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FIRST RIVER FARMS HOMEOWNERS'  
ASSOCIATION  
RULES, REGULATIONS AND POLICY MANUAL

**Incorporated by resolution of the  
First River Farm Board of Directors**

**EFFECTIVE DATE: January 1<sup>st</sup>, 2011**

Approved by the First River Farms Board of Directors by resolution on  
11-09-2010

This document supersedes all previous rules documents.

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To: Homeowners and Tenants of First River Farms

From: The Board of Directors of First River Farms HOA

Subject: Updated Association Rules, Regulations, and Information

Dear Neighbors,

The Board of Directors of the First River Farms Homeowners Association, along with the Rules Committee, has updated the First River Farms Rules and Regulations Manual. Some of the information has been modified to address new and better products on the market. Some of the information has been modified to update policies and procedures. Some rules and regulations are altogether new to provide information not previously addressed.

The Association's rules and regulations serve to maintain community safety and retain the aesthetic and property values of our neighborhood. The Association and its Board of Directors are not responsible or liable for injuries, damages or costs incurred by a homeowner, the homeowner's family, tenants or property managers resulting from the failure to follow these rules and regulations.

All homeowners are legally responsible for abiding by these rules and regulations as are their families, tenants, guests, and property managers. This information should be fully reviewed by all homeowners and its location on our website at [www.firstriverfarms.com](http://www.firstriverfarms.com) shared with tenants and property managers.

We believe these rules and regulations provide clear and concise information for managing and maintaining our properties in a safe and attractive manner that will continue to make First River Farms one of the best neighborhoods in Northern Virginia.

Sincerely,

The First River Farms Board of Directors  
August 2023

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## **SECTION I: THE ASSOCIATION**

### **1.1 GOVERNANCE OF THE ASSOCIATION**

#### **1.1.1 THE NATURE OF THE ASSOCIATION**

The First River Farms Association is the homeowners association that owns, operates and maintains common properties and services in the 197 home areas of River Farms, a residential development in the Mount Vernon District, County of Fairfax, and Commonwealth of Virginia. The Association is a private, not for profit membership corporation.

#### **1.1.2 THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

By virtue of documents signed at closing by the homeowner, every lot owner in the 19.5-acre area is automatically a member of the First River Farms Homeowner's Association under the Declaration of Covenants, Conditions and

and Restrictions recorded with Fairfax County for the First River Farms area (hereafter referred to as *the Declaration*). Every owner has the rights and obligations in the Association as described in the Declaration and as subsequently established by the owners themselves in accordance with the Declaration. A copy of the Declaration, Conditions and Restrictions will be made available to you upon request to the Association's management firm at cost to the homeowner. They can also be downloaded for free at [www.riverfarms.org](http://www.riverfarms.org).

The Association's common property is approximately 7.6 acres of streets, parking bays, and open areas abutting individual homeowner lots. Historically, the developer gave the common property to the Association. The Association maintains the common property with Association funds derived from mandatory assessments paid by the homeowners to the Association. The Declaration for First River Farms was designed to offer the Association's governance system long-term stability. Amendment of the Declaration requires ninety percent of the total Association votes, except at certain 20 year and 10 year extension dates when seventy-five percent can amend the Declaration.

#### **1.1.3 THE BY-LAWS & RESIDENT RULES & REGULATIONS**

The Association's operations are also subject to its By-laws and to the policies set forth in the Resident Rules and Regulations.



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Homeowners and tenants can download them for free in the secured Residents Only Section of the website [www.firstriverfarms.com](http://www.firstriverfarms.com).

A hard copy of the By-laws and the Resident Rules and Regulations may be requested from the Association's management firm for a fee.

Homeowners who are landlords are responsible for providing prospective tenants of the community a complete copy of the current Rules and Regulations document BEFORE a lease is signed. Note that prospective tenants do not have access to the restricted area of the website and cannot access the document themselves.

The By-laws may be amended by the Association membership as specified therein.

The policies outlined in the RULES, REGULATIONS AND POLICY MANUAL are amended by resolution passed by a majority of the Board of Directors.

## **1.2. THE BOARD OF DIRECTORS (BOD)**

1.2.1 The Board of Directors (BOD), through its elected officers and appointed committees, manage the Association's operations. All of the work done by these individual homeowners is voluntary. For a listing of all current Board and Committee members, go to our community web site at [www.firstriverfarms.com](http://www.firstriverfarms.com).

