

**Franklin Farm Foundation
Policy Resolution 28**

Property Maintenance Standards

WHEREAS, all properties in Franklin Farm are subject to the covenants, restrictions, easements, charges and liens set forth in the Franklin Farm Declaration of Covenants and Restrictions; and

WHEREAS, Article VI, Section 1(d), of the Declaration of Covenants and Restrictions grants power to the Board of Trustees to adopt general rules to regulate potential problems relating to the use of property and the well-being of members, such as trash and trash containers, maintenance and removal of vegetation on the properties and provides that all rules shall be binding on all members; and

WHEREAS, Article VI, Section 2(a), of the Declaration of Covenants and Restrictions obligates owners to keep all lots owned in good order and repair, free of debris, all in a manner and with such frequency as is consistent with good property management; and

WHEREAS, Article VI, Section 2(b), of the Declaration of Covenants and Restrictions states that in the event an owner fails to maintain the premises, the Foundation shall have the right to enter the lot to repair, maintain, and restore the lot and the exterior of the buildings and any other improvements erected thereon and that all costs related to such corrections shall become a restoration assessment; 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, 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 Board of Trustees has adopted the following property maintenance standards for the upkeep and maintenance of all properties subject to the Franklin Farm Declaration of Covenants and Restrictions.

Part I - General

Section 1. General. Property ownership includes the responsibility for continued maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, items such as mowing grass, storage and removal of trash, and structural maintenance. This policy resolution sets the minimum standards expected to preserve and enhance property values, to maintain a harmonious relationship among structures and the natural vegetation and topography, and to minimize the impact of trash as a safety and health hazard within the community.

Section 2. Applicability. This policy resolution is binding on all members and properties subject to the Declaration of Covenants and Restrictions.

Section 3. Enforcement. In instances where non-compliance is observed or reported, the Foundation will confirm the violation by a site visit and then send a certified letter to the member that states the nature of the violation, the corrective action required, and the expected time frame to correct the violation. A member cannot claim to be exempt from this notification process by refusing to accept the certified letter. Members who do not comply with these Property Maintenance Standards can be assessed charges for non-compliance.

Part II - Structural Maintenance Requirements.

Section 1. General. Members are responsible for maintaining the exterior of their dwellings in good order, condition and appearance and any structures on their lots, such as decks, fences, sheds and recreational equipment. This includes replacing or repairing broken items and performing required maintenance such as cleaning, repainting or re-staining.

Section 2. Enforcement Actions for Maintenance Violations. All members are expected to do necessary maintenance to prevent any of the cited conditions from occurring upon their property. If a violation occurs, the member will receive a violation notice by certified mail requesting that the property be brought into compliance in 15 calendar days. If the violation is not resolved within fifteen (15) calendar days of the date of the initial violation notice, a second notice will be sent to the property owner by certified mail requesting compliance and scheduling a hearing at a Board of Trustee (BOT) meeting to consider the imposition of charges if a violation is found to have occurred. The BOT may assess either a one-time charge of \$50.00 or a charge of \$10.00 a day (not to exceed \$900.00) until the violation is corrected and may initiate legal action to compel compliance with the Declaration and rules and regulations. The following examples represent some general conditions which would be considered violations of this Resolution. While this list is representative of violations, it is not exclusive.

- A. Peeling paint on exterior trim.
- B. Dented mailboxes, or mailboxes and/or stands in need of repainting or repair.
- C. Playground equipment which is broken, in need of repair or maintenance.
- D. Fences that are leaning, have parts missing, are in disrepair or require re-painting.
- E. Sheds with broken doors or otherwise in need of maintenance/repairs.
- F. Decks with missing or broken railings or parts, or parts in need of cleaning or re-staining.
- G. Concrete or masonry block foundations and, in attached units, party walls, in need of repainting, resurfacing or repair.
- H. Badly cracked, discolored or settled driveways, walkways and patios.

Part III - Lawn and Garden Care

Section 1. Turf Areas and Lawn Care. Turf areas and lawns need to be mowed at regular intervals, maintaining a maximum height of six (6) inches. Members are expected to pick up and properly dispose of accumulations of grass clippings and leaves.

Section 2. Lawn and Garden Care.

- A. **Planted Beds.** Planted beds must be kept in a well maintained manner.
- B. **Fertilizing.** All soil should be tested before fertilizer is added, especially in areas where drainage will flow into ponds. Special care should be taken not to over fertilize or to fertilize lawns and gardens when there is the least chance of run-off. In areas adjacent to ponds and waterways, fertilize in a manner to avoid run-off. Soil test kits are available free from the County Libraries or County Extension Office.

