicle except on
11 a road pursuant to the governing
12 documents;

13 (4) A member may install flagstone steps
14 between the sidewalk and the curb that is:

15 (a) Parallel to the curb;

16 (b) Sloped to the curb; and

17 (c) Not creating a hazard.

18 **700.08 General obligations and duties⁷⁵**

19 (1) A member shall comply with:

20 (a) This chapter; and

21 (b) All applicable law.

22 (2) Materials shall only be used for their
23 intended purpose and shall be installed,
24 constructed, and maintained according to the
25 manufacturer's instructions.

26 (3) The exterior of an assessable unit:

27 (a) Shall be well maintained;

28 (b) Shall not be worn, rusted, rotted,
29 unclean, otherwise blighted, or in a
30 state of disrepair; and

31 (c) Shall be harmonized with other
32 elements of the assessable unit and
33 adjacent assessable units.

34 (4) All exterior elements shall be contained
35 within the assessable unit.

36 (3) Construction materials, equipment, and
37 other materials required for the improvement
38 of an assessable unit shall be stored in an
39 inconspicuous place on the assessable unit
40 when not in use.

41 **700.08 Front of the assessable unit⁷⁶**

42 (1) WOOD TRIM. All wood trim above and
43 below the windows may be removed on a
44 townhouse with siding. If all trim is removed,
45 the entire front must have the siding replaced,
46 not patched. The following may be covered
47 with matching aluminum or vinyl siding:

48 (a) Wood trim, or

49 (b) Trim below the roofline and directly
50 above the second story window.

51 (2) SIDING; EXTERIOR FINISHES.

52 (a) Primary exterior materials shall be:

53 (i) Aluminum or vinyl siding
54 material that is either wide or
55 narrow; or

56 (ii) Brick or stone;

57 (b) Brick or stone knee walls of various
58 heights are permitted.

⁷⁵ Enacted May 17, 2012.

⁷⁶ Enacted May 17, 2012.

1 (c) Exterior colors shall not be similar to
2 adjacent assessable units.

3 (3) SHUTTERS.

4 (a) Shutters shall not be required.

5 (b) If shutters are removed, the exterior
6 material shall be replaced, not patched.

7 (c) Louvered or plain shutters may be
8 added on both sets of windows if wood
9 trim is removed.

10 (4) DOOR TRIM. A diversity of products, finishes,
11 and designs are acceptable. Door trim must be
12 harmonized to adjacent assessable units.

13 (5) WINDOWS. All windows and trim on the
14 same elevation shall be the same style, color,
15 and design. Basement windows and trim may
16 be replaced with the same style, color, and
17 design of the:

18 (a) Original; or

19 (b) Match the windows of the first and
20 second floors of the same elevation.

21 (6) FRONT DOOR.

22 (a) The front door:

23 (i) Shall be constructed of steel,
24 solid wood, or fiberglass; and

25 (ii) May include glass inserts;

26 (b) The following may be installed on or
27 near the front door:

28 (i) Deadbolt lock;

29 (ii) Peephole;

30 (iii) Doorbell switch; or

31 (iv) Doorknocker.

32 (7) STORM DOOR. The storm door:

33 (a) May be full glass or screen or
34 divided by a transom bar.

35 (b) The glass or screen must be integral
36 to the storm door frame.

37 (c) Trim of the storm door must match
38 the wood trim or may be white, off-
39 white, or black.

40 (8) GUTTERS AND DOWNSPOUTS. Gutter and
41 downspouts systems may have either one (1) or
42 two (2) downspouts.

43 (9) FRONT DOOR LAMP. Front door lamps may
44 be in a diversity of styles and may include a light
45 sensor and shall be harmonized to adjacent
46 assessable units.

47 (10) TOWNHOUSE NUMBER. House numbers:

48 (a) Shall be displayed on the front of the
49 townhouse and comply with applicable
50 law;

51 (b) Shall be consistent with the design of
52 the assessable unit;

53 (c) Shall be harmonized to adjacent
54 assessable units.

55 (11) SIDEWALKS, STOOPS, AND PORCHES.

56 (a) *Stoop*. A stoop may extend twenty-
57 four inches (24") on either side of the
58 front door. A stoop that is extended must
59 be constructed in a manner to match the
60 existing stoop.

61 (b) *Gaps*. Gaps, holes, and other
62 circumstances that weaken the
63 foundation of stoops and sidewalks are
64 prohibited and must be repaired
65 immediately.

1 (c) *Decorative work.* Masonry overlays,
2 pavers, stamped concrete, or other
3 techniques and materials may be used in
4 lieu of concrete or covering or
5 incorporated into concrete work of stoops
6 and sidewalks.

7 (d) *Railing.* Railing is permitted on the
8 perimeter of the stoop including steps.
9 Railing material may be wrought iron,
10 aluminum, or material similar thereto.
11 Railing shall be black or another color
12 approved by the committee.

13 (12) YARD LAMP.

14 (a) A yard lamp is not required.

15 (b) A yard lamp shall be illuminated during
16 the nighttime.

17 (c) A yard lamp shall be in a suitable style.

18 (13) LANDSCAPE TRIM.

19 (a) *Where used.* Landscape trim may be
20 used to edge the side of a structure,
21 flowerbed, and trees.

22 (b) *Materials.* Landscaping trim may be
23 constructed of landscaping timber, brick,
24 stone, concrete landscaping blocks,
25 manufactured edging. Railroad ties are
26 prohibited.

27 (c) *Installation.* Landscaping trim shall be
28 installed in accordance with the
29 manufacturer's instructions and
30 recommended maintenance. Landscaping
31 trim shall not exceed twenty-four inches
32 (24") from the ground unless the grade of
33 the land requires a greater height.

34 (14) EXHAUST PORTS. An exhaust port:

35 (a) Shall be covered with a vent cover
36 designed for that purpose in a style; and

37 (b) May be covered with small gauge wire
38 screen or mesh.

39 **700.09 Roof of the assessable unit⁷⁷**

40 (1) SHINGLES. Shingles shall be in a color
41 harmonized with that of the adjacent units.

42 (2) CHIMNEY.

43 (a) *Cap and mesh.* A chimney:

44 (i) Shall be covered with a vent
45 cover designed for that purpose
46 in a style; and

47 (ii) May be covered with a small
48 gauge wire screen or mesh.

49 (b) *When freestanding.* A chimney
50 may be freestanding. A freestanding
51 chimney:

52 (i) Shall only be installed on the
53 rear wall of the townhouse;

54 (ii) May only be visible from the
55 front of the house to the extent
56 that the chimney extends above
57 the ridgeline.

58 (iii) Shall only extend above the
59 ridgeline to the same height of
60 chimneys of adjacent
61 townhouse.

62 (iv) Shall be covered in the
63 same material as the exterior of
64 the townhouse.

65 (3) EXHAUST FANS. Exhaust fans:

66 (a) May be turbine or wind driven
67 designs;

⁷⁷ Enacted May 17, 2012.

