

RULES AND REGULATIONS

ABINGDON VILLAGE HOMES ASSOCIATION

1020 Amherst Lane
Virginia Beach, Virginia 23464
757-420-3416
abingdonvillageha.com

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1. SCOPE & INCORPORATION OF CITY OF VIRGINIA BEACH CODE

The following Rules and Regulations are a supplement to the Declaration of Covenants, Conditions, and Restrictions; Articles of Incorporation; and By Laws of Abingdon Village Homes Association (“Governing Documents”). The rules herein are to be used by the Board of Directors, hereafter referred to as the Board, and homeowners for specific actions and consequences for violation.

The Association has the authority to enforce all residential lot restrictions in the City of Virginia Beach Code, including such restrictions not specifically mentioned in these rules.

This document can be changed in accordance with the procedures set forth in the Governing Documents and Virginia law.

Any changes to this document will be furnished in writing to all residents before such changes become effective.

2. DEFINITIONS

This document incorporates all the definitions from the Governing Documents, including the following definitions:

- a. Architectural Director: A member of the Board of Directors having authority to receive architectural proposals from homeowners and submit such proposals to the Architecture Committee or the Board for approval. The Architecture Director shall be responsible for home inspections for Property Owners Association Disclosure Packets, for reporting violations to the Architecture Committee or the Board, and for any other duties delegated by the Board. The Architectural Director shall be the Chairman of the Architectural Committee.
- b. Lifeguard: A person employed by the pool contractor for the purpose of being a lifeguard. Lifeguards are:
 - i. Responsible for the safety of persons within the pool area;

- ii. Delegated the authority for enforcement of all Rules and Regulations (e.g. expel unruly persons within the recreation area);
 - iii. And responsible for all matters relating to the Recreation Area as set forth in the Lifeguard's description of responsibilities established and published by the Board.
- c. Member: Shall mean and refer to every person or entity who holds membership in the Association. For the purposes of these Rules and Regulations, Member shall also include delegates under the Declaration of Covenants, including family members and tenants who reside on the Member's lot.
- d. Pool Area: Any area inside the fence that encloses the pools.
- e. Pool Director: A member of the Board of Directors or the Business Manager, having overall authority and responsibility for the swimming pool, adjacent recreation areas, and matters pertaining to those areas.
- f. Recreation Area: The common area containing the clubhouse, pool, pool area, tennis court, basketball court, volleyball court, and picnic areas.
- g. Recreational Equipment: Any equipment, used for transporting people or property in connection with recreation and designed for temporary occupancy, including, but not limited to, jet skis, boats and similar recreational equipment, trailers, campers, motor homes or similar vehicles or racing vehicles, off road vehicles or the trailer or other device used to haul or move such equipment.
- h. Website: The official website of the Association is <http://abingdonvillageha.com/>.

3. ARCHITECTURAL RULES AND REGULATIONS

- a. Architectural Changes
- i. All architectural changes must comport with Articles VI and IX of the Declaration of Covenants, Conditions, and Restrictions.
 - ii. No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration be made until the plans and specification showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing, as to harmony of external design and location in relation to surrounding structures and topography, by the Board, or by an Architectural Committee composed of three or more representatives appointed by the Board.

- iii. Architectural changes, after having been started, must be completed in a reasonable amount of time. This amount of time is dependent on the changes being implemented. If such changes are not being completed in a reasonable amount of time, as determined by the members of the Board, the homeowner will be notified. If a reasonable agreement cannot be made for the completion of the changes, the Virginia Beach Department of Code Enforcement or the Association's attorney will be contacted to handle the matter.
- b. Carports: Carports require Architectural Committee approval.
- c. Decks, Patios, Covers
 - i. All decks, patios, and covers require approval from the Architectural. Plans for patios, covers, and decks should be submitted in writing to the Board or the Architectural Committee.
 - ii. The proposed deck, patio, or cover should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, view, sunlight, ventilation, and drainage. For example, the Board can express concern about unwanted shadows on an adjacent patio or infringement on a neighbor's privacy or view. When a proposed deck has possible impact on adjacent properties, it is suggested that you discuss the proposal with the neighbors. Including comments from your neighbors in your proposal is appreciated.
 - iii. Homeowners are responsible for ensuring that all proper City permits are obtained and that City building standards are met.
- d. Fences: All fencing and fence gates must be approved by the Architectural Committee or the Board. According to the Association's Declaration of Covenants: "no fences shall be constructed on any of the Lots other than wooden split-rail fences and this restriction may not be waived."
- e. Pools: Architectural Committee approval is required before the installation of a pool.
- f. Sheds, Accessory Buildings: All sheds, accessory buildings, and greenhouses require Architectural Committee approval and shall be located in the rear yard. Sheds must be complementary to the house. The size of sheds and accessory buildings will be considered on a case by case basis. All sheds, accessory buildings, and greenhouses must meet the requirements of the City of Virginia Beach Code.
- g. Siding: Any replacement of siding requires Architectural Committee approval.
- h. Temporary Structures: Architectural Committee approval is required for temporary structures left up for longer than 48 hours.

