

LAKE TERRAPIN HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO.: 2019- 1
TRASH AND TRASH CONTAINERS AND
RECYCLE CONTAINERS PRIVACY FENCES
RULES AND REGULATIONS

WHEREAS, Article I, Section 9 the Declaration for Lake Terrapin Homeowners Association, Inc. (hereinafter referred to as “Declaration”) provides that the Board of Directors is the executive body organized pursuant to the Declaration and the Bylaws of the Association to operate, manage and make decisions on behalf of the Association, except for those decisions which may be reserved in the Declaration and the Bylaws for the members; and,

WHEREAS, Article IV, Section 1 of the Bylaws for Lake Terrapin Homeowners Association, Inc. (hereinafter referred to as “Bylaws”) provides that the affairs of the Association shall be managed by the board of Directors.; and,

WHEREAS, VA Code Ann. § 55-513 A provides that the board of directors shall have the power to establish, adopt, and enforce rules and regulations with respect... such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members; and,

WHEREAS, Article VII, Section 1(a) of the Bylaws provides that the Board of Directors shall have the power to adopt and publish rules and regulations governing the use of the Common Area; and,

WHEREAS, Article VI, Section 11 of the Declaration provides that all Owners and occupants shall abide by the Bylaws and any rules and regulations adopted by the Association. Rules and regulations shall be adopted and enforced pursuant to the Virginia Property Owners’ Association Act; and,

WHEREAS, Article IX, Section 1 of the Declaration provides that the Association ... shall have the right to enforce, by any proceeding at law and/or equity, all restrictions, conditions, covenants, reservations, liens, charges or other obligations or terms now or hereafter imposed by the provisions of the Declaration, or the Articles of Incorporation or the Bylaws of the Association; and,

WHEREAS, Va. Code Ann. § 55-513 C provides that before any action authorized in this section is taken, the member shall be given a reasonable opportunity to correct the alleged violation after written notice of the alleged violation to the member at the address required for notices of meetings pursuant to § 55-510. If the violation remains uncorrected, the member shall be given an opportunity to be heard and to be represented by counsel before the board of directors or other tribunal specified in the documents.

Notice of a hearing, including the actions that may be taken by the association in accordance with this section, shall be hand delivered or mailed by registered or certified mail, return receipt

requested, to the member at the address of record with the association at least 14 days prior to the hearing. Within seven days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association; and,

WHEREAS, Va. Code Ann. § 55-513 D provides that the amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation but shall not exceed \$50 for a single offense or \$10 per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purposes of § 55-516. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days; and,

WHEREAS, Article VI, Section 9 of the Declaration provides that all rubbish, trash and garbage shall be regularly removed from the Property and shall not be allowed to accumulate thereon. All clotheslines, refuse containers, wood piles, storage areas and machinery and equipment shall be prohibited upon any Lot, unless obscured from view of adjoining Lots and streets by a fence or appropriate screen approved by the Review Board; and,

WHEREAS, CHAPTER 22 - Health or Safety Menaces, ARTICLE 1, Section 22-2 of the Prince William County Code of Ordinances provides in pertinent part that:

Health or safety menace includes but is not limited to:

(1) Unsanitary or improper storage or disposal of trash, garbage, refuse, litter, pet feces and food, and other solid waste or hazardous waste;

(2) Rodent or insect infestation;

(3) Hazards such as open excavations, open wells, pits, trees or parts thereof in danger of falling, discarded refrigerators and freezers with doors attached, unsecured vacant structures, or habitation for rats, insects or other pests;

(4) Garbage which is not contained in a watertight, rodent proof container which is equipped with a tight-fitting lid; and

(5) Any other condition that may be injurious to the public health or safety; and,

WHEREAS, Article IV, Section 5 of the Bylaws provides that the Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all Directors and such approval is filed with the minutes of the proceedings of the Board of Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors; and,

WHEREAS, the Board of Directors deems it to be in the best interest of the Association to promulgate rules and regulations regarding trash, trash and recyclables collection and trash

privacy fences and to maintain the aesthetic appearance of the Property and to ensure public safety and enforcement; and,

WHEREAS, the Board of Directors deems it to be in the best interest of the Association to implement a policy regarding trash, trash and recyclables collection and trash privacy fences and to maintain the aesthetic appearance of the Property and to ensure public safety and enforcement.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby adopts the following rules regarding trash, trash and recyclables collection and trash privacy fences and to maintain the aesthetic appearance of the Property and to ensure public safety and enforcement:

