

**SOUTH RIDING PROPRIETARY  
POLICY RESOLUTION #2008-1**

**Procedures and Standards for Yard and Lawn Maintenance**

**WHEREAS**, Article 4, Section 4.1(4) and Article 8, Section 8.3 of the Declaration of South Riding Proprietary (hereinafter “Declaration” and “Association” respectively) grant the Board of Directors (“Board”) the power to adopt, amend and publish rules and regulations governing the use of the property and the conduct of the Association members and their guest therein; and

**WHEREAS**, Article 9, Section 9.1(a) and (b)(1) of the Declaration requires the Board to establish a Covenants Committee (“Committee”) and that said Committee shall regulate the external design, signage, appearance, use and upkeep of Lots in the Association; and

**WHEREAS**, Section 55-515 of the Virginia Property Owners’ Association Act, Code of Virginia (1950, as amended) (“POAA”) requires that all lot owners (hereinafter, “Lot Owner” or “Member”) and their tenants, guests and invitees comply with the Association Declaration and all provisions of the POAA; and

**WHEREAS**, Article 12, Section 12.1(f) of the Declaration provides that the violation of any of the Rules and Regulations or the breach of any other provision of the Association Documents shall give the Board of Directors the right to enter the portion of the Property on which, or as to which, such violation or breach exists and summarily to abate and remove, at the expense of the defaulting Owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions of the Association Documents or the Rules and Regulations, and the Board shall not thereby be deemed guilty of trespass; and

**WHEREAS**, Section 55-513 B of the POAA and Section 12.1(i) of the Declaration requires that certain due process rights be observed in connection with enforcement action taken by the Association as to lot owners in violation or breach of the Declaration, the Rules and Regulations; and

**WHEREAS**, for the benefit and protection of all owners, the Board deems it desirable to formally adopt a policy resolution to ensure that all lot owners maintain their yards and lawns in a neat and orderly condition.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**I. Standards for Lawns and Yards**

**A. Neat Appearance.**

No unsightly conditions shall be permitted to be maintained upon the Lot. The Covenants Committee and/or Board of Directors shall use its sole discretion in determining said conditions.

B. Lawn & Grass.

Lot Owners and residents shall ensure that all grass lawns on their Lots are regularly mowed so as not to exceed six inches. Driveways and sidewalks shall be swept clear of grass clippings. Lot Owners and residents are responsible for maintaining the health and good appearance of lawns on their Lots, which may include seeding, watering (according to county restrictions that may be in effect), weed removal, edging and other tasks, as required to properly maintain lawns. The Covenants Committee and/or Board of Directors shall use its sole discretion in determining said conditions.

C. Weeding & Pruning.

Lot Owners and residents shall keep their properties free of weeds, leaves and overgrown or unsightly shrubbery or other plant growth. Lot Owners and residents shall undertake any weeding and mulching of planted beds, removal of leaves from lawns and planted beds, and pruning and shaping of shrubbery and trees which is necessary so as to keep a proper, neat and clean appearance of the Lot. Lot Owners and residents shall remove any and all dead plants and shrubs from their Lots, however, no trees with a diameter of more than four inches shall be removed without the express written authorization of the Covenants Committee. The Covenants Committee and/or Board of Directors shall use its sole discretion in determining said conditions.

D. Trash & Refuse.

Lot Owners and residents shall maintain their Lots to be free from all litter, trash, or other debris. It is the responsibility of the Lot Owner or Resident to ascertain the trash collection requirements for any item they wish to discard, including used appliances and other items which require special pick-up or removal, and to ensure that such item is promptly collected by the appropriate service. Please contact the SRP trash contractor listed on our website for information on a bulk pickup.

**II. Enforcement.**

A. Warning Notices.

First Notice. The Covenants Committee or other agent of the Association shall notify the Lot Owner of any condition on the Lot which constitutes a violation of the standards set forth herein by: 1)first class mail, 2)hand-delivering to the Lot, or 3)posting upon the door of the Lot residence, a First Warning Notice, requiring compliance within seven days of the date stated on the Notice. (If the Owner does not occupy the Lot, the Association shall mail the Notice to the address of the Lot Owner as listed in the Association's records.)

Second Warning Notice. The Second Warning Notice shall describe the violating condition and state that if the Lot Owner fails to correct the violation within seven days, the Association may correct the condition at the expense of the Lot Owner, and the Lot Owner shall be assessed the costs of performing the corrective work (i.e., mowing of the lawn, removal of weeds or offending shrubbery, etc.). The Second Warning Notice shall further state that the Lot

Owner may be assessed additional charges as may be allowed by law (including violation charges currently authorized by the POAA).

Final Notice on Door. If the Association plans to undertake corrective action on the Lot, a Final Notice stating the action to be taken shall be placed on the front door of the Lot at least one day prior to the day corrective action is scheduled to be taken.

B. Hearing (Upon Request).

The Second Warning Notice shall advise Lot Owners that they are entitled to a hearing regarding the violation. Lot Owners who desire a hearing shall promptly submit a written request for a hearing to the Covenants Department. Upon receipt of a request for a hearing, the Covenants Committee shall set a hearing date and send the Lot Owner a Notice of Hearing not less than fourteen (14) days from the date of the hearing, by hand-delivery or certified mail. Hearings regarding compliance with this Resolution shall be held in accordance with the Association's usual procedures regarding hearings and shall be conducted to ensure that the Lot Owner has an opportunity to be heard regarding any assessment of charges, corrective action to be taken or alleged violation of this Resolution. Lot Owners may be represented by counsel at the hearing.

C. Corrective Action.

If the Lot Owner does not cure the violation as requested in the Second Warning Notice by the deadline set forth therein, or if the Lot Owner does not properly request a hearing in writing prior to said deadline, the Association (or its authorized agents or contractors) may enter the Lot and cure the violation at the expense of the Lot Owner. The Lot Owner shall be assessed all the costs of any corrective action and may be assessed additional charges in the amounts permitted under the POAA, as amended and all privileges afforded a member in good standing will be revoked.

D. Repeat Offenders.

If the Lot Owner is cited a second time for lack of lawn and yard maintenance within the same calendar year, the charges assessed for corrective action shall double.

E. Photographs.

Prior to the Association correcting the condition, the management staff, or other authorized person, may take pictures of the violating condition for the Lot Owner's file.

F. Other Actions.

This Resolution shall not be construed to prevent the Association from immediately abating violations on Lots when the condition on the Lot constitutes an emergency and requires immediate action, as contemplated by Section 12.1(i) of the Declaration or as otherwise required or justified by law. An emergency shall include, but not be limited to, any condition on a Lot which threatens the health or safety of any person, any Lot or the Common Area.

Resolution effective May 1, 2008