- i. Open Storage of Junk and Rusted, Machinery, Equipment, Etc.: It is not permitted for any person to place or leave any dilapidated furniture, appliance, machinery, equipment, building material or other item, which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building

- j. Weeds, Leaves, and Grass: The lawns of each homeowner must be kept mowed to a maximum height of ten inches. In addition, each lawn shall be kept free from brush or other growth, which, in the reasonable opinion of the Architectural Committee or Board, is unsightly or causes undue danger of fire. Flower boxes and landscaping must be kept maintained at all times. Lawns must be kept free of excess leaves during the fall season. Leaves shall not be allowed to accumulate in large piles or to cover large portions of the lawn. Leaves and grass clippings shall not be raked or blown into the common area or onto public streets. All lawn waste must be disposed of in accordance with the rules of the City of Virginia Beach.

- k. Trash, Garbage, and Litter
 - i. Homes, including the curb line, must be kept clear of trash, garbage, refuse, litter, or similar substances, except trash may be placed on the curb line for collection pursuant to the City of Virginia Beach's trash collection policies.

 - ii. Privately owned residential refuse receptacles, including automated refuse receptacles and containers for recyclables, oversized household trash and bulky items such as refrigerators, water heaters, washing machines, other household appliances, furniture, mattresses and similar items, the contents of which are to be collected by the city or a city contractor, shall be placed on the curb line of a city right-of-way no earlier than 5:00 p.m. on the day before. All receptacles must be removed out of view of the public after collection on the day of collection, except as otherwise designated by the city manager or his designee. *Out of view of the public* means stored behind the plane of the front wall of the residence or building being serviced, except when otherwise designated by the city manager or his designee.

4. RULES GOVERNING THE COMMON AREAS

- a. Animals
 - i. *Pet Waste:* Residents must bring a container to clean up after their pets while walking the pet on Common Area or within the Association.

 - ii. *Damage to Common Area:* Pets shall not be allowed to damage grass, shrubs, trees, or any other portion of the common area or become an annoyance or nuisance to other pets or people. Expenses and costs resulting from damage to

shrubs, trees, or common area property will be the responsibility of the owner of the pet.

- iii. *Leashes*: Pets, including dogs and cats, must be restrained or on a leash at all times while on the common area. Any pet that is not leashed may be reported to the City of Virginia Beach.

5. OTHER RULES AND REGULATIONS

- a. Signs: No sign of any kind shall be displayed to the public view on any Lot, except that one professional sign of not more than one square foot may be displayed and one sign of not more than five square feet may be displayed advertising the property for sale or for rent.
- b. Parking of Recreational Equipment
 - i. Recreational equipment shall be stored subject to the following limitations:
 - 1. Such equipment shall be parked or stored on any lot only within a building or behind every plane of a structure that is substantially parallel to and facing the public right-of-way.
 - 2. On corner lots, such equipment may also be parked or stored on the portion of the lot that is clearly and physically the rear of the lot and behind the plane of the house parallel and closest to the public right-of-way.
 - ii. Such equipment may be parked entirely within a driveway for a period not to exceed twenty-four (24) hours during loading or unloading. For purposes of this section, the term “driveway” shall include any portion of a lot, surfaced or otherwise, that constitutes an approved parking area or provides access to an approved parking area.
 - iii. No recreational equipment shall be parked in any public street or public right-of-way for more than three (3) hours. No such equipment shall be used for living, sleeping, or housekeeping purposes except in locations lawfully established for such use.

6. RECREATION AREA OPERATION

- a. Hours of Operation of the Recreation Area: The hours of operation may change from season to season. The hours of operation will be clearly posted at the entrance to the recreation area and will be provided in the newsletter and/or on the website.
- b. Inclement Weather: Lifeguards on duty will temporarily close the pool/pool area in the event of lightning or thunder, and may reopen the pool/pool area as weather

conditions and local regulations permit. Normally, the recreation area will not be closed for more than two hours without permission of a Board Member.

