

CABELL'S MILL COMMUNITY ASSOCIATION

REGULATORY RESOLUTION NO. 4

RELATING TO COMMERCIAL VEHICLES

WHEREAS, the Virginia property Owners Association Act, the Cabell's Mill Community Association Declaration of Covenants Conditions and Restrictions (recorded at Deed Book 5644 at Page 1119, et seq. in the Fairfax County Land Records) at Article IX, Sections 1(a), 1(k), and 2(b) and the Association Bylaws at Article VII, Sections 1(a) and (b) grant to the Board of Directors the power to adopt rules and regulations regarding properties within the Association and to enforce the restrictions contained in the covenants; and

WHEREAS, Exhibit I to the Declaration, which sets forth protective covenants and restrictions for properties within the Association, states at Paragraph 4 that "No commercial vehicle, whether owned by the lot owner or any other person, shall be permitted to remain on or be parked on any lot overnight"; and

WHEREAS, the Board of Directors finds it necessary and appropriate to adopt regulations which clarify the restriction on commercial vehicles and establish procedures for the enforcement of said restriction; and

WHEREAS, the best interests of all owners and residents will be served by these policies; and

NOW, therefore, be it RESOLVED that the following Regulations are hereby in effect:

**1. Commercial Vehicles Prohibited.** No commercial vehicle, whether owned by the lot owner, resident, guest or any other person, shall be permitted to remain on or be parked on any lot, Association common area or common driveway overnight.

**2. Overnight Defined.** Overnight means at any time, not necessarily continuously, after sunset or before sunrise.

**3. Commercial Vehicle Defined.** A commercial vehicle is any vehicle so defined in the Fairfax County Code (Section 82-5-7. Parking commercial vehicles in residential districts), as may be amended from time to time. The current ordinance defines commercial vehicle to include:

(a) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer ;

(b) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;

(c) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; or

(d) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

**4. Remedies and Enforcement.** The Association may enforce the prohibition on commercial vehicles at its discretion through any legal means, including, but not limited to the following:

(a). Assessment of Charges. The Association may assess charges against the lot owner for violation of the commercial vehicle restriction in accordance with the policies and procedures previously adopted by the Board. Said charges may be assessed at \$50 per violation. Each time a commercial vehicle is parked overnight on an owner's lot shall be considered a separate violation. In addition, if the lot owner, resident or guest parks a commercial vehicle overnight anywhere within the Cabell's Mill community common property, the lot owner shall be subject to an assessment of charges in accordance with this resolution.

(b). Injunction. The Association may seek an injunction requiring the removal of the commercial vehicle from the lot. Removal expenses and any damages relating thereto shall be charged to the lot owner against whom enforcement is sought.

(c). Towing. If the commercial vehicle is parked on Common Areas or common driveways, the Association may authorize the towing of the vehicle at the expense and risk of the vehicle owner.

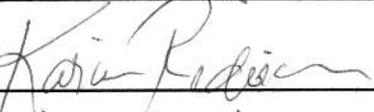
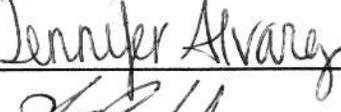
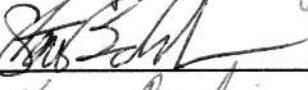
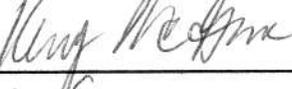
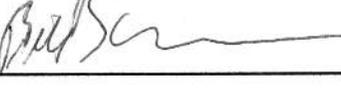
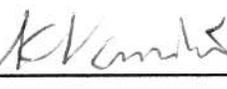
(d). Other Action. The Association may take such other legal and appropriate action as the Board deems appropriate to seek compliance with the commercial vehicle restriction.

This resolution supersedes in its entirety a Resolution Number 4 with the same title, that was adopted April 8, 1999.

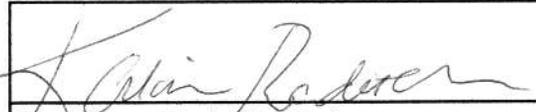
CABELL'S MILL COMMUNITY ASSOCIATION  
RESOLUTION ACTION RECORD

Resolution type:	Rules	No.	4
Pertaining to:	Commercial Vehicles		
Duly adopted at a meeting of the Board of Directors			
Date:	9-10-08		

Motion by: Scott TRIBBIE      Seconded by: STEVE BALDWIN

VOTE:	YES	NO	ABSTAIN	ABSENT
Director: Joel David 	-			
Director: Scott Tribbie 	✓			
Director: Karin Redisch 	✓			
Director: Jennifer Alvarez 	✓			
Director: Steve Baldwin 	✓			
Director: Kerry McGinn 	✓			
Director: Bill Schoonover 	✓			
Director: Stephen Vandivere 	✓			
Director: (vacant)				

ATTEST:

	9/10/08
Secretary: Karin Redisch	Date