A. Definitions:

1. "Privacy Fence" means a white fence as depicted, designed and described on the attached drawing, Attachment A, which may be purchased at Home Depot, through Amazon or any other vendor that sells the privacy fence. The Privacy Fence is a white vinyl fence 4ft in height by 3.5 ft wide with 2 end posts and 1 corner post to form a stable L shape; posts rest on ground. The posts must be filled with pea gravel before the post caps are secured to the posts and the wood stakes provided for additional stability must be used to firmly secure the Privacy Fence to the ground. The Privacy Fence is to be installed by the Owner as set forth in this paragraph and in accordance with the manufacturer's instructions, at the Owner's sole cost and expense.

2. "Hazardous Waste" will not be collected. Hazardous waste is waste that is specifically defined as, or that is of sufficient character as to be defined as or that is of sufficient quantity to be defined as a hazardous waste by the Resource Conservation and Recovery Act, as amended, or by any state or local laws or regulations with respect thereto, or that can be reasonably be qualified as a "toxic substance" as defined in the Toxic Substance Control Act, as amended, or any regulations with respect thereto, or any reportable quantity of a hazardous substance as defined by the Comprehensive Environmental Response, Compensation and liability Act of 1980, as amended, or any regulations with respect thereto. Hazardous Waste also includes any waste for which storage, treatment, incineration or disposal requires a special license or permit from any federal, state or local government entity, body or agency and any substance which, after the Effective Date, is determined to be hazardous by any judicial or governmental entity, body, or agency having jurisdiction to make that determination.

3. "Recyclable "Materials" means materials that can be recycled, including and without limitation to: corrugated paper, aluminum, glass, ferrous metals, office paper, production paper, newspaper, cardboard and plastics.

4. "Unacceptable Waste" means highly flammable substances, Hazardous Waste, special wastes, construction and demolition debris, liquid wastes, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, dead animals, rocks, concrete, dirt, soil, sod, tree stumps, paint, motor oil, construction trash, combustibles, any material excluded from disposal site or recycling center and other materials deemed by state, federal, or local law, or material that is dangerous or threatening to health or to the environment.

5. "Trash Container" means and includes "Recycle Containers" with secure and tight fitted lids.

B. Trash Privacy Fences:

1. Each Owner shall, within sixty (60) days of the adoption of this Resolution by the Board of Directors, submit an application, together with a plat and diagram showing the location of the Privacy Fence, for the installation of the Privacy Fence as shown on Attachment A and as described in Section A1, definitions, to the Board of Directors through the Management Agent. The Board waives the application fee for the Privacy Fence application being submitted under this Resolution only.
2. The application, plat and diagram shall show the location of the Privacy Fence and certify that the design and installation will conform with the Privacy Fence design as shown on Attachment A and as described in Section A 1, definitions.
3. Upon approval of the Application by the Board of Directors, the Owner shall, at the Owner's sole cost and expense, install the Privacy Fence within sixty (60) days of the approval of the application as set forth in Section A1.
4. In lieu of installing the Privacy Fence, an Owner may store the trash container in the garage, back yard or behind a privacy fence.
5. An Owner may also store the trash container behind a large evergreen bush or large evergreen hedge if present on the Lot. An Owner using a large evergreen bush, or a large evergreen hedge must take a picture of the trash container that is behind the large evergreen bush or the large evergreen hedge to demonstrate that the trash container is completely out of sight when so stored. The Owner shall submit the picture to the Board of Directors through the Management Agent within sixty (60) days of the adoption of this Resolution by the Board of Directors. If no such large evergreen bush, or a large evergreen hedge exists on the Lot and an Owner desires to store the trash container behind a large evergreen bush, or a large evergreen hedge, the Owner shall, within sixty (60) days of the adoption of this Resolution by the Board of Directors, submit an application, together with a plat and diagram showing the location of the proposed site to plant the large evergreen bush, or a large evergreen hedge. If the application is approved, the Owner shall plant the large evergreen bush, or a large evergreen hedge within sixty (60) days of such approval.

