

*BURKE CENTRE CONSERVANCY*

# **PARKING RULES & REGULATIONS**



**Administrative Policy Resolution #7-2013-PT**

*Board Approved 10 October 2013*

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**PARKING RULES AND REGULATIONS FOR  
BURKE CENTRE CONSERVANCY**

A resolution pertaining to adoption of a policy with regard to parking and parking enforcement

**WHEREAS**, Article VI, Section 1, Part "D", of the Declaration of Covenants and Restrictions for Burke Centre Conservancy (hereinafter referred to as the Association) authorizes the Board of Trustees to adopt general rules, including rules to regulate storage and use of all vehicles; and

**WHEREAS**, the Supplementary Declarations of Covenants and Restrictions for the various Clusters provide that use and storage upon the Common Area and Lots of all vehicles and recreational equipment shall be subject to rules promulgated by the Board of Trustees; and

**WHEREAS**, it is the intent of the Board of Trustees of Burke Centre (hereafter referred to as the "Board") to provide safe parking areas, assure equitable parking arrangements, and establish equitable rules and regulations for the enforcement of these regulations; and

**WHEREAS**, the Board of Trustees has deemed it necessary and appropriate to revise the parking rules and regulations within the Association since the establishment of the Community Parking District by Fairfax County, to comply with the Fairfax County Code with respect to towing enforcement, and to further define and clarify the various parking policies, including the parking of vehicles on "pipe-stem" driveways; and

**NOW, THEREFORE, BE IT RESOLVED**, that the former parking policy known as Administrative and Policy Resolution No. 7P is hereby rescinded. Also rescinded are Administrative and Policy Resolutions 2NN; 6C-5; 7G; 7I; 7L and 7N. The new policy shall remain in effect until such time as amended or rescinded by the Board. The parking rules and regulations for Burke Centre will be applicable to all residents and visitors, and are hereby adopted as follows. Condominium common element parking is excluded from enforcement of these rules, as these Clusters have their own parking rules unique to, and governed by, their own Board of Directors.

**I. DEFINITIONS**

As used in this resolution, the following words have these meanings:

1. Abandoned Motor Vehicle(s) - Shall mean any vehicle that (i) has remained in an unassigned parking space in a common area or lot of the Association for more than seven (7) consecutive days without the consent of the Board; or (ii) has remained on the common area or lot of the Association for more than seven (7) consecutive days without displaying currently valid license plates, registration or inspection; or

(iii) any vehicle that meets the definition of "abandoned vehicle" under the Code of Virginia.

2. Association— Shall refer to the Burke Centre Conservancy.
3. Authorized Vehicle - Shall mean any vehicle that is permitted to occupy parking space(s) in the Association.
4. Board - Shall mean the Board of Trustees for the Burke Centre Conservancy, its officers and authorized employees of the Association.
5. Boat - Any vessel designed for navigation on water, regardless of the size.
6. Bus - Shall mean any passenger vehicle designed to carry ten or more passengers with an omnibus, commercial or bus license.
7. Camper - Any vehicle drawn by a car, truck, or other vehicle used as a temporary or permanent dwelling.
8. Camper Truck - Any self-propelled camper.
9. Commercial Vehicle - Shall mean any vehicle on which advertising is displayed, including signs or other markings, and window decals,(does not include police or other governmental agency cars) or any vehicle with externally located or clearly visible commercial equipment or materials. Commercial equipment includes, but is not limited to, ladders, compressors, generators, pumps, landscaping and building trade tools, and any farm implement or construction equipment.
10. Common Area — Shall mean and refer to all real property owned, including Cluster Common Area, to be owned or leased by the Association, or otherwise available to the Association for the benefit, use and enjoyment of its Members. This includes any improvements thereon, all common area streets, roadways, and pipe-stems, recreational or meeting facilities, open space facilities, and other similar features.
11. Common Drive - A short road or driveway, owned in common by the owners it serves, intended to provide ingress and egress to a limited number of lots. Frequently referred to as Private Drives, Private Pipe-stems, and Private Lot Lanes. Maintenance is funded by payments to escrow accounts billed to the affected lot owners as "Pipe-stem Accounts".
12. Community Parking District – A restricted parking district, petitioned for by the community. Parking prohibitions include boats, trailers, motor homes, and other devices. The restrictions are for 24 hours a day, 7 days per week. CPDs are

administered in accordance with the Code of Fairfax, Section 8205B and Appendix M.