1.2.2 The BOD meets on the third Monday of each month at 7:00 p.m., with two exceptions:

- The FRF Annual Meeting is held on the second Tuesday of May at 8:00 p.m., in compliance with the By-Laws.
- The Board does not meet in August.

Board meetings are usually held in the multi-purpose room at the Mount Vernon Government Center, 2511 Parker's Lane. Reminders and venue changes for dates that the government center is not available are disseminated via email to owners and residents who have opted in for email notifications on the secured portion of the community website and are posted to [www.firstriverfarms.com](http://www.firstriverfarms.com).

The FRF Code of Conduct, posted to the FRF website, applies to these meetings.

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An “open forum” period is reserved at the beginning of the meeting to hear resident remarks, questions or concerns. Those wishing to voice their concerns to the Board should be at the meeting no later than 7:00 p.m.

Each resident is allowed three minutes to discuss any issue they may have during the open forum segment. All attendees must abide by the Code of Conduct reflected in our rules and regulations.

Board meetings are open to the FRF community with two exceptions.

- At times, the Board will enter into an executive session to discuss sensitive matters pertaining to specific residents, collections, properties, contract negotiations, and other delicate topics.
- All Hearings (addressed in 3-3) are closed, unless directed by the Board of Directors.

1.2.3 While residents have the opportunity to speak during the “open forum” segment, board meetings are for the conduct of board business. Residents observing the open session of the remaining board meeting may only speak if invited to do so by the officer presiding over the meeting, normally the President.

### **1.3 ASSOCIATION COMMITTEES**

The founding documents require that the BOD establish an Environmental Design Committee and an ad hoc Nominating Committee. The BOD may establish other committees as needed to aid in conducting the business of the association.

1.3.1. Committees are chaired by an active member of the Board, and consist of both Board members and members of the association. The six standing committees are:

- Environmental Design Committee
- Grounds Oversight Committee
- Rules Committee
- Finance Committee
- Neighborhood Watch Committee
- Welcome, Outreach, and Communications Committee
- Nominating Committee

**Environmental Design Committee (EDC) and Grounds Oversight Subcommittee.**

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The Association establishes and enforces procedures and standards for the design of and use of common areas, as well as for individual properties. The mandate of the Environmental Design Committee is to enforce community standards, protect property values, and conserve the quality of the living environment for all owners as provided for in the Declaration. To achieve that mandate, the Committee requires that homeowners submit an EDC application for any proposed changes/improvements to their property and receive Committee approval prior to commencing work.

Applications are evaluated based on the standards set forth in the Rules and Regulations manual. The focus of the EDC is physical changes to the exterior of a home. The Board has adopted the Environmental Design/Land Use Guidelines (see Section 5.2.2).

#### **The Grounds Oversight Subcommittee**

It is a sub-committee of the Environmental Design Committee. With approval by the Board of Directors, this committee is responsible for letting and supervising the landscape contract. The scope of its duties includes the recommendation and oversight of grounds improvement projects, landscape maintenance, and snow & ice removal. The schedule of services performed during the current year is available on the association website, [www.riverfarms.org](http://www.riverfarms.org).

#### **Rules Committee**

The Rules Committee is composed of board and association members. It convenes, as required, to review and update community rules.

#### **Finance Committee**

The Finance Committee is responsible for developing the Association's annual budget, monitoring monthly financial reports from the Management Firm, and reviewing the annual audit report. The Committee also recommends to the Board of Directors secure investments for funds set aside for major repairs, capital improvements, and reserves.

#### **Neighborhood Watch Committee**

The Neighborhood Watch Committee's number one priority is community safety. It focuses on getting critical information distributed into the neighborhood on the threats of neighborhood crime and safety tips. It maintains a close relationship with the Fairfax County Police Department, and disseminates information and safety tips to

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the community. This committee also advises the Board on community safety issues such as traffic safety.

#### **Welcome, Outreach, and Communications Committee**

This committee is responsible for establishing a bridge between the Association's Board of Directors and the other members of the Association. It ensures that information about important community meetings, issues, and events is efficiently distributed through the neighborhood. In addition, it is charged with welcoming new residents to the neighborhood.

#### **Nominating Committee**

This is an ad hoc committee formed, as needed, to develop a slate of nominees for election to the Association's Board of Directors.

