

**SOUTH RIDING PROPRIETARY
REGULATORY RESOLUTION 2014-1**

Procedures and Standards for Snow and Ice Removal

WHEREAS, Article 4, Section 4.1 (4) of the Bylaws empowers the Board to adopt and amend reasonable rules and regulations not inconsistent with the Association Documents; and

WHEREAS, Article 9, Sections 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 up keep of lots in the Association; and

WHEREAS, Section 55-515 of the Virginia Property Owners' Association Act, Code of Virginia (1950, as amended) (the "Act") requires that all lot owners (hereinafter, "Lot Owner" or "Member) and all those entitled to occupy shall comply with all lawful provisions of the Act and of the Declaration; and

WHEREAS, Article 12, Section 12.1(f) of the Declaration provides that the violation of any of the Rules and Regulations adopted by the Board of Directors 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 (excluding the dwelling) pursuant to Section 3.3, 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 Act and Article 12, 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, Article 7.2 (a) of the Declaration requires that each owner shall maintain the lead sidewalk, driveway apron and utility laterals serving each owner's lot, even if located on Common Area. Each owner shall provide snow removal for any sidewalks located adjacent to such Owner's lot, and in accordance with local ordinances; and

WHEREAS, Loudoun County ordinance 1022.01 (a) requires that every occupant, owner or other person in charge of any property in the County which has a sidewalk or a footway of stone, brick gravel, cinder, wood or other substance when such walk is publicly owned or maintained, and is adjoining and touching the property in front, rear or either side thereof, shall have all snow and ice, and any combination thereof, removed from such sidewalk or footway; and

WHEREAS, for the benefit and protection of the Association's lot owners and residents, the Board deems it desirable to formally adopt a policy resolution to ensure that all lot owners and residents remove snow and ice from all sidewalks and driveway aprons adjacent to the lot in a timely manner.

NOW, THEREFORE, BE IT RESOLVED THAT:

I. Standards for Snow and Ice Removal

Sidewalks and driveway aprons adjacent to the Lot shall be cleared of ice and snow. Lot Owners and residents are responsible for snow and ice removal within Twenty-four (24) hours after the snow/ice has stopped falling or before local schools resume, whichever comes first. Removal may include shoveling, application of ice melt products and other tasks, as required to properly remove snow and ice from sidewalks and driveway aprons adjacent to the lot. Only non-corrosive, environmentally-friendly material shall be used. The use of salt products on concrete surfaces is strictly prohibited. The Covenants Committee and /or Board of Directors shall use it's sole discretion in determining said conditions.

II. Enforcement

A. Notice on Door

The Notice shall describe the violating condition and state that if the Lot Owner fails to correct the violation within forty-eight (48) hours of the date stated on the Notice or before local schools resume, whichever comes first the Association intends to enter the Lot to correct the violating condition at the expense of the Lot Owner and the Lot owner shall be assessed the costs of performing the corrective work (i.e., shoveling, application of ice melt products, etc.). The 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 Act. (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.)

B. Hearing (Upon Request)

The Notice shall advise Lot Owners that they are entitled to a hearing regarding the cost of corrective action. Lot Owners who desire a hearing shall submit a written request to the Covenants Department. Upon receipt of a request for a hearing, the Covenants Committee shall set a hearing date, time 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, return receipt requested. (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.) Hearings regarding compliance with this Resolution shall be conducted to ensure that the Lot Owner has an opportunity to be heard regarding any assessment of charges relating to corrective action taken. 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 Notice by the deadline set forth therein, 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 Act, as amended and may be collected by the Association in the same manner as all other Association assessments and all privileges afforded a member in good standing will be revoked.

D. Repeat Offenders

If the Lot Owner is found to be in violation for the lack of snow and ice removal a second time within the same calendar year and/or winter storm season, the Lot Owner shall be assessed all the costs of any corrective action and will be assessed additional charges in the amounts permitted under the Act, as amended and may be collected by the Association in the same manner as all other Association assessments and all privileges afforded a member in good standing may be revoked.

E. Failure or Refusal to Accept Delivery

Failure or refusal to accept delivery of any Association notice shall not defeat these notice requirements, but shall be considered acceptance of such notice.

F. Photographs

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

G. Other Actions

- i. 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 Article 12 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 Common Area.
- ii. This resolution shall not be interpreted to require a hearing or to prevent the Association from exercising any other remedies authorized or available under the Act, the Governing Documents, or by law and shall not constitute an election of remedies.

**SOUTH RIDING PROPRIETARY
RESOLUTION ACTION RECORD**

Resolution Type: Regulatory #2014-1

Pertaining to: Procedures and Standards for Snow and Ice Removal

Duly adopted at a meeting of the Board of Directors held July 8, 2014

Motion by:

Seconded by:

VOTE

YES

NO

ABSTAIN

ABSENT

Mr. Turner

Mr. Salmon

Mr. Fisher

Mr. Lange

Mr. Smith

Ms. Walker

Ms. LaClare

ATTEST:

Kevin Turner, President

Date

FILE:

Book of Minutes-2014

Book of Resolutions: Book No. _____ Page No. _____

Resolution effective date: _____