13. Double Parking - Parking a vehicle in a manner that blocks another vehicle(s) into a parking space or blocks part of the travel lane, even if all vehicles involved are associated with the same residence and the parking is done with the approval of the vehicle owners(s).
14. Dwelling Unit — Any residence within the Association such as a Single Family Home, Townhome, Duplex, Quad, Condominium, Cooperative Unit or Apartment.
15. Flat-bed - A vehicle where the cargo box (on a pickup or truck) or the rear portion (on an automobile or van) has been replaced by a deck and may also have sideboards or stake type side rails.
16. Guest - See Visitor.
17. Handicapped - Shall mean the holder of a valid handicapped or disabled person's state registration.
18. House Trailer - Same as Camper.
19. Inoperable / Junk Vehicle - Any vehicle that is incapable of passing current Virginia State Motor Vehicle Administration inspection, or one that does not display proof of current registration, regardless of condition, or any vehicle that is incapable of propelling itself or is otherwise inoperable.
20. Long Term - Period of time greater than seven (7) days, when parking in unassigned parking spaces in common areas.
21. Moped - A small motorcycle-like vehicle, including "pocket bikes" and motorized scooters.
22. Motorcycle / Trike - A motorized two- or three-wheel vehicle not fitting the description of Moped.
23. Motor Home - Shall mean any self-propelled vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use.
24. Oversized-vehicle - Shall mean any vehicle with tires which extend beyond the body OR a vehicle which exceeds the width of one parking space OR a vehicle which extends beyond the length of the normal parking space OR one which, because of its size, limits the view of the adjoining spaces, or one which extends over any portion of sidewalk or apron

25. Owner— The deed holder of any dwelling.
26. Parking - Shall mean the temporary stopping and placement of a vehicle in one fixed location. Temporary does not imply any form of storage, which is a longterm placement of a vehicle in one location. Long term is considered a period of time more than seven (7) days in an unassigned parking space.
27. Parking Space - Shall mean the physical area within a space marked (and numbered, if applicable) upon the pavement as a single parking space for a vehicle, the physical area of an occupant's driveway or garage or the physical area of the common areas marked or intended for parking.
28. Pipe-stem — A short road or driveway.
29. Private Lane — A road built on common area (either Cluster or Conservancy), owned by the Association, intended to provide ingress and egress to lots within a Cluster or Neighborhood. Commonly referred to as Pipe-stems, Common Pipe-stems and Common Drives. Maintenance is funded from reserve accounts.
30. Property; (Properties) – Shall mean and refer to all real property which is hereby subjected to the Declaration, together with such other real property as may from time to time be annexed thereto under the provisions of Article II hereof.
31. Recreational Vehicle - Shall mean any vehicle intended primarily for recreational purposes. This includes, but is not limited to, off-road vehicles, ATV's, dirt bikes, motor bikes, racing vehicles, campers, boats, motor homes, house trailers, etc.
32. Resident - Resident refers to any person(s), other than a guest/visitor, who resides at a dwelling
33. Short Term — Period of time less than or equal to seven (7) days.
34. Taxicab - Shall mean any vehicle conspicuously marked as a taxi, cab, or a for hire vehicle. Shuttle vans are defined as commercial vehicles.
35. Trailer - Shall mean any vehicle that is not self-propelled, and is designed to be pulled or towed by a motor vehicle.
36. Unauthorized Vehicle - Shall mean any vehicle that is not authorized to be parked on Burke Centre Properties under the provisions of this resolution.
37. VDOT— Virginia Department of Transportation.
38. Vehicle - Shall mean any self-propelled device suited for the transportation of persons or property upon a highway, and which is licensed by any state.