C. Rules:

1. All household trash and recycle materials must be stored in secure lidded containers behind the Privacy Fence, in the back yard, garage, or behind a large evergreen bush, or a large evergreen hedge except on trash collection days. Open trash containers are prohibited to prevent windblown debris. Trash may not be placed in boxes, grocery store plastic bags, plastic trash bags, or other such container unless they are placed securely in a secure lidded container.

2. Trash and recycle containers and yard debris shall be placed at the curb, for pick-up, no earlier than 6:00 p.m or dusk, whatever is earlier. The trash and recycle containers must be removed from the curb no later than 8:00 p.m. on the day of pick-up.

3. Trash and recycle containers, trash, yard debris, refuse, rubbish, trash bags, and any other debris shall not be placed or stored in front of the garage, front yards, lawns, or in the Common Areas. Owners shall be responsible for and shall pay any and all fines, penalties, and costs imposed by Prince William County for zoning violations.

4. Any trash or recycle material not collected for any reason must be promptly removed from the curb and stored in a secure lidded trash or recycle container in the rear yard, garage, behind a privacy fence, behind a large evergreen bush or large evergreen hedge, or inside the home until the following pick-up day.

5. Owners and residents shall keep their Lot in a safe, clean and sanitary condition, pick up all litter, refuse, rubbish, debris, keep the Lot free of all trash, waste, debris, and any other material in or around the Lot.

6. Prior arrangements must be made with the trash collection company for all large household items, bulk items, appliances, or construction debris in accordance with the trash collection company's policy before they are left for pick-up. Items not picked-up must be returned to inside the home or to the rear yard out of view until other arrangements are made. Any additional cost of bulk pick-up is the responsibility of the Owner/resident, not the Association.

7. Recycling: Allowable recycling items set forth below may change in the future.

What can be recycled curbside:

Container glass (bottles and jars);

Metal food and beverage containers (cans and tins) and metal lids;

Plastic bottles and jugs (most #1 and #2 hard plastics, as long as they have a neck, such as soft drink and water bottles; mouthwash bottles; milk jugs; juice bottles; bleach, detergent and household cleaner bottles; shampoo bottles etc.);

Cardboard and mixed paper (cardboard, cereal boxes, catalogs, junk mail, telephone books, envelopes, office paper, newspapers, magazines, paper grocery bags etc.). Be sure to flatten all cardboard and remove Styrofoam etc. from boxes. Do not include items with food residue (e.g., pizza boxes) or boxes with a wax coating.

Remember to rinse out all glass, metal and plastic containers and remove all lids and caps (except metal lids which can be recycled).

8. Yard debris must be cut in four-foot lengths with limbs no larger than six inches in diameter. It should be tied in bundles no larger than two feet in diameter and placed on the curb. A handling charge may be assessed to any individual Owner who places more than two (2) bundles of brush on the curb for any single pickup.

9. Christmas trees will be collected separately on the first two weeks of January. Trees must be free of tinsel and ornaments. Do not place in bags.

10. Owners are personally responsible for properly disposing all Hazardous and Unacceptable Waste.

11. Owners/residents are responsible for maintaining control over their trash containers and trash items/materials and other debris. Owners/residents shall insure that their trash or other debris does not litter the Common Area. Any trash or other debris from an Owner/resident's Lot that litters the Common Area must be removed by that Owner/resident.

D. ASSOCIATION NOT RESPONSIBLE.

The Association and the Board of Directors shall not be responsible for any property damage, injury, citations, litter, or windblown debris caused by improper storage of trash.

E. PROCEDURES FOR SOLVING ISSUES.

Any Resident that has a trash-related issue should do the following:

1. Write a written complaint to the Management Agent setting forth in detail the incident (trash containers improperly stored, trash containers not returned behind the Privacy Fence after trash pick-up, etc.), what was observed, the date and time of the incident, the location, the name and address of the owner violating the trash rules and regulations, a description of the trash container, debris, etc., pictures or videos, and a statement that you are willing to testify at all hearings that may be held.
2. Community Residents must understand that without proof of the violation and resident's willingness to testify at the hearings, there is very little the Association or the Managing Agent can do because the violation must be observed and documented.

