

USE OF COMMON AREA OF OLD MILL COMMUNITY COUNCIL, INC.



P.O. Box 114
Burke, VA 22009
www.oldmillcommunity.com

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OLD MILL COMMUNITY COUNCIL, INC.

POLICY RESOLUTION NO. 006

Rules Governing Use of the Common Area

WHEREAS, Article VIII, Section 1(c) of the Association's Amended and Restated Bylaws provides that the Board of Directors shall have the power to "exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration" (collectively referred to as "Governing Documents"); and

WHEREAS, Article VIII, Section 1(a) of the Association's Amended and Restated Bylaws states that the Board of Directors shall have the power to "adopt and publish rules and regulations governing the use of the Common Areas and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;" and

WHEREAS, the Board of Directors deems it to be in the best interest of the Association's residents to establish certain rules, procedures and guidelines regarding the use of the Association's Common Area; and

NOW THEREFORE, BE IT RESOLVED that the following policy regarding the use of the Association's Common Area is hereby adopted which shall supersede and replace any existing rules and regulations governing the use of the Common Area:

I. Nuisance and Annoyance. (Article XXI, Sec 1).

A. No noxious or offensive activities shall be carried on upon the Common Area, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood or prevent the peaceful enjoyment of their properties and Common Area by the residents of Old Mill.

B. The loud playing of radios, televisions, recording or audio playback devices, musical instruments, or other creation of a loud noise, such as, but not limited to, loud prolonged or continual vehicle engine noise, which is disturbing to other residents constitutes a nuisance noise and is prohibited. The loud sound or noise may not carry more than fifty feet nor cross a boundary line of a property.

C. Loud, vulgar or obscene language is prohibited.

D. Indecent exposure or lewd or lascivious conduct in violation of the laws of the Commonwealth of Virginia or Fairfax County is prohibited.

E. Activities which constitute a disturbance or breach of the peace in accordance with the laws of the Commonwealth of Virginia and Fairfax County are prohibited.

II. Litter and Trash. (Article XXI, Sec 2).

A. No part of the Common Area shall be used or maintained as a dumping ground for rubbish, objects or other debris. Grass clippings and leaves may not be deposited in the streets.

B. Trash and garbage containers shall not be stored on the Common Area. Trash and garbage containers and other objects for trash removal may be placed on the Common Area only at the designated trash pick-up points and only at the times designated by the Board of Directors.

C. Bottles, cans, cups, wrappers, and other litter may not be deposited on the Common Area.

D. Residents are requested to remove litter and debris from the streets, sidewalks and Common Area adjacent to their homes.

III. Animal Control. (Article XX, Sec 2).

A. The Fairfax County animal control laws apply to the Common Area of Old Mill. Fairfax County officials are authorized to come on the common property to enforce the animal control laws.

B. No animals, livestock or poultry of any kind shall be raised, bred, or kept on the Common Area.

C. Dogs must be kept on a leash when on the Common Area.

D. The leash line of dogs tied on a property may not be of such a length which would permit the dog to come on the common sidewalks or other parts of the Common Area.

E. Dogs may not deposit excrement on the Common Area sidewalks, streets, playground areas or other tended turf areas adjacent to a lot or sidewalk. The owner of a dog shall be responsible for removing excrement deposited by his or her dog in these areas. Those walking dogs should carry a scoop to remove excrement.

F. No dog or cat over six months in age which is not licensed or vaccinated as required by law may be permitted on the Common Area.

IV. Safety Measures. (Article XXI, Sec 3).

- A. Open fires on the Common Area are prohibited. Grills must be of a type which will not scorch or in any way damage the landscape and must be located away from leaves, bushes and trees which could cause a fire on the Common Area or the property of a resident.
- B. Firearms, air guns, or bow and arrows may not be discharged on or into the Common Area. Loaded fire arms may not be transported or carried on the Common Area except for law enforcement officers.
- C. No vehicle, including mopeds and motorbikes may be operated on the sidewalks or other portions of the Common Area which are not streets or designated parking areas.
- D. Nothing may be done on the Common Area which would obstruct the safe passage of people and vehicles. Objects such as, but not limited to, bicycles, toys, or tools, may not be left on the Common Area, streets or sidewalks.
- E. Bushes and trees must be trimmed so as not to obstruct passage on the Common Area sidewalks or block the safe vision of motorists.
- F. No fireworks which are illegal for sale or unrestricted use in the Commonwealth of Virginia or Fairfax County may be used, thrown, fired or otherwise projected on or onto the Common Area.

V. Guests. (Article XXI, Sec 4).

- A. The Common Area is for the use of members, their families, tenants or contract purchasers residing on the property to whom members have delegated use of the common Area and their invited guests.
- B. No residence may have more than ten guests on the Common Area at one time without permission of the Board of Directors.
- C. The Common Area may not be used for organizational activities involving more than ten guests on the Common Area. A resident must be a member of the organization and present for small organizational activities. The activity must be of a recreational nature such as a picnic or games for children and may not be held for commercial purposes except for baby-sitting or day-care.
- D. Guests must comply with the Association's Governing Documents concerning the use of the Common Area. Residents are responsible for ensuring that their guests comply with the Association's Governing Documents.