39. Visitor - A person visiting a property for a limited time period.

## **II. PARKING SPACE REGULATIONS**

If any provision of these Rules and Regulations shall be held in violation of any applicable laws or are unenforceable for any reason, the validity or enforceability of all other provisions shall not be affected and will remain in full force and effect:

**1. Parking Space Types** - Parking is not permitted anywhere on a lot other than in a garage, driveway, approved screened enclosure, or appropriately striped and designated parking area. Driving or parking of any vehicle on shoulders, lawns, sidewalks and/or patios/decks is expressly prohibited.

a. Garage/Driveway Parking

All owners and residents of any dwelling located on a lot that has a garage and driveway/pad may park any authorized vehicle in same garage/driveway. (Re: Parking of unauthorized vehicles, see section IV. Unauthorized or Prohibited Parking).

b. Assigned Parking

In so far as the Cluster's Supplementary Declarations provide the Board with the authority to assign parking, Clusters with common area parking may file a parking plan with the Conservancy.

Clusters with common area parking may file a parking plan with the Conservancy. Each unit may be assigned a parking space(s) as determined by the Cluster and approved by the Board. Assigned parking spaces shall be marked and identified as an assigned space, and are reserved for the exclusive use of the residents of the units assigned in accordance with this policy resolution.

Residents shall not re-assign, transfer or change the assignments or markings on any space designated without obtaining the prior written consent of the Board, after receiving input from the Cluster.

The Cluster shall have appropriate designations painted within each assigned parking space.

c. Unassigned Parking

Parking spaces not designated and marked as assigned or visitor/guest spaces shall be available on a first-come, first-serve basis in accordance with this policy resolution. Parking spaces within a cluster should only be used by residents and guests of that cluster.

d. Visitor Parking



**Residents will not be permitted to park in visitor/guest spaces** unless one of their assigned spaces is temporarily occupied by a service company vehicle, while service is being performed at the residence. Abuse of the visitor's parking spaces by residents may result in the vehicle being towed.

The ability of residents to use guests spaces on a limited basis may be authorized in individual clusters provided the cluster committee has adopted a policy to allow this, and further, that this policy has been approved by the Burke Centre Conservancy Board of Trustees. For information on such a policy, members should contact their cluster committee and/or Conservancy staff.

All visitors, guests and invitees of residents to single-family dwellings shall generally park in the garage or driveway/pad, if applicable, of the associated residence. All other visitors may temporarily park in spaces specifically marked as visitor/guest parking, for a period not to exceed seven (7) consecutive days, unless otherwise restricted or prohibited by signs. Relocating a vehicle from one visitor/guest space to another does not constitute a break in the seven (7) consecutive day period. Visitors may occupy reserved spaces if authorized by the owner or resident to whom the space has been assigned.

e. Handicapped Parking

Vehicles parking in specially marked Handicapped Spaces in the Common Areas without a valid handicapped or disabled person's state registration or placard may be towed.

f. Common Areas

Parking in common areas shall be generally restricted to areas specifically designated for parking. Overnight parking is prohibited in the following areas: community center and pool parking areas, unless specifically authorized with on-site signage, by the Conservancy for use by residents.

Parking in common area parking lots, such as at pool or community centers is restricted to those actually utilizing the associated facility during the time that the vehicle is parked in the lot, unless specifically authorized with on-site signage by the Conservancy for overnight use by residents.

Parking on or along Pipe-stems or Private Lanes or Common Drives is prohibited unless, upon petition of an Owner(s) of an affected Lot(s), the Board, by Resolution, determines otherwise. The Board will seek the recommendations of the Cluster Committee prior to rendering a decision.

g. Street Parking

VDOT-owned streets and rights-of-way



Parking on streets owned/maintained by VDOT is available to everyone, provided such parking is not restricted by signage. Emergency response providers recommend all vehicles park not more than six (6) inches from the curb.