1	(b) Shall be located on the:	29	(iii) Only be constructed on the
		30	assessable unit; and
2	(i) Rear slope of the roof but		
3	not extend beyond the	31	(iv) Include posts covered with
4	ridgeline; or	32	a matching post cap. A post
		33	may have a lamp attached.
5	(ii) Ridgeline.		
6	(3) SKYLIGHTS AND LIGHT TUBES. Skylights and	34	(c) A gate shall:
7	light tubes:	35	(i) Be constructed of the same
		36	material as the fence;
8	(a) Shall be located on the rear slope of		
9	the roof;	37	(ii) Have a round or straight top;
10	(b) Shall be flush with the roof; and	38	(iii) Be located at the rear of the
		39	assessable unit or at the side if
11	(c) Match the roof color and design	40	an assessable unit is an end
		41	unit.
12	700.10 Rear of the assessable unit ⁷⁸		
13	(1) FENCES AND GATES.	42	(iv) Be a single gate. Double
		43	gates are prohibited.
14	(a) Fences, gates, decks, and stairs shall		
15	be:	44	(v) Not have a trellis or other
		45	construction above it.
16	(i) Constructed using wood or		
17	other durable manufactured	46	(2) DECKS AND STAIRS.
18	material that has the		
19	appearance of wood; and	47	(a) Elevated decks:
		48	(i) May be located on the rear
20	(ii) Stained a natural wood	49	of the assessable unit;
21	color. Non-natural colors are		
22	prohibited.	50	(ii) May extend across the rear
		51	of the assessable unit except
23	(b) Fences shall:	52	for a six inch (6") offset on each
		53	side;
24	(i) Use the vertical slats or		
25	board on board design with	54	(iii) May not exceed ten feet
26	posts;	55	(10') from the most flush part
		56	of the assessable unit; and
27	(ii) Not exceed six feet (6') from		
28	the ground;	57	(iv) May include a framed
		58	lattice privacy screen that does
		59	not exceed the deck.
		60	(b) Stairs to the elevated decks may be
		61	either:

⁷⁸ Enacted May 17, 2012.

1	(i) Stairs and risers; or	32	house, a height not to exceed
2	(ii) Spiral.	33	the stoop.
3	(c) Awnings, screens, or other shade	34	(iii) Be constructed of the same
4	devices shall not be attached to the	35	material as the fence;
5	assessable unit or deck.	36	(iv) Be the same color as or
6	(d) Elevated decks, stairs, and privacy	37	match the color of the fence;
7	screens shall be constructed of material	38	and
8	pursuant to s. 700.10 (1)(a)(i).	39	(v) Not be constructed of metal.
9	(e) Ground decks:	40	(4) SHUTTERS. Shutters are prohibited on the
10	(i) May be located on the rear	41	rear windows or doors of the townhouse.
11	of the assessable unit;	42	(5) REAR DOORS.
12	(ii) May be constructed of the	43	(a) Rear doors shall be:
13	materials under s. 700.10	44	(i) Patio sliding doors; or
14	(1)(a)(i) or poured concrete,	45	(ii) French doors.
15	brick, stone, or paving tiles.	46	(b) A rear window converted may be
16	(iii) Shall be designed to prevent	47	converted to a full-glass door.
17	animal infestation.		
18	(3) SHEDS AND STORAGE UNITS.	48	(6) HEATING, VENTILATION, AIR CONDITIONING
19	(a) <i>Location.</i> Shed and storage units	49	EQUIPMENT.
20	may be located:	50	(a) Window or wall mounted heating,
21	(i) Within a fence;	51	ventilation, or air conditioning equipment
22	(ii) At the rear of an assessable	52	is prohibited.
23	unit adjacent to woods; or	53	(b) Heating, ventilation, or air conditioning
24	(iii) In the front or side of the	54	equipment shall be located in the rear of
25	assessable unit.	55	the assessable unit in an inconspicuous
26	(b) <i>Design.</i> Sheds and storage units	56	place.
27	shall:	57	(7) COMMUNICATION EQUIPMENT.
28	(i) Be a closed structure;	58	(a) <i>Defined.</i> Communication equipment
29	(ii) Be no higher than the fence;	59	means equipment used to receive
30	except that if located at the	60	information by whatever means and
31	side or in the front of the	61	includes but is not limited to satellite
		62	dishes, cable boxes, or other items
		63	defined by the US code.

1	(b) <i>Location</i> . Communication	32	(b) High wattage is permitted if the rear
2	equipment and any exterior wiring shall	33	of the assessable unit is adjacent to a
3	be located on the rear of the assessable	34	wooded common area;
4	unit in an inconspicuous place.		
		35	(c) May be activated by a motion sensor
5	(b) <i>Satellite dishes</i> . Satellite dishes shall	36	if the sensor does not create a
6	not exceed thirty-nine inches (39") in	37	nuisance.
7	diameter.		
		38	(11) POOLS, HOT TUBS, SAUNAS.
8	(c) <i>Compliance with law</i> . This		
9	subsection shall not be construed to	39	(a) <i>Pools</i> .
10	conflict with applicable law.		
		40	(i) In-ground pools are
11	(d) <i>Notice requested</i> . Members are	41	prohibited.
12	requested to notify the association		
13	prior to installing communications	42	(ii) Small seasonal wading pools
14	equipment.	43	are permitted on the ground
		44	level of an assessable unit
15	(8) CLOTHES LINE. Drying clothes, including	45	provided they are not visible at
16	erecting a clothesline and related apparatus:	46	ground level.
17	(a) Shall only be permitted on the rear	47	(b) <i>Hot tubs and saunas</i> . Exterior hot
18	exterior of the assessable unit at	48	tubs and saunas:
19	ground level;		
		49	(i) Shall be located on the rear
20	(b) Shall not be visible at ground level	50	of an assessable unit on the
21	outside the assessable unit; and	51	ground level.
22	(c) Is prohibited on an elevated deck.	52	(ii) Shall not be visible outside
		53	the assessable unit.
23	(9) FIREWOOD. Exterior storage of firewood:		
		54	(iii) Shall be housed in
24	(a) Shall only be permitted on the rear	55	construction consistent with a
25	of the exterior of the assessable unit at	56	ground level deck, siding, or
26	ground level; and	57	patio.
27	(b) Shall not be visible at ground level	58	(12) STORAGE. The following shall be stored in
28	outside the assessable unit.	59	the rear of an assessable unit on ground level as
		60	inconspicuously as possible:
29	(10) EXTERIOR REAR LIGHTING. Exterior rear		
30	lighting:	61	(a) Trash and recycling containers;
31	(a) Shall be low wattage;	62	(b) Yard equipment;
		63	(c) Grills, except that grills may also be
		64	stored on an elevated deck; and