#### **1.4 RIVER FARMS CONSERVANCY**

The River Farms Conservancy manages the swimming pool, tennis courts and some adjacent common areas. **This is a separate organization with a separate dues structure.**

Information about the Conservancy and Conservancy management company information are available on their website at <https://www.riverfarmsconservancy.org/>.

Any issues surrounding the pool or tennis court, such as passes, keys/access codes, maintenance, etc., must be referred to the Conservancy; the First River Farms Board of Directors and the Association do not have oversight or jurisdiction over these areas.

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## SECTION II: ASSOCIATION-PROVIDED COMMUNITY MAINTENANCE

### 2.1 Community Painting and Authorized Paint Colors

In most cases, each home in First River Farms will be painted every five years by the association using funds from the monthly HOA assessments. Please refer to the table below that shows whether the HOA or the homeowner is responsible for the painting costs.

- The painting schedule is subject to change at any time by the Board of Directors. The painting schedule will be posted on the community website and Homeowners and Residents who are part of the upcoming paint cycle and whose contact information is on file with the Management Company will be notified.
- If Homeowners have any doubt about the current painting schedule, they should contact the HOA Management Company or email [info@firstriverfarms.com](mailto:info@firstriverfarms.com) for the latest information on community painting.

Item to be Painted	Who Pays	
	HOA	Homeowner (responsible for contracting individually with the contractor)
During regularly scheduled HOA painting: front door, shutters, storm door, trim, gables, bay windows, gutters, downspouts, railings, siding, all flashing, dormers, wooden street number plaques	Basic preparation and one coat of paint during regularly scheduled painting	Cost of (a) extra coats of paint due to color change during regular HOA painting, (b) priming and painting of faded vinyl and factory finished surfaces (i.e., shutters, factory finished doors, bay windows, gables)

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Outside of the HOA regularly scheduled painting cycles, the homeowner is responsible for all painting costs. This could transpire if a homeowner wanted to change the home's colors, correct a violation, repair a damaged item or replace an item.

#### **Homeowner Tasks During the Regularly Scheduled Painting Process**

- As part of the painting process, homeowners will be provided with a list of what repairs need to be done approximately 60 days before painting begins.
- Homeowners are responsible for reviewing the list of repairs for accuracy. Homeowners are responsible for contacting the painting contractor if there are any discrepancies.
- Homeowners are responsible for making any necessary carpentry repairs or preparation work prior to the painters preparing the surfaces.
- The painting contractor selected by the Board is authorized to contract individually with homeowners to make required repairs; however, homeowners may choose to hire another company or to complete the repairs themselves. All finalized work must reflect a workmanlike quality.
- If a home requires additional paint (beyond the 1 coat of paint that the HOA provides), the homeowner must contract with the selected painting contractor for application of the additional coats.
- Failure to perform all required repair work adequately for the painting preparation work may result in that house being skipped during the painting cycle. In such cases, the homeowner must accomplish identified repairs and painting of the home at their own expense by November 15 that year.
- Homeowners must provide exterior access to all paintable surfaces.
- Houses that have aluminum windows with wood muntins are required to remove the storm windows to provide the painting contractor access to paint the wood muntins.
- Failure to provide access to painting crews may result in that house being skipped during the painting cycle. In such cases, the homeowner must accomplish painting of the home at their own expense by November 15 that year.

#### **Authorized Colors**

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- A palette of authorized Sherwin-Williams colors is available in the appendix of this document, on the Residents Only area of [www.firstriverfarms.com](http://www.firstriverfarms.com) or may be obtained by contacting the HOA management company.
- The colors in the palette available in the locations above provide approximate colors and appearance, since they represent a scanned image of the actual color palette. Residents may request to see an original palette at the Sherwin-Williams store located at 7644 Richmond Hwy, Hybla Valley Shopping Center, Alexandria, VA 22306. Original palettes may not be removed from the store. Residents may provide the store with their color identification numbers from the palette and they will mix the correct colors from the previous Duron Paint color formulas, purchased by Sherwin-Williams in 2004.

#### Authorized Color Combinations

- Front doors, storm doors and shutters (front, back and sides of house) MUST be paintable so they are in compliance with the community authorized colors. The color must be one of the main colors in the HOA palette.