Vehicles parking on VDOT-controlled streets and thoroughfares shall comply with all State and/or County regulations. All restricted parking on VDOT controlled streets and thoroughfares shall be posted on signs and shall be enforced by the County and/or State.

Fairfax County has established a Community Parking District (CPD), which encompasses many of the VDOT-owned streets within the Association. The rules for parking in the CPD are enforced by Fairfax County.

**III. AUTHORIZED PARKING**

All motor vehicles shall display current license plates, registration and inspection, and shall be maintained in proper operating condition so as not to be a hazard or a nuisance.

**IV. UNAUTHORIZED OR PROHIBITED PARKING**

The following vehicles are prohibited from parking in the Association unless parked inside an owner's garage or in a screened enclosure approved by the Architectural Review Board: abandoned vehicles; recreational vehicles; taxi cabs; buses; commercial vehicles; flat beds; inoperable/junk vehicles; motor homes; oversized vehicles; trailers; and unlicensed vehicles.

All vehicles must be parked within a defined and marked space, or within the owner's garage, driveway or approved screened enclosure. The following parking rules apply to all vehicles, and violators may be subject to immediate towing:

1. No parking which blocks access to mailboxes, driveways, pipe-stems, or streets/roads is permitted.
2. No parking in areas identified as approved fire lanes is permitted.
3. No parking within 15 feet of a fire hydrant is permitted.
4. No double-parking is permitted. Vehicles stopped for the purpose of immediate loading/unloading of passengers and cargo will be exempt from this rule, provided; however, the vehicle must have on its emergency flashers, and must be moved immediately once the loading/unloading is completed.
5. No vehicle or portion thereof may be parked on the grassy (non-paved) areas of any residential lot or common area at any time including the shoulders and all roadways, common drives and pipe-stems, etc.

6. Vehicles may not park anywhere on the property other than in a designated parking area, driveway/pad or garage. The parking of vehicles on any portion of the Lot, excluding the driveway/pad or garage is expressly prohibited and is subject to immediate removal.
7. Vehicles may not park in a manner that impedes traffic.

**V. STORAGE OF VEHICLES IN COMMON AREAS**

All unauthorized or prohibited vehicles shall not be stored in the common parking areas at any time. Long-term storage of authorized vehicles must have prior approval of the Board of Trustees.

**VI. AUTOMOTIVE REPAIRS**

The repair or maintenance of authorized motor vehicles shall not be carried on outside the assigned parking space or in any of the common areas or in any clusters where repair or maintenance is prohibited by the Cluster's Supplementary Declarations. Any vehicle leaking oil, gasoline, or other automotive fluid upon the streets and parking areas is subject to removal. The cost of leakage cleanup will be charged to the Conservancy member as authorized by the Board. The cost of removal, storage and retrieval of the vehicle will be the responsibility of the owner of the vehicle.

**VII. MOTORCYCLES**

Motorcycles may park within the same parking space as another vehicle as long as it does not extend beyond the bounds of one parking space. Motorcycles shall park with the kickstand on the concrete gutter portion of the curb, or alternatively, with a pad under the kickstand to prevent any damage to the asphalt.

**VIII. NON-OWNERSHIP AND NON-DIVISION OF PARKING/Common AREAS**

-- The assignment of parking spaces shall not confer ownership, or any right of ownership, to such spaces, nor shall it be construed as a division of the common area.

**IX. AVAILABILITY AND ACCESS OF PARKING**

The Association shall not be liable for, guarantee the availability of, or guarantee access to a parking space for any reason.

**X. ENFORCEMENT OF PARKING REGULATIONS**

All owners are expected to exercise their responsibility as members of the Conservancy. Owners who demonstrate a consistent and repetitive pattern of disregard for this responsibility are subject to having their Conservancy member privileges suspended or revoked, and may be subject to legal action. Examples of disregard include, but are not limited to: repeat offense of a same or similar nature; more than three violations of any type within a twelve-month period, or a significant number of multiple concurrent violations. This applies to residents and their guests.