- c. Admission: The recreation area is available to all Members, whose dues and special assessments are paid in full, and their guests per the guest permit policy. Guests must be accompanied by a Member at all times. Climbing over, or crawling under, the pool fence; or gaining access otherwise, by unauthorized individuals is considered trespassing. Violators are considered to be trespassers and are punishable by applicable law. In such events, the Association shall not be held liable for damage and/or injury caused by a trespasser.
- d. Responsibilities: It is the Members' and Member's guests' responsibility to comply with all Rules and Regulations while using the Recreation Area.
- e. Guests
 - i. The Board may regulate the guest pass procedure, including, but not limited to, setting fees for guest passes. The Board may also set an identification system for Member admission into the pool area, including, but not limited to, member recreation cards.
 - ii. The Board may set the policy regarding the number of guests that a Member may bring into the Recreation Area.
 - iii. Guests must sign in with the Lifeguard on duty at the entrance.
 - iv. The Lifeguards have the discretion to expel any authorized users and/or guests that do not follow the Rules and Regulations of the Recreation Area.
 - v. *Long-Term Guests*: A relative or friend who may be temporarily visiting or residing with Member may be permitted use of the Recreation Area. A written application must be submitted to the Board and must include: names of adult guests, names and ages of minor guests, the Member's address where they will be residing, and the duration and purpose of their visit.

7. RULES AND REGULATIONS OF THE RECREATION AREA

- a. General Rules
 - i. No open fires, except in authorized area(s).
 - ii. Animals are not permitted in recreation areas except those necessary to assist persons with a disability.
 - iii. No bands, DJs, stereos, or other music creating excessive noise.

- iv. A smoking area has been designated in a corner of the pool deck near the storage shed. Smoking is prohibited in all other areas of the Recreation Area. Smoking is prohibited by all persons under eighteen (18) years of age.
 - v. No more than 45 persons are allowed in the clubhouse at once per local fire laws.
 - vi. Use of obscene or vulgar language or gestures, threats, harassment, or other disruptive or disorderly behavior is prohibited. Disobedience of the Rules and Regulations can result in temporary or permanent expulsion from the Recreation Area.
 - vii. The use of alcohol is prohibited in the recreation area.
- b. Specific Rules: There are specific Rules and Regulations governing each area within the Recreation Area in addition to those promulgated above for general use. Infractions of these Rules and Regulations may result in temporary or permanent expulsion from the Recreation Area.
- c. Pool Hours: The hours of operation will be posted at the entrance to the Recreation Area, provided in the first newsletter, and posted on the Website, as the hours of operation can change from season to season.
- d. Use Restrictions: Persons aged thirteen (13) or under must be accompanied by an adult age eighteen (18) or older at all times. Persons aged fourteen to seventeen (14-17) will be allowed to use the Pool without adult supervision if parents and child have signed a Waiver of Liability form which is filed by the Pool Director (form available on the Website). All nonswimmers must be accompanied and supervised by an approved swimmer when using the pool.
- e. Special Functions: A minimum of two weeks is required for any reservation involving use of the pool and lifeguards. To help guarantee that lifeguards will be available to support an event, it is recommended that reservations be made as far in advance as possible. Due to the limited size of pools/pool area and parking, the maximum number of attendees for special functions will normally be 50 people. The Board may approve special functions of more than 50 people on a case by case basis. Reservations require at least two certified life guards for the first 25 guests in the pool/pool area, and a third lifeguard for parties of 26 or more people. A \$50 fee is required for renting the clubhouse and/or pool. Additionally, a \$200 damage deposit for use of the clubhouse and recreation area and the lifeguard fee (if using the pool) is also required. The deposit will be returned after an inspection is completed by a Board Member and keys are returned. The person reserving the clubhouse is responsible for any damage, including damage over the deposit amount. The pools/pool area/clubhouse may be reserved from 7:00 PM to 11:00 p.m. for special functions, but may be terminated earlier if excessive noise or disruption complaints

are received from the surrounding neighbors. If the in-pool lights are not functioning, the pool may not be used after 9:00 PM due to safety concerns of the lifeguards not being able to see everyone in and under the water. The lifeguards have the authority to terminate any special function in which problems with behavior and compliance with Rules and Regulations exist.

- f. Lifeguards: The Lifeguards on duty have the authority over all persons in the Pool Area and the Recreation Area. Failure to comply with the Rules and Regulations, or with Lifeguard instructions, may result in temporary expulsion from the recreation area as determined by the Lifeguards, Pool Director, and/or any Board Member. Lifeguards on duty will close the Pool Area in the event of lightning or thunder, and may reopen the Pool Area as weather conditions and local regulations permit. Normally, the recreation area will not be closed for more than two hours without the permission of a Board Member.
- g. Pool Area Rules
 - i. All persons are required to shower prior to entering the pools.
 - ii. No food or drinks are allowed within five feet of the pools.
 - iii. No chewing gum is allowed anywhere within the Pool Area.
 - iv. No glassware is allowed within the Pool Area.
 - v. All trash generated by swimmers must be placed in trash containers or otherwise properly disposed of.
 - vi. No bicycles, skateboards, scooters, etc. are allowed inside the Pool Area.
 - vii. Persons with open sores, wounds and bandages are asked to refrain from swimming in the Pool.
 - viii. *Swim Attire*: Proper swim attire is required to enter the pools. No cut-offs are allowed. Children who are not toilet trained are required to wear special disposable swim diapers.
 - ix. *Pool Toys*: Lifeguards have discretion to regulate pool toys.
 - x. *Pool Behavior*: Roughhousing, running, wrestling, dunking, excessive splashing, pushing, spitting, and sitting on the shoulders of others are not allowed in the Pool Area. Only one person is allowed on the diving board at a time. Swimmers must clear the deep end before anyone dives in from the board. Diving/jumping from the side of the board is not allowed. Jumping into the pool backwards from the poolside is not allowed. Alcoholic