1	(d) Ladders, storm windows, and other	31	assessable unit is offered for
2	items for interior maintenance;	32	sale or rent. Signage shall be
3	700.11 Other issues. ⁷⁹	33	removed prior to closing or
		34	when a rental contract is
4	(1) PERMANENT AND SEMI-PERMANENT ITEMS.	35	executed.
5	Permanent and semi-permanent items:	36	(ii) <i>Security sign</i> . A single
6	(a) Includes but is not limited to: swing-	37	security sign not exceeding
7	sets, playhouses, trampolines, or	38	seven inches (7") in height on
8	sandboxes; and	39	each side of an assessable unit.
9	(b) Require approval by the committee.	40	(ii) <i>Election sign</i> . An election
		41	sign displayed within ninety
10	(2) PORTABLE EQUIPMENT. Portable	42	(90) days of an election and
11	equipment:	43	removed by the weekend
		44	following an election.
12	(a) Includes but is not limited to: bikes,		(c) Unless otherwise permitted by this
13	play equipment, sporting goods, tools,	45	subsection, all other signage requires
14	and other equipment; and	46	the approval of the committee.
		47	
15	(b) Shall not be stored in the front of an		(d) This subsection shall not construed
16	assessable unit; and	48	in a way inconsistent with applicable
		49	law.
17	(c) Shall not be visible in the front of an	50	
18	assessable unit unless in actual use.		
19	(3) SECURITY BARS. Security bars shall not be	51	(5) DECORATIVE ITEMS.
20	visible on the exterior of an assessable unit.	52	(a) Decorative items include, but is not
21	However, a single security bar on a sliding glass	53	limited to: bird houses, bird baths,
22	door shall be permitted.	54	driftwood, weather vanes, sculptures,
		55	fountains, poles, or house numbers.
23	(4) SIGNAGE.		(b) Exterior items not a part of the
		56	original construction require committee
24	(a) All signage shall not be attached to	57	approval.
25	any structure.	58	
26	(b) The following signage shall not		(6) SEASONAL DECORATIONS.
27	require committee approval:	59	(a) Seasonal decorations include but are
		60	not limited to: lights, figurines, or
28	(i) <i>Real estate sign</i> . A single real	61	garland, but shall not include door
29	estate sign displayed on an	62	wreaths.
30	assessable unit when that	63	
		64	(b) Generally, seasonal decorations may
		65	be installed no more than three weeks

⁷⁹ Enacted May 17, 2012; subsection (7) created September 21, 2012.

1 prior to the corresponding holiday and
2 shall be removed no more than one
3 week after the corresponding holiday.
4 However, seasonal decorations relating
5 to holidays occurring between
6 December 15 and January 2 may be
7 installed after Thanksgiving Day, but
8 shall be removed no later than January
9 31.

10 (c) Seasonal decorations shall otherwise
11 comply with this chapter.

12 (d) A member installing seasonal
13 decorations shall remediate any
14 damage caused by such seasonal
15 decorations.

16 (7) US FLAG DISPLAY. Pursuant to s. 55-513.1,
17 Code of Virginia a member may display the US
18 flag on an assessable unit. A US flag:

19 (a) Shall be displayed in compliance
20 with Title 4, Chapter 1 (US Code);

21 (b) Shall not exceed three (3') feet by six
22 (6') feet; and

23 (c) necessary supporting structures shall
24 be attached to the townhome.

25

26 **700.12 Vegetation.**

27 (1) TURF.

28 (a) All portions of an assessable unit
29 not improved by an impervious surface
30 or a structure shall be covered with turf
31 or another vegetation approved by the
32 committee.

33 (b) Turf shall be kept neat, with
34 borders trim, and shall not exceed six
35 inches (6") in height.

36 (c) Weeds in turf shall not exceed
37 twenty-five percent (25%) of turf in any
38 given unit of turf.

39 (d) Turf shall be free of waste or other
40 debris.

41 (2) NON-TURF VEGETATION.

42 (a) Non-turf vegetation includes all
43 vegetation that is not turf.

44 (b) Non-turf vegetation shall

45 (i) Be neatly trimmed and
46 maintained; and

47 (ii) Be contained on the
48 assessable unit; and

49 (iii) Not create access to any
50 roof.

51 (3) SLOPED AREAS. Trees in excess of a four
52 inches (4") diameter are prohibited on areas of
53 an assessable unit with a slope exceeding
54 twenty percent (20%).

55

1 **Chapter 725**

2 **Operations**

3 **725.01 Committee on operations.**⁸⁰

4 (1) CREATION, MEMBERS, OFFICERS. There is
5 created a committee on operations appointed
6 by the board for a term of one year. The first
7 appointment of the committee shall serve as
8 chair, the second appointment shall serve as
9 vice chair, the third appointment as clerk, and
10 such other appointments as the board
11 determines.

12 (2) MEETING; QUORUM. The committee shall
13 meet when established by the committee or at
14 the call of the chair or the president. At least
15 two members shall constitute a quorum. The
16 regular meeting time of the committee shall be
17 the Monday preceding the board meeting at 6
18 PM.

19 (3) PURPOSE. The committee shall have
20 jurisdiction over:

- 21 (A) Utilities;
- 22 (B) Landscaping;
- 23 (C) Common areas including
24 improvements, maintenance, irrigation,
25 parks, dog park, tennis courts,
26 basketball courts, volleyball court, and
27 sidewalks;
- 28 (D) Trash and recycling;
- 29 (E) Snow removal;
- 30 (F) Social events and activities; and
- 31 (G) Community plan.

⁸⁰ Enacted May 16, 2013.

32 (4) ARCHITECTURAL REVIEW COMMITTEE.
33 Notwithstanding s. 700.04, when organized, the
34 committee shall be concurrently be appointed
35 the architectural review committee ex officio.

36 (5) JURISDICTION OVER OTHER CHAPTERS. The
37 committee shall have jurisdiction over and
38 make reports relating to actions under chs. 700
39 (architectural), 750 (common area), and 800
40 (enforcement).

41 **725.02 Community plan.**⁸¹

42 (1) PLAN. The committee shall annually
43 recommend a community plan to the board for
44 consideration. The community plan shall:

- 45 (A) Be in harmony with the board
46 approved reserve study;
 - 47 (B) Contain estimated expenses;
 - 48 (C) Recommend improvements to the
49 common areas;
 - 50 (D) Be comprehensive in nature; and
- 51 (4) Provide rational of why
52 recommendations were included or
53 excluded to the extent practical.

54 (2) HEARINGS. In developing the plan, the
55 committee or the board shall hold at least one
56 hearing and shall provide drafts and updates to
57 the community and other opportunities for
58 input from members prior to final adoption.

59 **725.03 Vendor supervision; payment.**⁸²

60 (1) SUPERVISION. The committee shall have
61 supervision over a vendor performing services
62 within the jurisdiction of the committee. The

⁸¹ Enacted May 16, 2013.

⁸² Enacted May 16, 2013.

- 1 committee may withhold payment in order to
- 2 enforce contract compliance.

