

# **Fountaingrove Homeowners Association**

## **Policy Resolution #1: Commercial Vehicle Defined**

**Enacted: January 1, 2009**

WHEREAS, Article 5, Section 1 of the Bylaws of Fountaingrove Homeowners Association of Mecklenburg, Inc. states the business and affairs of the Association shall be managed by a Board of Directors.

WHEREAS, Article 7, Section 1(b) of the Bylaws of Fountaingrove Homeowners Association of Mecklenburg, Inc., states the Board shall exercise for the Association all powers, duties and authority vested in or delegated to this Association, and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration, including the powers set forth in Section 1 of the Act.

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions, Statement of Purpose lists several restrictions set forth for the protection of the Lots and the future Owners thereof.

WHEREAS, Article X, Section 1 of the Declaration states the Association shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or thereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or Restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

WHEREAS, the Declaration of Restrictions, Statement of Purpose, Section 5. TEMPORARY STRUCTURES AND OFFSTREET PARKING states Commercial vehicles of any kind operated by a member of the household occupying the dwelling on the Lot are restricted ...

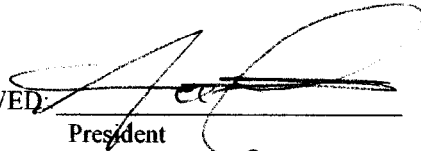
WHEREAS, there is a need for the Board to give direction in defining a commercial vehicle.

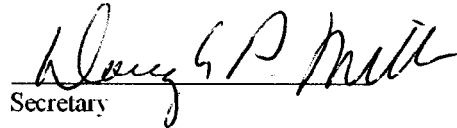
WHEREAS, this resolution will be in effect from the date listed above until it is rescinded, modified or amended by a majority of the Board of Directors.

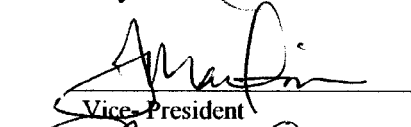
NOW THEREFORE, BE IT RESOLVED THAT the following is the Board's definition of a commercial vehicle if it meets any of following criteria:

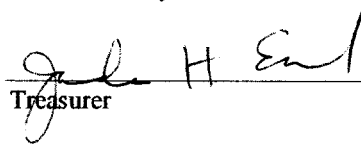
1. Vehicle exceeds a standard parking space of 180 square feet, and/or exceeds 9 ft wide by 18 feet long.
2. Vehicle with a gross vehicle weight rating of 10,00 or more pounds
3. Vehicle designed to transport 16 or more passengers, including the driver
4. Vehicle designed to transport 11 or more passengers, including the driver, and used to transport students under the age twenty-one years of age to and from school
5. Any vehicle transporting hazardous materials which is required to be placarded.

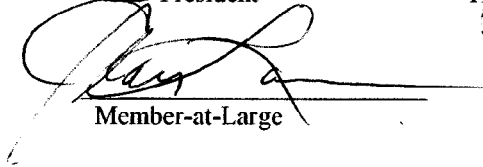
APPROVED:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Vice-President

  
\_\_\_\_\_  
Treasurer

  
\_\_\_\_\_  
Member-at-Large

6-11-09

Date