

**Franklin Farm Foundation
Policy Resolution 29**

Trash Container Requirements for Foxlease and Rosemere Neighborhoods

WHEREAS, Article VI, Section 1(d), of the Franklin Farm Foundation 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, and provides that all rules shall be binding on all members; and

WHEREAS, Article V, Section 12, of the Foxlease and Rosemere Supplementary Declarations of Covenants and Restrictions states that no noxious or offensive activity shall be carried on upon any portion of the property, nor shall anything be done that may be or become a nuisance or annoyance to the neighborhood; and

WHEREAS, Article V, Section 12, of the Foxlease and Rosemere Supplementary Declarations of Covenants and Restrictions state that the Board of Trustees shall adopt rules to implement the provisions of Article V of the Supplementary Declarations, 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; and

WHEREAS, as a direct result of improper storage and containment of household trash, there has been an increase in varmint and rodent activity in the Foxlease and Rosemere Neighborhoods that constitutes a nuisance and safety and health hazard to residents.

NOW, THEREFORE, BE IT RESOLVED that at the request of the Foxlease and Rosemere Neighborhood Boards, the Board of Trustees has established a policy that all trash shall be stored only in acceptable, closed trash containers in accordance with the following provisions.

Part I - General

Section 1. General. This policy resolution sets the minimum standards expected 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 persons and properties subject to the Foxlease and Rosemere Supplementary Declarations of Covenants and Restrictions.

Part II - Trash Storage and 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 on a set schedule that is published in the Almanac. Trash and yard debris should not be placed out until 6 p.m. 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 Storage Container.** Household trash must be placed in sturdy containers manufactured for trash storage with a top that is hinged to the container. If on the effective date of this resolution a resident has a trash container manufactured for trash storage with a covered top that is not hinged and in good condition without holes or cracks, that resident may continue to use it until it needs to be replaced. A trash container must be replaced when there is evidence of holes or cracks in the container or lid. It must be replaced with a container with a hinged lid. **No other type of container is acceptable.** Paper bags, cardboard boxes and plastic bags are not acceptable containers and they are not allowed. Trash containers must be secured and covered 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.
- 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.

Part III - Enforcement Actions and Effective Date

Section 1. For Household Trash and Trash Container Violations. If household trash is improperly stored or prepared for pick-up, an initial violation notice will be mailed to the responsible member by both first class and certified mail. If there is a repeat of the violation, a notice will be sent to the property owner and resident 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. A member cannot claim to be exempt from this notification process by refusing to accept the certified letter.

Section 2. 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.

Section 3. Effective Date. This policy resolution becomes effective on March 1, 2008.

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. _____