1 **Chapter 737**

2 **Vendor**

3 **737.01. General addendum.**⁸³ Every contract
4 shall incorporate or include an addendum that
5 includes provisions stating that the vendor:

6 (a) Shall comply with the governing documents;

7 (b) Is in the regular business of providing the
8 service describe;

9 (c) Provides service or goods as an independent
10 contractor;

11 (d) Has the necessary equipment, staff,
12 resources, insurance, and bonds, to provide
13 such service or goods;

14 (e) Shall use due care, skill, expertise, initiative,
15 and diligence in performance of its obligations
16 under the contract;

17 (f) Shall be fully liable for any liabilities,
18 damages, causes of actions, suits, judgments,
19 claims or obligations, consequential, or
20 incidental damages, or costs arising out of or
21 related to any incidents as a result of vendor
22 action;

23 (g) Agrees to be liable to a member for an
24 incident damaging the member;

25 (h) Will keep the proof of compliance submitted
26 under s. 737.02 in force and effective or
27 immediately replace expired proof of coverage
28 without a break in coverage;

29 (i) Agrees to remedy any incident within thirty
30 (30) calendar days of the incident;

31 (j) Agrees to be subject to s. 725.03 for failure
32 to comply with this ch. 737.

33 **737.02. Proof of compliance.**⁸⁴ To the extent
34 applicable, every contract shall include proof of
35 compliance as an exhibit to the contract.

36 **737.03 Agent contract report.**⁸⁵ The agent shall
37 submit a report stating if contract submitted for
38 committee or board consideration meets the
39 requirements of this ch. 737.

40 **737.04 Incident notice; remedy.**⁸⁶

41 (1) NOTICE REQUIRED. Within twenty-four (24)
42 hours of an incident, the vendor shall submit
43 written notice to the agent that includes:

44 (a) Date, time, and location of the
45 incident;

46 (b) A description of the incident;

47 (c) How the vendor will remedy the
48 incident;

49 (d) By what date the incident will be
50 remedied.

51 (2) NOTICE TRANSMITTAL. If an incident is
52 submitted to the agent, by a person other than
53 the contractor, the agent shall submit written
54 notice of the incident to the vendor and the
55 board within twenty-four (24) hours.

56 (3) AGENT ACTIONS. On receiving notice of an
57 incident, the agent shall:

58 (a) Review the incident notice;

⁸³ Adopted October 2010.

⁸⁴ Adopted October 2010.

⁸⁵ Adopted October 2010.

⁸⁶ Adopted October 2010.

1 (b) On the request of any officer or
2 committee, visit the site of the incident;
3 and

4 (c) Enter the incident on the action
5 tracking system of the agent;

6 (d) Make a final report once the
7 incident is remedied or finally disposed.

8 **737.05 Board may waive.**⁸⁷ The board may
9 waive a provision of this ch. 737 if applying a
10 provision of this ch. 737 is inexpedient.

⁸⁷ Adopted October 2010.

1 **Chapter 750**

2 **Common Area**

3 **750.01 Definitions⁸⁸**

4 “Animal” has the meaning under s. 3.2-4800,

5 Code of VA⁸⁹.

6 “Cat” means a *Felis catus*.

7 “Curb” means to remove and dispose of pet

8 feces pursuant to law.

9 “Dog” means a *Canis lupus familiaris*.

10 “Fireworks” has the meaning under s. 27-95,

11 Code of VA⁹⁰.

12 “Permissible fireworks” has the meaning under

13 s. 27-95⁹¹, Code of VA.

14 “Pet” means a cat, dog, or service animal.

15 “Pet owner” has the meaning of “owner” under

16 s. 41.1-1-1⁹², Fairfax County Code.

⁸⁸ Adopted November 15, 2012; amended June 19, 2014 (by order).

⁸⁹ S. 3.2-4800, Code of VA: "Animal" means any animate being, which is not human, endowed with the power of voluntary action.

⁹⁰ s. 27-95, Code of VA: "Fireworks" means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

⁹¹ s. 27-95, Code of VA: "Permissible fireworks" means any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

⁹² s. 41.1-1-1, Fairfax County Code: “Owner” means any person, firm, partnership, corporation, association, or other legal entity, who has a right of property in an animal, keeps or harbors an animal, has an animal in his, her or its care, or acts as a

17 “Service animal” has the meaning under s. 41.1-1-1⁹³, Fairfax County Code.

19 “Wild or exotic animal” has the meaning under

20 s. 41.1-1-1⁹⁴, Fairfax County Code.

custodian of an animal, including operators or managers of stables, kennels, pet shops, or other animal establishments.

⁹³ s. 41.1-1-1⁹³, Fairfax County Code: “Service animal” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

⁹⁴ s. 41.1-1-1, Fairfax County Code: “Wild or exotic animal” means any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula that can normally be found in the wild state or any other member of a crocodylian, including but not limited to alligators, crocodiles, caimans, and gavials. Ferrets, non-poisonous snakes, rabbits, and laboratory rats that have been bred in captivity and that have never known the wild are excluded from this definition.

1 "Yard sale" shall have the definition as
2 interpreted under ch. 112, county code.

3

4 **750.02 Common area use and access.**⁹⁵

5 (1) USE. The common area is for the exclusive
6 access and use of:

7 (a) Members and residents; and

8 (b) Guests of a member.

9 (2) ACCESS. The following persons are
10 authorized to enter the common area in
11 performance of their duties:

12 (a) Law enforcement; or

13 (b) Vendors authorized by the agent,
14 director, or officer.

15

16 **750.03 Animals.**⁹⁶

17 (1) AUTHORIZED ANIMALS. Only the following
18 persons are authorized to bring a pet onto the
19 common area:

20 (a) A member or a resident who is an
21 owner of a pet may bring that pet onto
22 the common area; or

23 (b) A vendor providing services relating
24 to a pet whose owner is a member or
25 resident.

26 (2) DUTIES. Owners shall:

27 (a) At all times, keep their pet under
28 their supervision and control;

29 (b) Curb their pet;

30 (c) Keep their pet from entering the
31 tennis or basketball court;

32 (d) Keep their pet from defecating on
33 an assessable unit where the owner is
34 not an owner or resident of that
35 assessable unit; and

36 (d) Comply with all the law.

37 (3) PROHIBITED ANIMALS. The following
38 animals are prohibited on the properties:

39 (a) Horse, pony, cow, hog, sheep, goat,
40 or other domestic animal that is not a
41 pet;

42 (b) Wild or exotic animals;

43 (c) A pet or other animal, kept, bred, or
44 maintained for a commercial purpose.

45

46 **750.04 Tennis and court.**⁹⁷

47 (1) The tennis and basketball court shall only be
48 used to play tennis or basketball respectively
49 using appropriate equipment.

50 (2) The tennis and basketball courts shall not be
51 used during the nighttime.

52

53 **750.05 Dog park.**

54 [INSERT POSTED RULES]

55

56 **750.06 Prohibited acts.**⁹⁸ No person shall:

⁹⁵ Adopted November 15, 2012.

⁹⁶ Adopted November 15, 2012.

⁹⁷ Adopted November 15, 2012.