VI. Vehicles. (Article XXI, Sec 5): Vehicles must be operated and parked in accordance with the laws of the Commonwealth of Virginia and Fairfax County and in accordance with the Association's Amended and Restated Bylaws and in accordance with the Association's Parking and Vehicle Policy Resolution which is published separately.

VII. Miscellaneous. (Article XXI, Sec 8).

A. No material or objects such as, but not limited to, fire wood, trash cans, bicycles, toys, or building material, may be regularly stored on the Common Area.

B. Boats or trailers may not be stored on the Common Area.

C. The Common Area landscape may not be denuded, defaced or otherwise damaged. Streets, sidewalks, and facilities may not be defaced or damaged.

D. Nothing may be done on the Common Area which would cause damage to private property such as, but not limited to, vehicles parked in the community, fences, walls, landscape, or buildings.

E. No structure, including tree houses, shanties, shacks, skateboard ramps or basketball backboards, may be erected on the Common Area. This restriction does not apply to temporary structures such as tennis, volleyball or badminton nets.

F. No signs, except for standard real estate directing signs, may be placed on the Common Area without permission of the Board of Directors. Real estate directing signs may be placed on the Common Area within the public right of way or in an area nearby a home for sale which does not front on a street. Permission of the Board of Directors is required to place a real estate sign elsewhere on the Common Area. Notes no larger than 8 ½ inches by 11 inches may be placed on the mail boxes.

G. No street, sidewalk or portion of the Common Area may be closed off for block parties, lawn sales, etc., without the permission of the Board of Directors and the consent of the affected residents.

H. No illegal controlled substance or drugs may be used, consumed, sold, stored or transported on the Common Area.

Use of alcoholic beverages on the Common Area by individuals not of legal age under Commonwealth of Virginia and Fairfax County laws is prohibited.

J. Commercial activities, except for a lawn sale approved by the Board of Directors or a licensed street vendor vehicle passing through, such as an ice cream vendor, may not be conducted on the Common Area. Street vendor vehicles may not remain parked to do business but must move off the common area when the immediate sales are completed. For the purposes of these regulations, showing

homes for sale or rent, baby-sitting or day-care shall not be construed as commercial activities prohibited by these regulations.

K. No clothesline or hanging device is permitted on the Common Area.

L. No overnight camping or sleeping is permitted on the Common Area.

M. No large tent or pavilion may be erected on the Common Area without the permission of the Board of Directors. This restriction does not apply to children's play tents which are used solely during daylight hours.

VIII. Enforcement.

A. Residents must notify the Fairfax County Police for enforcement of violations of State and County laws, such as nuisance noise, disturbing the peace, drug use, or underage drinking.

B. Residents must notify the Fairfax County animal control authorities for enforcement of the leash laws.

C. Objects or material left on the Common Area may be confiscated and disposed of by the Association. A reasonable attempt to locate the owner will be made before disposing of items which are obviously not junk such as bicycles, toys, or tools.

D. Repeated offenses may subject the offender (and/or the owner of the property if the offender is a tenant) to legal action by the Association or another owner or resident in accordance with the Association's Governing Documents and Due Process Resolution and the laws of the Commonwealth of Virginia and Fairfax County.

E. If a resident wants to submit a claim against another individual for violation of the Association's Governing Document, the resident must submit a formal complaint in accordance with the Association's Policy Resolution Regarding Procedures Related to the Submission and Resolution of Complaints.

F. Property owners are responsible for enforcing the Covenants and rules and regulations of the Association with respect to their family members, tenants, or contract purchasers who reside on the property and guests who visit the property. Property owners must ensure that their tenants and contract purchasers are informed of the rules and regulations of the Association. A property owner who repeatedly violates the regulations or permits his or her family members, guests, tenants or contract purchasers who reside on the property to continue to violate these regulations without taking action to correct the situation, after having been duly notified by the Association of the violations, may become subject to legal action and sanctions in accordance with the Association's Governing Documents.

G. Violations of the Covenants, Bylaws or Association regulations by tenants will be reported to the property owner for possible action under the terms of the lease.

H. Residents may be restricted from use of the Common Area for a period of up to sixty days in accordance with the Association's Governing Documents for violations of the Governing Documents.

I. Guests and other non-residents who are not property owners, who violate the regulations may be banned from Association owned property by the Board of Directors and subject to prosecution for criminal trespass in accordance with the laws of the Commonwealth of Virginia and Fairfax County.

J. Property owners are responsible for all costs incurred by the Association in enforcing these regulations in situations involving violations by themselves, their family members, tenants, or contract purchasers who reside on property or guests visiting the property. Any costs such as, but not limited to, repairing facilities, replacing landscape, removing unauthorized markings and objects, attorney's fees and court costs, incurred by the Association in enforcing these regulations will be charged to the property owner concerned. Property owners are responsible for collecting the charges from their tenants or contract purchasers residing on the property. Unless paid sooner, the charges will be added to and become part of the assessment to which the property is subject and shall be a continuing lien upon the property subject to the same conditions for assessments and charges as provided for in the Association's Amended and Restated Bylaws and the Association's Due Process Resolution or collected otherwise as allowed by law.

The effective date for the date of this Resolution shall be December 15, 2011.

OLD MILL COMMUNITY COUNCIL, INC.

Maureen Thompson, President