The Main colors in the HOA paint palette are the following authorized Sherwin-Williams colors below:

- Cobblestone Grey ID number 826
- Forest Green ID number 973
- Foxhall Green ID number 978
- Georgetown Green ID number 979
- Charleston Green ID number 972
- Chadwicke Tan ID number 832
- Fairfax Brown ID number 963
- Chestnut Brown ID number 990
- Deep Forest Brown ID number 830
- Persian Plum ID number 935
- Redwood ID number 942
- Farm House Red ID number 948
- Old Colonial Red ID number 949
- Hearthstone ID number 996
- Carolina Slate ID number 999
- Aspiration ID number 841
- Black ID number 980

- Front doors and shutters (front, back and sides of house) MUST be the same color. The colors must be matched exactly.

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- Storm doors must be the same color as the front door/shutters OR the trim/siding/flashing. All paintable surfaces on the storm doors must be painted the same color. The color must be matched exactly to the front door OR the trim/siding.
- Faded vinyl and factory finished surfaces (i.e., shutters, factory finished doors, siding) are not in compliance and must be painted the correct authorized color.
- Railings must be the same color as the front door OR black. The color of painted railing must be matched exactly to the front door color unless the railing color is black.
- Flashing on the roof, including any flashing around a chimney, must be matched exactly to the home's trim color.

Door trim, wooden street number plaques, bays, dormers on homes with mansard roofs, gables, siding, fascia boards, gutters and downspouts must be the same color. Their colors must be in the TRIM color category. The color must be matched exactly. The color must be a lighter color than the front door/shutters MAIN colors.

The TRIM color must be one of the authorized Sherwin-Williams colors below:

- One Coat White ID number 914
  - Colonial White ID number 810
  - Amber White ID number 922
  - Newport ID number 831
  - Wheat ID number 923
  - Greystone ID number 825
  - Harness Shop Tan ID number 824
  - Cypress ID number 811
  - Incense ID number 823
  - Brush Grey ID number 833
  - Tavern Beige ID number 835
- Window frames and muntins must be white/off white. Metal windows that are original to the home may have a metal frame. Wood muntins in original windows must match the color of the window/door trim.
  - Window trim must match the window color OR the color of all other trim. The color must be matched exactly.
  - Patio/French/deck doors may be white/off-white or painted the same authorized color as the trim.



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- If a homeowner chooses to change their exterior front door/storm door/shutter main color, the new color cannot match the color on an adjacent house. This includes end units, whose color may not match the unit that adjoins it or the end unit in the next section of townhomes.
  - Adjacent homes with the same front door/storm door/shutter main color are grandfathered for the duration of the current owner. However, if a homeowner chooses to sell their home and the front door/storm door/shutters are the same color as an adjacent home, the homeowner who is selling must change their exterior color prior to the sale closing.

#### **Exterior Paint Color Change Request Application**

- All color changes require an approved Exterior Design Change Application form, shown in Appendix A. The form can be downloaded from [www.firstriverfarms.com](http://www.firstriverfarms.com), or a copy may be obtained from the Management Company.
- Refer to the table in Section 4-1.1 to determine whether the HOA or homeowner is responsible for covering the cost of the painting.

#### **2.2 LANDSCAPING SERVICES**

The First River Farms Homeowners' Association contracts to maintain the common areas, and the front yards of owners to include:

- Cutting the grass
- Edging Sidewalks
- Edging flowerbeds and mulch areas
- Mulching the house foundation beds
- Fertilizing and applying weed control to turf areas
- Scheduled, periodic pruning/shearing of bushes
- Pruning of tree limbs which overhang sidewalks
- Collecting leaves in autumn/winter

The association does not replace plant material or provide weeding of front yard beds. This is the homeowner's or tenant's responsibility.

As with all landscaping, these services are sensitive to weather considerations.

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With the exception of leaf collections, which are required for all properties, homeowners may contact the Management Company to discuss the “opt out” list for these services. Owners who wish to be excluded from contracted services will be responsible for maintaining their yards in a manner and timely fashion that complements the contracted work and the community.

Should you have any questions concerning the landscape contract, contact the Management Company. Do not contact the landscaping company directly, as they will only respond to direction from the Management Company. This includes addressing any questions to the crews when they are working onsite.

