

DULLES FARMS COMMUNITY ASSOCIATION, INC.
POLICY RESOLUTION NO. 2015-01

(Policies and Procedures Related to Turf Maintenance)

WHEREAS, the Virginia Property Owners' Association Act ("the Act") provides the Board of Directors ("the Board") of the Dulles Farms Community Association, Inc. ("the Association") with the power to enforce the Association's Declaration, Bylaws, and any rules and regulations adopted by the Board (together with the Articles of Incorporation, the "Governing Documents"), and to establish penalties for the infraction thereof; and

WHEREAS, under Article 4, Section 4.1 of the Bylaws, the Association shall have all powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Act or the Association's Governing Documents to be exercised and done by the Association's members; and

WHEREAS, Article 12, Section 12.1 of the Declaration provides that each Owner shall be governed by, and shall comply with, all of the terms of the Association Documents and Rules and Regulations, as amended from time to time;

WHEREAS, Article 3, Section 3.3 of the Declaration states that the Association, the Managing Agent and any other Person authorized by the Board of Directors or the Covenants Committee shall have the right of access over, under, across and through any portion of the Property (excluding any improvement in "the exercise and discharge of their respective power and responsibilities, including without limitation to make inspections, correct any condition originating in a Lot or in the Common Area threatening another Lot or the Common Area, correct drainage, perform installations or Upkeep of utilities, landscaping or other improvements located on the Property for which the Association is responsible for Upkeep, or correct any condition which violates the Association Documents; and

WHEREAS, Article 3, Section 3.3 of the Declaration states that "Each Owner shall be liable to the Association for the cost of all Upkeep performed by the Association and rendered necessary by any act, neglect, carelessness or failure to comply with the Association Documents for which such Owner is responsible pursuant to Section 12.1, and the costs incurred by the Association shall be assessed against such Owner's Lot in accordance with Sections 6.2 and 12.1;" and

WHEREAS, Article 7, Section 7.2(a) of the Declaration provides that "If any Owner shall fail to keep such Owner's Lot in as good repair and in a neat and orderly condition, consistent herewith and with such Rules and Regulations as the Board of Directors may promulgate, then the Board of Directors or appropriate Covenants Committee may, pursuant to resolution, give written notice to such Owner of such failure and/or the condition complained of, describing generally the action to be taken to cure and correct the condition;" and

WHEREAS, Article 7, Section 7.2(a) of the Declaration provides that "If the owner fails to take the actions described or to otherwise cure and correct the condition within thirty (30) days after the date the notice is given, **or such other period as may be specified in the notice if the circumstances warrant a different period**, the Board of Directors or appropriate Covenants Committee shall have the right, but not the obligation, pursuant to Section 3.3 and Subsection

12.1(e) and any resolutions adopted by the Board of Directors, to cure and correct any such failure or condition by taking such action (or by causing such action to be taken) as was generally described in the notice.”

WHEREAS, Article 7, Section 7.2(a) of the Declaration provides that “the costs incurred in curing and correcting the condition shall be assessed against such Owner’s Lot in accordance with subsection 6.2(d) an Section 12.1;” and

WHEREAS, Article 7, Section 7.2(a) of the Declaration provides that the “Owner shall reimburse the Association for one hundred fifteen percent (115%) of the reasonable costs and expenses in connection therewith within thirty (30) days after delivery of a written demand for payment of such expenses; and

WHEREAS, Article 12, Section 12.1(e) of the Declaration states that the violation of any of the Rules and Regulations adopted by the Board of Directors or the breach of any provision of the Association Documents shall give the Board of Directors the right enter the portion of the Property (excluding any occupied 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 of Directors shall not thereby be deemed to guilty in any manner of trespass; and

WHEREAS, Article 12, Section 12.1(e) of the Declaration states that the Board shall have the power to use self-help to remove or cure any violation of the Association Documents or the Rules and Regulations on the Property; and

WHEREAS, for the benefit and protection of all of the members of the Association, the Board of Directors deems it desirable to formally adopt a resolution to establish policies and procedures for the mowing of turf areas.

NOW, THEREFORE, the Board of Directors adopts the following policies and procedures:

- A. Turf areas must be mowed regularly and at no time shall the height of the turf exceed a maximum height of six (6) inches.
- B. Turf areas must be kept clear of weeds and generally maintained in a weed free manner.
- C. The Board appoints the Association’s managing agent (“Manager”) as its designee for purposes of determining whether there is probable cause that an Owner or resident has violated this resolution.
- D. If the Manager determines that there are sufficient facts to support a violation, the Manager shall issue a letter to the Owner and/or resident notifying them of the violation, providing them with seven (7) days to cure the violation. The letter shall notify the Owner and/or resident that if the turf is not mowed or all weeds removed from the turf areas, as appropriate, the Association shall have the power to have its landscaper enter the lot to mow the turf area or, if necessary, apply weed treatments, to bring the lot into compliance.

- E. If the Owner and/or resident does not cure the violation within the seven (7) days, the Association shall have the right to enter the Lot and mow the turf area promptly or, if necessary, apply weed treatments.
- F. If the Association mows the turf and/or applies weed treatments, all costs and expenses related to the same shall be assessed to the Lot and the Owner personally subject to collection in the same manner as assessments.

II. WAIVER. An omission or failure to conduct any enforcement process in exact conformity with this Resolution shall not invalidate the results of such process, so long as the Board and/or Covenant Committee has substantially complied with the procedures set forth in this Resolution.

III. LEGAL ACTION. The Association reserves the right to utilize any and all other enforcement options and remedies available to it pursuant to the Association's Governing Documents and Virginia law, including filing suit to seek injunctive relief or to impose monetary penalties. If the Association elects to file suit to seek injunctive relief or to impose monetary penalties, it will afford the Owner due process in accordance with the procedures set forth in Policy Resolution No. 13-03, as such policy may be amended from time to time.

The effective date of this Resolution shall be Aug. 4, 2015.

DULLES FARMS COMMUNITY ASSOCIATION, INC.



President

DULLES FARMS COMMUNITY ASSOCIATION, INC.
POLICY RESOLUTION NO. 2015- 01

(Policies and Procedures Related to Turf Maintenance)

Duly adopted at a meeting of the Board of Directors held 8/3, 2015.

Motion by: Mark Bailey Seconded by: Mark Riddle

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Bailey</u> Director	<u>✓</u>			
<u>Riddle</u> Director	<u>✓</u>			
 Director				

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