1 (1) Use fireworks or permissible fireworks; 28 (a) Identify themselves and produce
2 (2) Operate a bicycle, motorized vehicle, or 29 evidence they are authorized to be on
3 other vehicle on the turf of the common area. 30 the common area;
4 This subsection (2) shall not apply to an 31 (b) Comply with this chapter;
5 assistive device authorized pursuant to law; or 32 (c) Leave the common area for not
6 (3) Act contrary to law. 33 complying with this chapter;
7 34 (c) Request law enforcement assistance
8 **750.07 Trespass.**⁹⁹ 35 to remove a person not complying with
9 Any person on the common area: 36 this chapter.
10 (a) Who is not authorized to be on the 37
11 common area; or 38 **750.09. Yard Sales**¹⁰¹
12 (b) Who has been directed to leave the 39 (1) No person shall conduct a yard sale on
13 common area and remains; 40 either an assessable unit, the common area, or
14 Shall be deemed to be trespassing on the 41 the properties except as permitted by a
15 common area. 42 resolution adopted by the board.
16 43 (2) A person conducting a yard sale on the
17 **750.08. Enforcement.**¹⁰⁰ 44 common area or properties without the
18 (1) GENERAL POLICY. 45 permission of the board shall be deemed to be
19 (a) The association is neither a 46 trespassing and shall be subject to s. 750.07.
20 government nor law enforcement. 47 (3) The board may by resolution designate not
21 (b) Suspected violations of the law shall 48 more than two (2) days per year as permitted
22 be reported to the appropriate law 49 under s. 112-10-102(9), county code.
23 enforcement or government agency. 50
24 (2) DIRECT COMPLIANCE; EJECTION. In addition 51 **750.10 Closing or Restricting Access to the**
25 to ch. 800 or other enforcement action, the 52 **Common Area.**¹⁰²
26 agent, director, or officer may direct any person 53 (1) The president or the board by resolution
27 on the common area to: 54 may close or restrict access to any part of the
55 common area unless prohibited by law.

⁹⁸ Adopted November 15, 2012.

⁹⁹ Adopted November 15, 2012.

¹⁰⁰ Adopted November 15, 2012.

¹⁰¹ Adopted June 19, 2014; amended by order June 19, 2014: defined term was moved to first section of this chapter.

¹⁰² Adopted June 19, 2014.

1 (2) When the common area is closed or
2 restricted, notice may be given as follows:

3 (a) Posting in the area;

4 (b) Traffic cones or other items being
5 erected in the area; or

6 (c) Notice by electronic means.

7 (3) ENFORCEMENT.

8 (1) *Person*. A person acting contrary to this
9 section 750.10 shall be subject to ss. 750.07 and
10 750.08, ch. 800.

11 (2) *Vehicle*. A vehicle or other item acting
12 contrary to this section shall be deemed acting
13 contrary to s. 850.02 (4) and shall be subject to
14 ch. 800 and s. 850.07.

1 **Chapter 800**

2 **Enforcement**

3 **800.01 Citations**¹⁰³

4 On behalf of the Association, the Board of
5 Directors or its Management Agent may issue a
6 citation to any owner whose behavior or use of
7 property does not conform to the Association's
8 Governing Documents.

9 **800.02 Notice**¹⁰⁴

10 When appropriate, the Board shall send a first
11 notice of citation in writing and deliver it
12 personally or via regular first class mail, to the
13 member at his/her address listed in the
14 Association's records, and to the property
15 address, if the member's listed address is
16 different from the property address and the
17 issue being cited pertains to a tenant or other
18 non-owner resident of the property. The first
19 notice of citation shall generally advise the
20 member of the nature of the offense, cite the
21 specific provision within the Association's
22 regulations which has allegedly been violated,
23 specify the remedy required, and state the
24 number of days within which the member must
25 complete corrective action.

26 **800.03 Remedy**¹⁰⁵

27 If the member does not remedy the violation
28 within the number of days noted in the first
29 notice of citation, the Board of Directors or its
30 Management Agent reserves the power to issue
31 a final notice of citation, which shall follow the
32 basic form of the first notice of citation and
33 include any additional information deemed

34 important by the Board of Directors concerning
35 the offense.

36 **800.04 Urgent nature**¹⁰⁶

37 For any offense of an urgent nature, as deemed
38 so by the Board of Directors, or that poses a risk
39 to the health and safety of the community,
40 including but not limited to unleashed animals,
41 failure to properly dispose of animal waste,
42 destruction of common property, etc., the
43 Association may proceed directly to a final
44 notice of citation, which includes the
45 information noted below.

46 **800.05 Final notice**¹⁰⁷

47 The final notice of citation shall advise the
48 member of the Board's power to impose
49 monetary charges and to suspend privileges for
50 offenses of the Association's regulations and
51 shall inform the member of his/her right to
52 request a hearing before the Board of Directors
53 to contest the violation. The final notice of
54 citation shall request that the member confirm
55 in writing by a certain date his/her desire for a
56 hearing to contest the citation.

57 **800.06 Delivery; recording**¹⁰⁸

58 The Board shall deliver the final notice of
59 citation by registered or certified mail, return
60 receipt requested, and via first class mail,
61 postage pre-paid, to the member at his/her
62 address listed in the Association's records, and
63 to the property address, if the member's listed
64 address is different from the property address.
65 Notification will be deemed effective if any
66 member fails or refuses to sign for any certified
67 mailing from the Association.

¹⁰³ Enacted March 15, 2012.

¹⁰⁴ Enacted March 15, 2012.

¹⁰⁵ Enacted March 15, 2012.

¹⁰⁶ Enacted March 15, 2012.

¹⁰⁷ Enacted March 15, 2012.

¹⁰⁸ Enacted March 15, 2012.

1 **800.07 No action; hearing not requested**¹⁰⁹
2 If the member does not permanently remedy
3 the offense within the number of days
4 requested in the final notice of citation, and the
5 member has not requested a hearing in writing
6 in accordance with the terms stipulated in the
7 final notice of citation, the member shall be
8 deemed to have waived the right to a hearing
9 and the Board of Directors shall have the power
10 to impose monetary charges and/or suspend
11 privileges pursuant to the authority granted in
12 Section 55-513 of the Virginia Code and the
13 Association's Governing Documents. The Board
14 of Directors shall not be required to conduct a
15 hearing unless the member formally requests a
16 hearing in writing by or before the deadline set
17 forth in the final notice of citation.

18 **800.08 Hearing**¹¹⁰

19 When a hearing is requested by the member in
20 writing by or before the deadline, the Board of
21 Directors shall set the time, date and place of
22 the hearing solely at its discretion. Written
23 notice of the time, date and place of the
24 hearing shall be mailed to the member by
25 registered or certified mail, return receipt
26 requested, and via first class mail, postage pre-
27 paid, to the member at least fourteen (14)
28 calendar days in advance of the hearing date. At
29 the hearing, the Board of Directors shall provide
30 the member with a reasonable amount of time
31 to present any and all defenses to the citation.
32 The member may have counsel present at the
33 hearing.

