

FRANKLIN FARM FOUNDATION

Policy Resolution 6A

Common Area Use and Management Policies

WHEREAS, Article III, Section 3(c)(2), of the Declaration of Covenants and Restrictions states that the Board of Trustees shall have the power and obligation to establish rules and regulations for the use of property, and

WHEREAS, Article III, Section 3(c)(7), of the Declaration of Covenants and Restrictions gives the Board of Trustees the power to enforce of the Governing Document and rules and regulations; and,

WHEREAS, Article IV, Section 1, of the Declaration of Covenants and Restrictions states the Foundation, subject to the rights of the Members set forth in this Declaration, shall be responsible for the management and control for the benefit of the Members of the Common Area conveyed to it and all improvements thereon (including furnishings and equipments related thereto) and shall keep the same in good, clean, attractive, and sanitary condition, order, and repair in compliance with standards contained in the Book of Resolutions, and,

WHEREAS, Article VI, Section 8 (d), of the Bylaws require the Board of Trustees to promulgate and enforce rules and regulations governing the operation and use of the common areas; and,

WHEREAS, there is a need for the Board of Trustees to assure that there is no abuse of the common areas or danger to users and to provide fair use by all members; and,

WHEREAS, it is the intent of the Board of Trustees to establish rules governing use of ponds, streams, all open space and common land; and,

WHEREAS, the Virginia Property Owners' Association Act, Section §55-513.B, permits the Foundation to assess charges against any member for any violation of the Declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

NOW, THEREFORE, BE IT RESOLVED THAT the following policies are adopted for ponds, streams, open space and common land, to apply to all users, equally and alike at all times.

PART I GENERAL INFORMATION

Section 1. General. The common areas were established and permanently set aside to maintain the natural beauty of the area, to create natural buffers between uses, and to provide recreation areas for all Foundation Members. They were not established to benefit those Members of the Foundation who may own adjacent property.

Section 2. Definitions.

a. **Common Area.** Common Area shall mean and refer to all real property and improvements thereon owned or leased by the Foundation for the use and enjoyment of the Members.

b. **Open Space.** Open Space is a term commonly used to refer to real property owned by the

Foundation that is comprised of wooded areas, open fields, ponds, streams and pathways.

PART II COMMON AREA ACCESS AND RESTRICTIONS

Section 1. Member Access. All Foundation Members have the right to access Common Areas providing:

- a. A facility use fee has been paid if required; and,
- b. The Member has not been cited as being in violation of other Policy Resolutions.

Section 2. Common Area Use Restrictions. Use of common areas (all open space, parking lots, community center and recreational facilities) is restricted to Members and their guests. No commercial activity is authorized on the common area without the explicit approval of the Board of Trustees.

PART III OPEN SPACE RULES

Section 1. Open and Wooded Areas

- a. No mowing is allowed in open space areas without the written permission of the Foundation.
- b. Posting of signs, posters or advertisements is prohibited without the written approval of the Foundation.
- c. No foreign or exotic plants or animals may be introduced without Foundation approval.
- d. All plants, topsoil and humus are to be left undisturbed.
- e. Pets are not allowed to run free, and no pet is allowed to defecate on open space.
- f. No wildlife may be hunted or trapped unless previously approved by the Board of Trustees..
- g. Firearms, air guns, B-B guns, hunting slingshots, bows and arrows may not be discharged in, into, or carried onto open space.
- h. Property owners adjacent to common lands must confine all yard development, fences, and plantings to their own property.
- i. No inorganic refuse of any kind may be discharged onto these lands; no organic refuse may be placed in these lands except pursuant to an approved open space plan.
- j. No fires may be started on Foundation property.
- k. Storm drains, ditches and gutters are to be kept free of debris (such as leaves and trash); no chemicals may be placed in any gutter or storm drain.
- l. Use of motor vehicles is considered a trespass on Foundation property except for such use as may be necessary for maintenance and construction purposes.
- m. Overnight camping of any type is strictly forbidden unless written permission is obtained from the Franklin Farm Foundation.
- n. Non-lighted recreational areas such as multi-purpose courts and tot lots are not to be used after dark. Lighted tennis courts are not to be used after 11 p.m.
- o. No loitering in parking lots is allowed.

Section 2. Ponds and Streams

- a. Littering of ponds and streams with all forms of refuse, debris or any other type of pollutant is strictly prohibited.
- b. Posting of signs, posters or advertisements adjacent to or about the ponds or stream areas is prohibited without the written approval of the Foundation.

- c. Activities or the placement of structures, plantings, or other materials which will create erosion problems or change the direction or flow of drainage channels are not permitted.
- d. Swimming in ponds and streams is not permitted.
- e. Boating is not permitted on ponds
- f. Fishing is allowed providing all Members and their guests have a fishing license.
- g. Children under the age of six years must be under parental guidance when near ponds, streams, or surrounding environs.
- h. No skating is allowed on any pond in Franklin Farm.

PART IV COMMON AREA CHANGES

Section 1. General. The Board of Trustees can approve or disapprove additions, alterations or improvements to Common Area. A change must benefit all members in order to be approved. Additions, alterations or improvements to Common Area for the exclusive benefit of a Member will not be approved.

Section 2. Voluntary Planting. Foundation Members may donate trees, plant, shrubs and other plantings on open space provided the member complies with the process contained in Administrative Resolution 38 (Series).

Section 3. Tree Replacement

- a. The Open Space Committee shall develop a tree replacement program, make annual budget recommendations for tree replacements to the Board of Trustees, and recommend tree replacement policy to the Board.
- b. Priority will be given to the replacement of trees in highly visible areas such as primary, secondary and neighborhood entrances, Franklin Farm Road, and Common Area surrounding the community center, swimming pools and tennis courts. Requests for replacement of trees located in all other areas will be considered only after the replacement of trees in highly visible areas have been addressed.
- c. The Open Space Committee may consider the replacement of a tree in a highly visible area even if the cost of replacement of that tree has not been included in the then current budget.

PART V DEFACING OR DAMAGING COMMON AREA

Section 1. Posting Signs. No "garage sale", "for sale", Real Estate or any other type of sign or advertisement may be attached in anyway shape or form to any structure or at any facility on Foundation property without the written approval of the Board of Trustees.

Section 2. Defacing/Damaging Common Area. The Foundation will prosecute to the fullest extent of the law any activity causing willful damage or destruction to common area facilities, structures, streams, ponds or land.

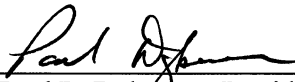
Section 3. Enforcement Actions for Violation of Common Area Policies

- a. **For dumping of pet droppings, yard debris or lawn clippings in common areas or open space.** When a violation occurs, a notice will be sent to the Member by certified mail scheduling a hearing at a BOT meeting to consider the imposition of charges. The BOT may

assess a one-time charge of \$50.00 if a violation is found to have occurred. If the debris is not removed and the area restored, the Board may impose a restoration assessment to correct the situation.

- b. **For posting signs on Foundation property without prior approval.** When a violation occurs, a notice will be sent to the Member by certified mail scheduling a hearing at a BOT meeting to consider the imposition of charges. The violator will be subject to a \$50.00 monetary charge per occurrence

Date: April 15, 2009




Paul R. Dykeman, President

Attest: 

Jerry Schmitt, Executive Director

I hereby certify that a vote was duly taken and the above resolution was adopted by a vote of two-thirds of the trustees of the Board of Trustees at the meeting of the Board of Trustees on the 15th day of April 2009.

SEAL



Sherry Griffin, Secretary

Book of Minutes No. ____
Meeting No. 345