beverages are not permitted in the Recreation Area, including the Pool Area. Lifeguards will report any underage drinking to the Virginia Beach Police.

- xi. *Wading Pool*: Children in the wading pool must be supervised at all times by a responsible person age fourteen (14) or older. Only children five (5) years old and under will be allowed in the wading pool. Disposable diapers must be covered with rubber pants, or specialized swim diapers must be used for children not bathroom trained.
- xii. *Loitering*: Loitering in the recreation area (either within or outside the fenced area) is prohibited. Loitering is defined as remaining in the recreation area for the purpose of passing time, without an active attempt to use any of the facilities for their intended use. Those persons using the recreation facilities must:
 - 1. Have appropriate swim gear if they wish to remain in the Pool Area.
 - 2. Have appropriate tennis equipment if they wish to use the tennis court area.
 - 3. Be engaged in some other specific use of the Recreation Areas that in the opinion of the lifeguard or Board Member supports legitimate use of the facilities.

h. Tennis Court Rules and Regulations

- i. The Tennis Court may be used by Members in good standing and their guests.

i. Basketball Court Rules and Regulations

- i. The basketball court is open during daylight hours.
- ii. The basketball court may be used by Members in good standing and their guests, within the confines of the Rules and Regulations.
- iii. The Lifeguards have the authority to expel persons from the basketball court and/or the Recreation Area for improper behavior.

j. Volleyball Area Rules and Regulations

- i. The volleyball area is open during daylight hours.
- ii. The volleyball area is available on a first come, first served basis for all Members. Use of the area should not interfere with use of the picnic area.

- iii. The lifeguards have the authority to expel persons from the volleyball area and/or the Recreation Area for improper behavior.
- k. Clubhouse Rules and Regulations
 - i. The clubhouse meeting room should only be used for authorized special functions.
 - ii. Persons with wet swim attire are not allowed in the clubhouse meeting room, but may use the bathrooms via the door adjacent to the pool.
 - iii. The lifeguards have the authority to expel persons from the clubhouse or recreation area for misuse of the clubhouse facilities.

8. ENFORCEMENT OF RULES AND REGULATIONS

Enforcement of Rules and Regulations will be as provided for pursuant to § [55-513](#) of the Code of Virginia:

- a. Except as otherwise provided for in the Virginia Property Owners' Association Act, the Board shall have the power to establish, adopt, and enforce Rules and Regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the Association by the Declaration, except where expressly reserved by the Declaration to the Members. Rules and regulations may be adopted by resolution and shall be reasonably published or distributed throughout the development. A majority of votes cast, in person or by proxy, at a meeting convened in accordance with the provisions of the Association's Bylaws and called for that purpose shall repeal or amend any rule or regulation adopted by the Board. Rules and Regulations may be enforced by any method normally available to the owner of private property in Virginia, including, but not limited to, application for injunctive relief or actual damages, during which the court may award to the prevailing party court costs and reasonable attorney fees.
- b. The Board shall also have the power, to the extent the Declaration or Rules and Regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a Member's right to use facilities or services, including utility services, provided directly through the Association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) 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.
- c. 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](#) of the Code of Virginia. If the violation remains uncorrected, the Member shall be given an opportunity to be heard and to be represented by counsel before the Board 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.

- d. 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](#) of the Code of Virginia. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days.
- e. The Board may file or defend legal action in general district or circuit court that seeks relief, including injunctive relief arising from any violation of the Declaration or duly adopted Rules and Regulations.
- f. After the date a lawsuit is filed in the general district or circuit court by (i) the Association, by and through its counsel, to collect the charges or obtain injunctive relief and correct the violation or (ii) the lot owner challenging any such charges, no additional charges shall accrue. If the court rules in favor of the Association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action. In addition, if the court finds that the violation remains uncorrected, the court may order the unit owner to abate or remedy the violation.
- g. In any suit filed in general district court pursuant to this section, the court may enter default judgment against the lot owner on the Association's sworn affidavit.