34 **800.09 Board consideration**¹¹¹

35 Following the hearing, the Board of Directors
36 shall meet in executive session to discuss
37 whether satisfactory proof of the alleged
38 violation was presented, and if so, whether
39 monetary charges should be imposed and/or
40 privileges should be suspended. The Board shall
41 then exit executive session to hold a vote in
42 open session on whether satisfactory proof of
43 the alleged violation was presented, and if so,
44 whether monetary charges should be imposed
45 and/or privileges should be suspended.

46 **800.10 Board action**¹¹²

47 When the Board's judgment is unfavorable to
48 the member, the Board may impose monetary
49 charges as an assessment against the member's
50 lot, suspend the member's privileges, or both.
51 Monetary charges may not exceed \$50.00 for a
52 single offense or \$10.00 per day for a maximum
53 of 90 days for any offense of a continuing
54 nature, although the Board reserves the power
55 to increase these maximum sanctions if the
56 General Assembly enacts legislation in the
57 future that permits the Board to do so. An
58 offense of a continuing nature is defined as a
59 violation of the Association's Governing
60 Documents which, by its nature, remains a
61 violation continuously for more than 24 hours
62 unless corrected by the member. The Board
63 shall treat monetary charges as an assessment
64 against the member's lot.

65 **800.11 Notice of board action**¹¹³

66 The Board of Directors shall deliver notice of its
67 decision to the member by registered or
68 certified mail, return receipt requested, and via
69 first class mail, postage pre-paid, at their

¹⁰⁹ Enacted March 15, 2012.

¹¹⁰ Enacted March 15, 2012.

¹¹¹ Enacted March 15, 2012.

¹¹² Enacted March 15, 2012.

¹¹³ Enacted March 15, 2012.

1 address of record with the Association within
2 seven (7) days of the date of the hearing.

3 **800.12 Request for inspection¹¹⁴**

4 The member shall be solely responsible for
5 communicating to the Board through the
6 management agent a request for an inspection
7 to determine that the violation has been
8 permanently remedied to terminate
9 accumulation of daily assessed charges. Charges
10 will be suspended from the date the Association
11 is notified that the violation has been remedied.
12 Should the inspector determine that the
13 violation remains, the charges will be reinstated
14 retroactively to the date of the notification.

15

16 **800.13 Members responsible for resident's
17 actions¹¹⁵**

18 The Board of Directors holds members legally
19 responsible for ensuring that the members of
20 their household, and their tenants, guests, or
21 invitees comply with the Association's
22 Governing Documents.

23 **800.14 Applied¹¹⁶**

24 The procedures outlined in this Resolution may
25 be applied to all violations of the Association's
26 Governing Documents, but do not preclude the
27 Association from exercising other enforcement
28 procedures and remedies authorized by the
29 Association's legal documents, including, but
30 not limited to, the initiation of suit or self-help
31 remedies. The Board of Directors reserves the
32 power to assign all of its powers and
33 responsibilities herein to a standing or special

34 committee of its choice or to its manager or
35 managing agent.

36 **800.15 Appeal to board¹¹⁷**

37 If enforcement action is taken against a
38 member under the terms of this policy and the
39 enforcement action is initiated by a standing or
40 special committee, the final decision of the
41 standing or special committee may be appealed
42 to the Board of Directors provided that the
43 request for an appeal is submitted in writing
44 within ten (10) days of the date of the final
45 written decision issued by the standing or
46 special committee. All such requests for an
47 appeal shall be submitted directly to the Board
48 or to the Managing Agent. The Board of
49 Directors may reconsider, review, modify or
50 reverse any action taken by the standing or
51 special committee.

52

53 **800.16 Courtesy Reminders.¹¹⁸**

54 (1) FORM AUTHORIZED. The chair of the
55 committee on operations with the concurrence
56 of the president, may prescribe a form calling a
57 resident's attention to noncompliance with the
58 governing documents. Such a form shall
59 include:

- 60 (a) The date noncompliance was
61 observed;
- 62 (b) The address of where
63 noncompliance was observed;
- 64 (c) Specific nature of noncompliance;

¹¹⁴ Enacted March 15, 2012.

¹¹⁵ Enacted March 15, 2012.

¹¹⁶ Enacted March 15, 2012.

¹¹⁷ Enacted March 15, 2012.

¹¹⁸ Enacted July 17, 2014.

- 1 (d) How the member or resident may
2 come into compliance;
- 3 (e) The date by which compliance is
4 requested; and
- 5 (f) The contact information of the agent
6 or other person designated by the
7 board.

8 (2) ISSUER; HOW DELIVERED. A courtesy
9 reminder may be issued by a director, officer,
10 agent, or other person designated by the
11 committee. The courtesy reminder may be
12 delivered in-person, left at an assessable unit,
13 or any other method permitted any notice
14 under the governing documents.

15 (3) RECORDS; FURTHER INSPECTION. The issuer
16 shall notify the agent when a courtesy reminder
17 including the items included under subsection
18 (1) has been issued. The agent shall record
19 each courtesy reminder and shall inspect the
20 assessable unit for compliance after the day
21 compliance was requested. If the member or
22 assessable unit remains in noncompliance, the
23 agent shall issue a hearing notice pursuant to
24 this ch. 800.

25 (4) ANNUAL INSPECTION ALTERNATIVE.
26 Committee on operations may authorize a
27 periodic inspection of the assessable units and
28 issue courtesy reminders in lieu of a traditional
29 annual compliance inspection.

30 (5) NOT OFFICIAL NOTICE. A courtesy reminder
31 is not a substitute for an official communication
32 pursuant to the governing documents.

1 **Chapter 850**

2 **Parking**

3 **850.01 Definitions.**¹¹⁹

4 (1) "Commercial vehicle" means any vehicle:

5 (a) Marked for hire or other markings

6 that it is a commercial vehicle;

7 (b) Visible equipment or tools of a

8 commercial nature.

9 (2) "Parking stalls" means designated on the

10 common areas for parking of a single vehicle.

11 (3) "Temporary portable storage containers"

12 shall have the same meaning as that term is

13 understood under s. 112-10, county code.

14

15 **850.02 No assignment; use and compliance.**¹²⁰

16 (1) NO ASSIGNMENT. Parking stalls may be

17 used by any person entitled to their use. No

18 parking stall shall be assigned nor reserved for

19 any person or assessable unit.

20 (2) USE OF PARKING STALLS. Only the following

21 persons may park a permitted vehicle in a

22 parking stall:

23 (a) Resident;

24 (b) Guest of a resident;

25 (c) A vendor in actual performance of a

26 service at an assessable unit from 7 AM

27 to 7 PM;

28 (d) A person performing services for the

29 association or otherwise authorized by

30 a director; or

31 (e) Law enforcement.