The Board of Trustees reserves the right to alter, amend, or modify the Parking Rules and Regulations at any time deemed necessary and appropriate, and the occupants agree to abide by any such alterations, amendments or modifications.

Vehicles parked illegally and those parked in prohibited areas are subject to removal. Moving an unauthorized vehicle from one space to another does not constitute removal from the property, and will be considered a recurring violation.

All costs associated with the removal, including but not limited to, the cost associated to repair damages to the common area or the subject property, shall be the responsibility of the vehicle or unit owner.

This resolution may be enforced by one or more of the following:

1. **Notification** - Upon receipt of notice of a vehicle parking in violation of the Covenants or in violation of any Rules or Regulations of the Conservancy, or upon noticing such vehicles, Conservancy staff shall either place a notice in a visible location on the vehicle, or send written notification to the owner of the lot where the vehicle is located, which states:
  - a. That the vehicle is in violation of specific sections of the Burke Centre Conservancy Covenants, Rules and Regulations.
  - b. That unless the vehicle is removed from Burke Centre within three (3) days after the date of the notice, or is put in a condition that is consistent with the Covenants of Burke Centre, the Conservancy will arrange for the vehicle to be removed at the sole risk and expense of the owner.
  - c. The estimated date the removal will take place.
2. **Towing** - The Board of Trustees shall authorize its management agent to contract with a towing company to provide towing service for the Association. A vehicle in violation of any of these parking rules and regulations is subject to being towed at the vehicle owner or operator's risk and expense. Residents are responsible for notifying the towing company for removal of unauthorized vehicles from their assigned parking spaces only. The Board of Trustees or its management agent will have the authority to authorize towing of other vehicles in violation of parking rules and regulations.

# Parking Enforcement Responsibility Matrix - *Last update: 11/6/2013*

<b>Occurrence</b>	<b>Conservancy open space (townhouse or CC parking lot)</b>	<b>Private property (including condos/co-ops/apts)</b>	<b>VDOT (state-maintained) street</b>
Resident parking in guest spot Section II. 1.d.	Contact the staff. Staff will tag vehicle giving 3 days notice	N/A	Non-emergency police/tow company
Inoperable vehicle parking (includes flat tires, invalid tags and/or inspection, etc.) Section III	Contact the staff. Staff will tag vehicle giving 3 days notice	Processed as a property violation (currently through ARB process)	Non-emergency police/tow company
Inoperable parked in resident's own spot - Section III	Contact the staff. Staff will tag vehicle giving 3 days notice	Processed as a property violation (currently through ARB process)	N/A
Reserved spots taken by others Section X.6	Call tow company.	N/A	N/A
Commercial/recreational vehicle parking - Section IV.	Staff will tag vehicle giving 3 days notice	Processed as a property violation (currently through ARB process)	Tickets issued by police; towing enforced
Blocking mailboxes, access, driveways, intersections, signs - Section IV.1.	Vehicle owner subject to immediate towing at his/her expense	Vehicle owner subject to immediate towing at his/her expense	Vehicle owner subject to immediate towing at his/her expense
Parking on pipestem Section II.1.f.	Contact the staff. After reviewing Cluster Standards, staff will place notice (tag) on car if appropriate	Owners of driveway may call tow co. to remove vehicle	N/A
Parking in front of another's house Section II.1.g.	Vehicle owner may be asked to move vehicle – cluster issue	N/A	Allowable
Firelane parking Section IV.2.	Subject to immediate towing; tow co. roves; anyone may call tow co.	N/A	Subject to immediate towing at owner's expense
Parking on grass Section IV.5.	Vehicle will be tagged for removal	Processed as a property violation (currently through ARB process)	Fairfax County enforced – vehicle tagged w/2 days notice
Leaking vehicle Section VI.	Not permitted – owner will be required to remove leak source & clean up	Not permitted – owner will be required to remove leak source & clean up	Enforced by Fairfax County non-emergency police
Abuse of guest spot parking Section II.1.d.	Vehicle will be tagged by the staff	N/A	N/A

