

Merrifield View Homeowners Association
Policy Resolution 2009-1
as adopted March 25, 2009
at the Board of Directors Meeting

Purpose: To establish certain rules regarding trash.

WHEREAS, the purposes of the Merrifield View Homeowners Association, are to promote the mutual interests of the residents of Merrifield View, to encourage active participation in the civic life of this community, and through unified efforts of its members to enhance their common welfare; and

WHEREAS, the Board of Directors of the Association will have all powers needed to carry out the purposes of the Association which are enabled by law or the governing documents of the Association, and which are not specifically reserved to the members; and

WHEREAS, by law, the Board of Directors of the Association will have the power to establish, adopt and enforce rules and regulations with respect to use of the Common Area and with respect to such other areas of responsibility assigned to the Association by the Declaration of Covenants, Conditions and Restrictions.

NOW, THEREFORE, be it resolved that in accordance with applicable provisions of law and the Association's governing documents the following Rules and Regulations are hereby adopted:

- 1) All trash will be stored in an appropriate trash container.
- 2) *An appropriate trash container* is defined as a sealed, rodent-proof container with a tight fitting, attached lid.
- 3) All trash cans, lids and recycling bins must be prominently marked with the house number.
- 4) Trash secured in appropriate containers or properly secured (as in bulky items) may be placed out for pick up after 6:00 p.m. the evening before a scheduled pick up day. All trash bags must be securely tied, no exceptions.
- 5) Each home may permanently place one trash container, as described below, outside of the rear fence of the home.
 - a) one brown, rectangular metal trash container in the style originally supplied with the home; as long as it is maintained and is in working order (e.g., lid is firmly affixed and door will remain closed); or
 - b) one alternative trash container of a similar capacity. Any alternative container must fit outside the fence so that it does not overhang the sidewalk or impede pedestrian traffic in any way. If an alternative trash can is used, both the can and the lid must be prominently marked with the house number as do recycling bins.
- 6) If there is more trash than will fit into the approved container outside the fence, then this trash must be stored either inside of the house or inside the fence until a trash pick up day. Trash stored outside must be kept in sealed, rodent-proof containers with a tight fitting, attached lid. These extra containers may be put outside the fence for trash pick up but must be returned inside the fence by the end of the pick up day.
- 7) Bulky items that are not normally placed in a trash container should be adequately secured or bundled and placed out at the designated common area pick up points street-side.

- 8) When recycling and using the trash company provided recycling bin or an alternative bin, all items must still be properly secured as appropriate so items do not blow out of the bin. All bins must be prominently marked with the house number.
- 9) All trash containers and recycling bins put out at the designated common area street-side pick up points must be returned to storage, either indoors or in the rear of the residence by the end of the pick up day.
- 10) The permanent container located outside the fence in the rear, must have lids replaced and doors closed by the end of the pick up day. Extra containers must be returned to storage inside the fence by the end of the pick up day.
- 11) Violations of this rule will include, but are not limited to:
 - a) Trash placed out for pick up before 6:00 p.m. the day before a scheduled trash pick up day.
 - b) Trash placed out for pick up after the trash company has made its pick up that day.
 - c) Missed pick ups not reported to the property manager.
 - d) Unmarked trash cans, lids and bins (no prominent street address number);
 - e) More than one container regularly stored outside the fence on a non-trash pick up days;
 - f) Recycling bins stored outside the fence;
 - g) Trash containers stored outside the fence without lids securely in place on top of the container and in the case of the metal trash container, doors securely closed;
 - h) Unsecured trash and/or recycling which blows around the neighborhood or is torn into by rodents, birds or other animals;
 - i) Staging of trash on front porches, front yards or side yards on a non-trash pick up days;
 - j) Discarding yard waste, brush or any other trash or yard debris on any portion of the common property;
 - k) Placing bulky items out for pick up without contacting the trash removal service provider in advance for a special pick up if needed;
 - l) Littering.
- 12) Residents placing trash out for pick up after the trash company has already picked up trash that day may be charged with violating the rules for placing trash out on a non-pick up day.
- 13) Residents' timely placing trash out, which does not get picked up due to the trash company's oversight must promptly (same day or next day, early morning) report these oversights to the property manager. Missed pick ups not reported to the property manager will be considered as a violation.
- 14) Additionally, trash cans, lids and bins not prominently marked with the street address number left out on the common area pick up points street-side or left outside the rear fence will be considered abandoned property and are subject to removal and disposal. The HOA will not held responsible for replacement costs.
- 15) Violations of any of the above rules are subject to an assessment of \$50 per occurrence or the maximum amount allowed under the Virginia Property Owners' Association Act as it may be amended from time to time. Assessments will be levied against the property, are payable within 30 days and are subject to the same conditions as a regular HOA assessment. Violators will also be responsible for any costs associated with cleaning up any mess resulting from unsecured trash.

This Policy Resolution supercedes and replaces the previously published Policy Resolution 1997-1.