32 (3) VEHICLES PERMITTED. Unless otherwise

33 provided for, only the following vehicles are

34 permitted to use a parking stall:

35 (a) Personal and non-commercial

36 vehicles of a resident or guest;

37 (b) Vehicle of a person under paragraph

38 (2)(c) from; or

39 (c) Vehicle of a person under paragraph

40 (2)(e).

41 (4) CURRENT REGISTRATION; WORKING ORDER.

42 All vehicles shall:

43 (a) Display current registration, tags,

44 and decals required by law; and

45 (b) Be operable and in working order.

46 (5) COMPLAINT. All persons and vehicles shall:

47 (a) Comply with applicable law;

48 (b) Comply with all signage and

49 directions of a director or the agent.

50

51 **850.03 Prohibited acts.**¹²¹ No person shall:

52 (1) CLAIM ASSIGNMENT. Claim assignment or

53 reservation of a parking stall;

54 (2) NO LONG-TERM PARKING. Park a vehicle

55 more than 30 days in a parking stall;

¹¹⁹ Enacted October 18, 2012; amended July 17, 2014.

¹²⁰ Enacted October 18, 2012.

¹²¹ Enacted October 18, 2012; amended July 17, 2014.

1 (3) ONE STALL. Park a vehicle in more than one
2 parking stall;

3 (4) NOT TO ALTER. Alter or mark a parking stall;

4 (5) SPEED LIMIT. Operate a vehicle in excess of
5 fifteen (15) miles per hour.

6 (6) NO MAINTENANCE. Perform vehicle
7 maintenance in a parking stall which includes,
8 vehicle washing, changing oil, tire rotation, and
9 other maintenance.

10 (7) NO STORAGE CONTAINER. Place a
11 temporary portable storage container on any
12 assessable unit or common area without a
13 permit from the association.

14

15 **850.04 Disabled parking.**¹²²

16 (1) PETITION; HOW MADE. A member may
17 petition the board to designate or un-designate
18 a parking stall reserved for the use of those
19 persons with disabilities as described in s. [36-](#)
20 [99.11](#), Code of Virginia. Such a petition shall be
21 made on a form prescribed by the association
22 and shall include:

23 (a) Name of the petitioner;

24 (b) A description of the parking stall;

25 (c) The reason the parking stall should
26 be designated or un-designated;

27 (d) A statement that acknowledges that
28 reserving such a parking stall is limited
29 to three (3) years, but may be renewed;
30 and

31 (e) Such a parking stall may be used by
32 any person authorized by law.

33 (2) AGENT REPORT. Within one (1) months of
34 submitting a petition, the agent shall review the
35 petition and report to the board:

36 (a) The impact the petition will have on
37 parking in the vicinity; and

38 (b) A recommended action.

39 (3) BOARD ACTION. Within two (2) months of
40 receiving the report of the agent the board shall
41 hold a hearing and act on the petition. A
42 hearing and act may be held during a board
43 meeting. The agent shall inform the petitioner
44 of the board's action in writing.

45 (4) IDENTIFICATION. If the board designates a
46 parking stall, the parking stall will be identified
47 pursuant to s. [36-99.11](#), Code of VA for three (3)
48 years.

49 (5) TRANSITION. All such designated parking
50 stalls of June 1, 2012 shall cease to be reserved
51 as of December 31, 2014 unless a petition is
52 made under this section.

53

54 **850.05 Application; authority.** This chapter is
55 enacted pursuant to the bylaws and
56 declaration. Every person subject to the
57 governing documents has a duty to comply with
58 this chapter.

59

60 **850.06 Variance.**¹²³

¹²² Enacted May 17, 2012.

¹²³ Enacted October 18, 2012.

1 (1) WHO MAY PETITION. A member or resident
2 may petition the board for a limited variance
3 from this chapter for special circumstances.

4 (2) HOW MADE. A petition shall be made
5 pursuant to ch. 700.

6

7 **850.07 Enforcement.**¹²⁴

8 (1) WHO MAY ENFORCE. The agent, director, or
9 officer may enforce this chapter.

10 (2) SUSPECTED VIOLATION. Any person may
11 inform the agent, director, or officer of a
12 suspected violation of this chapter.

13 (3) HOW ENFORCED. In addition to ch. 800, a
14 person or vehicle subject to this chapter that
15 acts contrary to this chapter may be towed
16 without further notice. The person acting
17 contrary to this chapter shall be responsible for
18 the cost of enforcement.

19

20 **850.08 Transition.**¹²⁵

21 (1) EFFECTIVE DATE. Sections 850.01 to 850.03
22 and ss. 850.05 to 850.06 shall become effective
23 on publication¹²⁶.

24 (2) REPEALER. Section 850.99 is repealed when
25 the sections created under subsection (1)
26 become effective.

27

28 **850.09 Temporary portable storage
29 containers.**¹²⁷

30 (1) APPLICATION. A member may submit an
31 application to the architectural review
32 committee to place a temporary portable
33 storage container in a single parking stall closest
34 to the member's assessable unit. Such
35 application shall be on a form prescribed by the
36 association and shall include:

37 (a) Name of the applicant and contact
38 information;

39 (b) If applicable, the name and contact
40 information of the tenant or other
41 responsible person relating to the
42 temporary portable storage container;

43 (c) The date the temporary portable
44 storage container will be delivered and
45 when it will be removed.

46 (d) A copy of this section and s. 112-10,
47 county code.

48 (e) A statement by the applicant that
49 failure to comply with this section shall
50 result in the removal of the temporary
51 portable storage container without
52 further notice and the applicant accepts
53 responsibility for any related damages.

54 (2) APPLICATION REVIEW. The committee will
55 acknowledge receipt of application and may
56 grant, deny, or take no action on an application.
57 In granting a petition, the committee may place
58 whatever limits it deems expedient. The
59 committee may delegate responsibilities to the
60 agent, an officer, or director. Any action may
61 be appealed to the board en banc. Any action
62 shall be done in writing and shall be transmitted
63 to the applicant.

¹²⁴ Enacted October 18, 2012.

¹²⁵ Enacted October 18, 2012.

¹²⁶ This chapter was published on January 28, 2013.

¹²⁷ Enacted July 17, 2014.

1 **Chapter 900**
2 **Collections**
3 **900.01 Definitions**¹²⁸
4 As used in this chapter, unless context
5 otherwise requires:
6 (1) "Address of Record" means the mailing
7 address or electronic destination designated by
8 a member for receipt of official
9 communications.
10 (1) "Covenant Charges" are monetary amounts
11 assessed against a member for violations of the
12 governing documents.
13 (2) "Current Member" means a member
14 without an outstanding financial obligation due
15 to the association.
16 (3) "Official Communications" means
17 communications from the association that
18 relate to: finances, governance, due process,
19 covenants, and other communications required
20 by law or the governing documents; it does not
21 include informal communications.
22 (3) "Noncurrent Member" means a member
23 with an outstanding financial obligation greater
24 than one-hundred dollars (\$100.00) that is
25 more than sixty (60) days past due.
26 (4) "Member" means the definition under ch.
27 100 and includes "owner" as defined in that
28 chapter.