F. ENFORCEMENT.

1. If the Association's Management Agent does not timely receive the Application, if the Owner fails to install the fence as required, or if the Associations Management Agent receives a documented complaint the Association's Management Agent shall:

- a. Send a written 1st Notice of Violation to the Owner requesting that the Owner correct the violation within ten (10) days of the date of the written 1st Notice of Violation.
- b. Send a written 2nd Notice of Violation to the Owner informing the Owner that the Owner has not come into compliance as requested in the 1st written Notice of Violation and requesting that the Owner correct the violation within ten (10) days of the date of the written 2nd Notice of Violation.

c. Send a written 3rd Notice of Violation and Request for Hearing, by certified mail, return receipt requested, to the Owner informing the Owner that the Owner has not come into compliance as requested in the 1st and 2nd written Notice of Violation, that the Owner may request a hearing and be represented by counsel at the hearing, that the Association, in accordance with Article VI, Section 11 of the Declaration and VA Code Ann. § 55-513 C and D, will charge the Owner fifty (\$50.00) for a single offense or ten (\$10.00) per day for a period not to exceed ninety (90) days.

2. If the Owner fails to correct the violation and fails to request a hearing, the Association may:

a. File suit to; enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity the continuance of any such breach, recover damages, recover any charges imposed and such other relief as may be awarded by the court.

b. Take any action permitted to be taken by the Association in accordance with the Association Documents and the laws of the Commonwealth of Virginia.

c. Send, by certified mail return receipt requested at least fourteen days prior to the hearing date, a Notice of Hearing to the Owner setting forth the date and time of the hearing, that the Owner may be represented by counsel before the board of directors, and that the Association, in accordance with Article VI, Section 11 of the Declaration and VA Code Ann. § 55-513 C and D, will charge the Owner fifty (\$50.00) for a single offense or ten (\$10.00) per day for a period not to exceed ninety (90) days.

d. The remedies set forth above are not the Association's exclusive remedies for violations of this Policy Resolution, but rather are in addition to any other remedies available to the Association as provided by law or the Governing Documents.

G. PURPOSE AND APPLICATION.

These Rules and Regulations have been developed for the Association and shall apply to all Owners, residents, tenants, guests, invitees, agents, employees, and occupants within the Property.

H. PRIOR RESOLUTIONS, POLICY, RULES AND REGULATIONS REGARDING

This Resolution regarding Trash and Trash Can Privacy Fences supersede all prior Resolutions, Policy, Rules and Regulations Regarding Trash and Trash Can Privacy Fences.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last known addresses.

This resolution was adopted by the Board of Directors on January 15, 2019 and shall be effective on May 1, 2019.

LAKE TERRIPAN HOMEOWNERS ASSOCIATION, INC.

Candace Schwartz 3/12/19
Candace Schwartz, Director Date

Josue Ruiz 3/12/19
Josue Ruiz, Director Date

Laura Bruzzini 3/12/18
Laura Bruzzini, Director Date

Victoria Mahan 3/12/18
Victoria Mahan, Director Date

ABSENT

Michelle Edwards, Director Date

Douglas Anderson 3/13/19
Douglas Anderson, Director Date

Beatrice Belva 3/13/19
Beatrice Belva, Director Date

Attest:

Victoria Mahan 3/12/17
Victoria Mahan, Secretary Date

LAKE TERRAPIN HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

RESOLUTION NO.: 2019- 1

TRASH AND TRASH CAN PRIVACY FENCES
RULES AND REGULATIONS RULES AND REGULATIONS

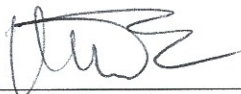
Duly adopted through e-mail by the Board of Directors of LAKE TERRAPIN HOMEOWNERS ASSOCIATION, INC.

Motion by: Candace Goetz Seconded by: Victoria Mahan

VOTE:

	YES	NO	ABSTAIN	ABSENT
Candace Schwartz, President/Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Josue Ruiz, Vice President/Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Bruzzini, Treasurer/Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victoria Mahan, Secretary/Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Douglas Anderson, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michelle Edwards, Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beatrice Belva, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:


Victoria Mahan, Secretary

3/12/19
Date

Resolution effective: 5/1/19

ATTACHMENT A

/ Fencing / Vinyl Fencing / Vinyl Fence Panels

Outdoor Essentials >

4 ft. H x 3.5 ft. W White Vinyl Privacy Corner Accent Fence Panel Kit

★★★★★ (34) [Write a Review](#) [Questions & Answers \(25\)](#)

- Fastener-free connection between the pickets and rails
- Unassembled fence panel made of durable, low-maintenance vinyl
- Includes - posts, rails, post caps, stakes, pickets, and screws