- C. **Pesticides and herbicides.** Pesticides and herbicides may be applied according to label instructions for the specified problem. Organic/bio-degradable materials are recommended in order to ensure the least harm to the natural environment. Care in application is extremely important along ponds and waterways, near neighborhood play areas and tot lots, and near adjacent residences. Avoid the use of pesticides and herbicides if at all possible, but when necessary, use with caution and follow instructions.
- D. **Lot Drainage.** Members are responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked. In both cases, additional erosion problems could result which might silt up ponds and stream alleys. Proper drainage must be maintained through the property and no changes to the topography should be made that would block or hinder natural drainage from adjoining properties.

Section 3. Enforcement Actions for Lawn and Garden Care Violations. If a violation occurs, the member will receive a violation notice by certified mail requesting that the property be brought into compliance in 15 calendar days. If the violation is not resolved within fifteen (15) calendar days of the date of the initial violation notice, a second notice will be sent to the property owner by certified mail requesting compliance and scheduling a hearing at a Board of Trustee (BOT) meeting to consider the imposition of charges if a violation is found to have occurred. The BOT may assess either a one-time charge of \$50.00 or a charge of \$10.00 a day (not to exceed \$900.00) until the violation is corrected. If the violation is not resolved at or prior to the hearing, the BOT will have the violation corrected and assess a restoration assessment against the property owner.

Part IV - Trash Removal Procedures

Section 1. General. Members are responsible for picking up litter on their property regardless of the source and for preventing windblown debris from originating from their lot. **Dumping of pet droppings, debris or lawn clippings on common areas or open space is a violation.**

Section 2. Pick-up Days. Household trash and yard debris is picked up every week on a set schedule. The pick-up schedule is published in the Almanac. Trash and yard debris should not be placed out until 6 p.m. or dusk the evening before the scheduled pick-up day. Trash can/containers/recycling containers must be retrieved and properly stored no later than 8 a.m. of the morning following the scheduled pick up day

- A. **Household Trash.** Household trash must be placed in a sturdy containers manufactured for trash storage or in a heavy duty plastic bag that is tied securely. Paper bags, cardboard boxes and plastic grocery bags are not acceptable containers and they are not allowed. Trash containers must be secured to eliminate wind blown littering and animal foraging, which could be a health issue. Trash containers must be stored to minimize visual impact to neighbors and may not be in the front of or on the side of the house. Note: Rosemere and Foxlease Neighborhoods must comply with Policy Resolution 29 (Series) that requires a sturdy containers manufactured for trash storage with a top that is hinged to the container.
- B. **Yard Debris.** Yard debris should be tied, bagged or bundled. The Almanac and the Franklin Farm website provide guidance on how yard debris should be prepared for pick up. If it is not prepared properly, the trash collection company may not pick it up. If the yard debris is not picked up because of improper preparation, it will be considered a violation of this policy.

Section 3. Enforcement Actions.

- A. **For Dumping of pet droppings, debris or lawn clippings on common areas or open space.** In the event of any violation a notice will be sent to the property owner by certified mail scheduling a hearing at a BOT meeting to consider the imposition of charges if a violation is found to have occurred. The BOT may assess a one-time charge of \$50.00 if a violation is found to have occurred.
- B. **For Household Trash Violations.** If household trash is improperly prepared for pick-up, an initial violation notice will be mailed. If there is a repeat of the violation, a notice will be sent to the property owner by certified mail scheduling a hearing at a BOT meeting to consider the imposition of charges if a violation is found to have occurred. The BOT may assess a one-time charge of \$50.00 if a violation is found to have occurred.
- C. **For Yard Debris Violations.** If yard debris has not been picked up for two consecutive pick-up days because it was improperly prepared, a violation notice will be sent by certified mail. If the resident of the property does not thereafter properly prepare the yard debris for pick-up, the BOT will have the yard debris removed and assess a restoration assessment to the property owner that covers the Foundation's cost for removal.

Part V - Equipment Storage

Section 1. General. The storage of lawn equipment, snow removal equipment, barbecue grills, bikes, nets, etc., is not permitted on front porches or in the front or side yard. All such items must be stored either in the garage, approved storage shed or back yard screened from view of adjacent properties. Decks or patios may be used for the storage of items such as grills and outdoor lawn furniture which are normally used in those locations.

Section 2. Enforcement Actions for Equipment Storage Violations. If a violation occurs, the member will receive a violation notice by certified mail requesting that the property be brought into compliance in 15 calendar days. If the violation is not resolved within fifteen (15) calendar days of the date of the initial violation notice, a second notice will be sent to the property owner by certified mail requesting compliance and scheduling a hearing at a Board of Trustee (BOT) meeting to consider the imposition of charges if a violation is found to have occurred. The BOT may assess either a one-time charge of \$50.00 or a charge of \$10.00 a day (not to exceed \$900.00) until the violation is corrected and may initiate legal action to compel compliance with the Declaration and rules and regulations.

Jan 16 2008
Date

Paul Dykeman
Paul Dykeman, President

Attest:

Jerome H. Schmitt
Jerome H. 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 16th day of January 2008

Sherry L. Grimm
Sherry Grimm, Secretary
Book of Minutes No. _____ Meeting No. _____