29 **900.02 Annual assessment; when due**¹²⁹

30 (1) Members may remit their annual
31 assessment¹³⁰:

¹²⁸ Enacted May 17, 2012.

¹²⁹ Enacted May 17, 2012.

32 (a) In a single amount due January 1; or
33 (b) Quarterly due January 1, April 1, July
34 1, and October 1.

35 (2) The annual assessment shall be outstanding
36 after the end of the month of the month the
37 annual assessment is due.

38 (3) The board may require a noncurrent
39 member to remit the current or outstanding
40 annual assessment in a single amount due
41 January 1 or the end of the quarter when the
42 privilege of remitting quarterly is suspended.

43 **900.03 Special assessment**¹³¹

44 (1) Unless otherwise directed by the board, a
45 special assessment¹³² shall be paid in the same
46 manner as an annual assessment pursuant to s.
47 900.02.

48 (2) A noncurrent member shall remit a special
49 assessment in a single amount due at the end of
50 the month of the month when the special
51 assessment is established.

52 **900.04 Covenant charges**¹³³

53 Covenant charges¹³⁴ are due when notice of the
54 charges are sent to the member and
55 outstanding thirty (30) days after such notice.

56 **900.05 Fee when received**¹³⁵

¹³⁰ An annual assessment is considered a fee by definition.

¹³¹ Enacted May 17, 2012.

¹³² A special assessment is considered a fee by definition.

¹³³ Enacted May 17, 2012.

¹³⁴ A charge is considered a fee by definition.

¹³⁵ Enacted May 17, 2012.

1	A fee due the association shall be considered	32	(b) Statement of account;
2	received when received by the association and	33	(c) Demand for payment of outstanding
3	not the date sent.	34	fees;
4	900.06 Address of record¹³⁶	35	(e) Statement that voting rights and
5	(1) A member shall ensure that the address of	36	privileges shall be suspended unless
6	record filed with the association is current.	37	outstanding fees are remitted;
7	(2) Any official communication shall be deemed	38	(f) Statement that the board may
8	to have been received by a member five (5)	39	revoke the privilege of quarterly
9	days after being submitted to an address of	40	remittance and demand payment of the
10	record of the member by certified or first class	41	entire annual assessment; and
11	mail.	42	(g) Statement that the member may
12	(2) Non-receipt of an official communication	43	request a hearing before the board
13	does not relieve a member of an obligation.	44	relating to the fees assessed or the
14	900.07 Collection actions¹³⁷	45	suspension of voting rights and
15	This subsection shall apply when a fee becomes	46	privileges. If such a request is not
16	outstanding.	47	received by the association within
17	(1) LATE FEE. When a fee becomes outstanding,	48	fifteen (15) days after the notice under
18	a late fee of twenty-five dollars (\$25.00) shall be	49	this subsection (4), the member waives
19	assessed.	50	their right to a hearing relating to the
20	(2) COLLECTION FEE. A member shall be	51	fees assessed and the suspension of
21	assessed all costs of collecting an outstanding	52	voting rights and privileges;
22	fee.	53	(h) Statement that the association is
23	(3) LIEN FOR ASSESSMENTS. Fees assessed	54	required to take collection actions to
24	under this subsection shall become a part of the	55	collect the amounts owed.
25	continuing lien for fees and annual assessments	56	(5) SUSPENSION OF VOTING RIGHTS PRIVILIGES.
26	due until fully satisfied.	57	Pursuant to art. III ch. 400 ¹³⁸ (bylaws), the
27	(4) NOTICE. The association shall send notice to	58	voting rights and privileges of a member are
28	the address of record when a fee is assessed	59	suspended where:
29	under this subsection. Such notice shall	60	(a) Collections proceedings have been
30	include:	61	initiated against the member; or
31	(a) The amount and reason for the fee;	62	(b) The member owes the association a
		63	fee greater than one-hundred dollars

¹³⁶ Enacted May 17, 2012.

¹³⁷ Enacted May 17, 2012.

¹³⁸ As amended by the membership at the March 2012 annual meeting.

1 (\$100.00) which is more than ninety
2 (90) days outstanding.

3 **900.08 Delinquent**¹³⁹

4 (1) A fee is delinquent when it is ninety (90)
5 days outstanding and when no hearing request
6 has been submitted by the noncurrent member.

7 (2) When a fee becomes delinquent:

8 (a) The noncurrent member shall be
9 required remit the entire annual
10 assessment for the current year;

11 (b) The agent shall recommend to the
12 board collection action;

13 (c) The board may retain legal counsel,
14 a collection agency, or other collection
15 services allowed by law to collect
16 delinquent fees.

17 (3) The association may avail itself of all
18 remedies allowed by law in pursuit of payment,
19 including, but not limited to:

20 (a) Placement of lien on the assessable
21 unit;

22 (b) Garnishment of wages;

23 (c) Initiation of personal liens;

24 (d) Reporting to credit bureaus.

25 **900.09 Removal of lien**¹⁴⁰

26 A member shall remit all outstanding fees¹⁴¹
27 before a lien will be removed.

28 **900.10 Priority of payments**¹⁴²

¹³⁹ Enacted May 17, 2012.

¹⁴⁰ Enacted May 17, 2012.

¹⁴¹ Fees include all amounts assessed against a member. This includes the cost of collections.

29 When a member becomes noncurrent, amounts
30 remitted shall be credited in the following
31 precedence:

32 (1) Prior year annual assessment

33 (2) Current year annual assessment

34 (3) Special assessment;

35 (4) Interest fees and late fees;

36 (5) Returned draft fees and other financial
37 institution fees;

38 (6) Administrative fees;

39 (7) Covenant charges;

40 (8) Fees relating to collection costs, including
41 collection agency fees, legal counsel fees, court
42 fees, and other recording fees;

43 **900.11 Relief**¹⁴³

44 (1) A member may petition the board for relief
45 of fees under this chapter. Such a petition shall
46 be submitted in writing and include:

47 (a) Name of the member;

48 (b) Address of record;

49 (c) Address and account number of the
50 assessable unit;

51 (d) Identification of the fees assessed
52 the member for which the member
53 seeks relief; and

54 (e) The extraordinary circumstances of
55 the member.

¹⁴² Amended February 21, 2013; enacted May 17, 2012.

¹⁴³ Enacted May 17, 2012.

- 1 (f) Whether the member wishes to
2 appear before the board.
- 3 (2) The agent shall review the petition and
4 make a recommendation to the board.
- 5 (3) After considering the petition and the
6 recommendation of the agent, the board may:
- 7 (a) Relieve the member from named
8 fees;
- 9 (b) Enter into an agreement on how and
10 when fees will be paid;
- 11 (c) Decline to relieve the member of
12 fees; or
- 13 (d) Take no action.
- 14 (4) The board shall not relieve any member
15 from the following fees:
- 16 (a) Annual and special assessments; or
17 (b) Costs of collection.
- 18 (5) All petitions shall be considered individually
19 and no precedent shall be established in
20 granting relief.