

# **THE GROVE AT HUNTLEY MEADOWS**

## **POLICY RESOLUTION NO. 2016-01**

### **(Establishment of Rules Relating to the Collection of Trash)**

**WHEREAS**, Article VII, Section 1 of the Bylaws provides The Board of Directors with the power to adopt and publish rules and regulations governing the use of the Common Area, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; and

**WHEREAS**, Article II, Section 1 of the Declaration of Covenants, Conditions and Restrictions provides the Board of Directors with the right to assess charges for violations of the Association's legal documents or rules and regulation for which the member, the member's family, tenants, guests, or invitees are responsible, provided that the member is given the right to be heard at a hearing before the Board of Directors; and

**WHEREAS**, Article V, 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; and

**WHEREAS**, The Board of Directors has determined that it is in the Association's best interest to promulgate rules and regulations regarding trash collection for the benefit of all Members of the Association.

**NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS ADOPTS THE FOLLOWING POLICY:**

#### **I. POLICY**

1. No trash and/or garbage container, yard waste, or recycle bin shall be permitted to remain in public view from the street, to include placing behind a bush or tree or along the side of the home, and should be stored either in the garage or in the rear yard except when placed at the curb for collection. The Association shall determine and publicize the days of trash and yard waste collection.
2. Containers or properly secured yard waste shall not be placed for pickup at appointed locations (curb) prior to 6:00 p.m. on the night prior to pick-up. All yard waste or trash items not picked up and containers must be removed from the curb and stored by 12:00 a.m. the evening of scheduled pickup. Placing bags of garbage or loose trash on the curb and not in a trash service-provided container or comparable receptacle is prohibited, except large items that do not fit into an approved container may be placed on the curb, provided they are secured in a manner as to prevent them from being blown away from the pickup location.
3. Owners and tenants requiring special pickups (ex., sofas, mattress, box spring, large appliances, old televisions, etc.) must contact the trash company directly to

schedule the pickup or haul these items to the landfill themselves. If such items are not picked up by the trash company, they must be removed from public view no later than 12:00 a.m. that evening.

4. Each owner, guest, invitee or tenant is to place trash in a trash container or other suitable container with a tight-fitting lid to prevent animals from disturbing the trash and for the prevention of blowing debris and litter into and around the neighborhood. Exception: If using the 18-gallon recycling bin, recyclable items should be rinsed so as not to invite animals.

5. Each owner, guest, invitee or tenant is to place yard waste in accordance with trash service policy, to include using biodegradable paper bags, a 30 gallon or larger reusable container marked "yard waste," or tied bundles less than 4 feet in length. Non-compostable plastic bags are not allowed. Reference provider website for current and complete guidance.

6. Owners, guests, invitees or tenants are responsible for picking up litter from the surrounding area if the trash has spilled from their receptacle.

## **II. SANCTIONS FOR FAILURE TO COMPLY WITH THIS POLICY**

1. Owners and their tenants and/or guests who store (or do not remove) trash containers in public view on non-service days, or who leave trash on the curb in unapproved containers, or no containers, will be notified promptly by either a "door hanger" or written notice by the Covenants Committee or Management office. The notice should specify that the Owner either correct the violation within twenty-four hours (24 hours) of the initial citation or refrain from committing the same violation. Management notices shall be addressed to the owner and tenant (if applicable) of the property.

2. If the violation is not corrected within twenty-four hours (24 hours) of the initial citation, or the violation is noted for a second or subsequent occurrence within the previous twelve (12) months, a notice of hearing will be mailed to the Owner. Written notice of the time, date and place of the hearing shall be delivered by hand-delivery or by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records at least fourteen (14) days prior to the hearing. The notice will request the violation be remedied within forty-eight hours (48 hours) of receipt of the notice of hearing. The notice shall also: a) warn the Owner of the Board's authority to impose monetary charges of \$10/day or \$50/occurrence for offenses of the Association's governing documents, and b) shall inform the Owner of his/her hearing before the Board of Directors to contest the citation. Notification will be deemed effective if any Owner fails or refuses to sign for any certified or registered mailing of the Association.

3. If the violation is not corrected within the forty-eight hours (48 hours) of receipt of the notice of hearing or the same violation is committed within the previous twelve (12) months, and the Owner fails to attend the scheduled hearing, the Owner shall then be deemed to have waived the right to a hearing. The Board of Directors shall

have the power to impose monetary charges and suspend the Owner's privileges pursuant to the authority granted in Section 55-513 of the Virginia Property Owners Association Act, as amended, and the Association's governing documents.

4. For any Owner who has received a "door hanger" or written citation from the Association for any matter relating to trash removal and fails to correct the violation within the specified times of the written notice, the Association reserves the right to enter upon the lot and (a) place the trash container out of public view or (b) remove the trash container or trash from the property.

5. If the Association enters upon an Owner's lot for the purpose of remedying the violation, the Association will assess any applicable charges to the Owner. The Association or its Agent will notify the Owner in writing by certified mail, return receipt requested of the additional charges assessed to the account within fourteen (14) days.

6. All Owners are responsible for ensuring that their tenants, guests and invitees comply with the terms of this policy and the Association's rules governing the disposal of trash. Nothing herein is meant to preclude the Board of Directors from the use of other remedies or sanctions available to the Association in order to obtain compliance with the requirements. The Association reserves the right to exercise all other powers and remedies provided by the Association's Governing Documents or the laws of the Commonwealth of Virginia and Fairfax County, including, but not limited to, obtaining injunctive relief or levying other monetary charges as a sanction. All monetary charges imposed in accordance with this resolution shall be collected in the same manner as delinquent assessment if they remain unpaid after notice from the Association.

This policy shall supersede and replace Policy Resolution 2009-03 and all previously adopted policies concerning the collection of trash.

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of The Grove at Huntley Meadows, this 12th day of November 2016.

This Resolution will become effective immediately.

THE GROVE AT HUNTLEY MEADOWS

By:   
David A. Mikkelson, President  
Board of Directors