### 2.3 COMMON AREA TREE CARE

The Association relies on a tree service contractor, which may or may not be the landscaping contractor, to care for our common area trees. They provide us with advice as to which trees are suitable for our geographic area as well as recommendations on specific plantings. For information about our tree service, call the Management Company.

**MULCHING.** One of the most important things for landscape health is proper mulching. The Association has contracted for this on all common areas and front yards. A shredded, brown mulch will be utilized throughout the community.

**WATERING.** Watering our greenery is critical to its survival, especially if we are experiencing a drought and/or excessive heat. Our trees and bushes are one of our community’s greatest assets. Any removal and replacement of the trees and bushes on common property are paid by our association fees.

- ***Residents are encouraged to adopt a tree or trees in the common area surrounding your home to avoid the expense of contracting for watering and replacing trees that die.***
  - Each tree should be watered every 7 to 10 days during the dry spells. In order for water to soak the ground to reach the roots, it is necessary to water for approximately 10 to 15 minutes at a time in a radius that matches the spread of the tree branches.

**PRUNING.** Pruning is an essential element of tree care. The Association has a program to have all common area trees and shrubs pruned.

- See 5.3.3 for homeowner tree care guidance.

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**REPLACEMENT TREES.** The Association maintains a list of recommended trees on the FRF website that do well in the area, as well as a list of trees to avoid. If you are considering replacing a tree you should consult this list. The Environmental Design Committee must approve tree removal and/or replacement.

- A list of trees that do well in this region can be found in Appendix C and on the Grounds and Landscaping page at [www.firstriverfarms.com](http://www.firstriverfarms.com).

#### 2.4 SIDEWALKS, ROADS AND SNOW REMOVAL

The HOA contracts to maintain safe roadways and common sidewalks during snow or ice events. This includes eco-friendly pretreatment, plowing, shoveling/blowing, and snowmelt application, as needed. Plowed and shoveled snow is moved to common areas; but to prevent damage to vehicles, asphalt, and curbs, swaths of snow close behind and between vehicles are not cleared.

- It is the resident's responsibility to clear walkways, steps, and porches on personal property and to shovel snow away from personal vehicles.
- Shoveled snow should be tossed on the homeowner's property or added to the plowed piles. Snow should not be shoveled around fire hydrants, since access is required for emergencies. It must not be shoveled into the driveway nor behind another resident's vehicle. Residents who are unable to clear their own walks should enlist the services of community youth or others to prevent hazardous conditions.
- Neighbors who are able are encouraged to assist those who cannot shovel their own walks.
- Sand, salt, and other abrasive snow melt products should not be used on walkways. These corrode concrete and metal surfaces, damage landscaping and lawns, and are harmful to pets. Pet- and eco-friendly products, such as Calcium Magnesium Acetate (CMA), are recommended.
- Failure to abide by the above rules will be treated as any other Rules violation and the resident/homeowner may face fines or other penalties.

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### **SECTION III: HOA DUES & ASSESSMENTS**

#### **3.1 ANNUAL BUDGET AND MONTHLY ASSESSMENTS**

The HOA is responsible for maintaining the value of the homes within the community and the quality of life of its residents. To do that, it provides the services outlined in Section 3.1.3. below and monitors the upkeep of individual properties to assure that they do not detract from, but contribute to, the value of the community.

The majority of the First River Farms Homeowner Association's income is derived from homeowner assessments. Assessments are needed to pay for the HOA-provided services and administrative costs, such as the engagement of a professional management company to advise and support the efforts of the volunteer Board of Directors.

The Board of Directors accepts the fiduciary obligation to responsibly oversee the Association members' assessments, to keep accurate financial records, to develop an annual budget that assures spending is within the Association's means, and to establish reserve funds for unexpected expenses and future capital projects.

- The HOA operates on a calendar-year basis. With the assistance of the management company, the Board Treasurer (and/or the finance committee) reviews the previous year's expenditures to develop a budget that addresses the needs of the community.
- Assessments are determined annually by the Board of Directors based on prior years' experience, projected expenses and anticipated projects. The approved budget and assessment amount for the following calendar year are mailed to owners by December 1 of each year.
- Written notification of the Board-approved budget is mailed to the all homeowners at least 30 days prior to the current year end, along with the notice of any change in the assessment.

The payment of assessments by the homeowner to the Association is mandatory and is required by the governing documents.

- Payment is due no later than the first (1st) of each month.
- Payment option information is provided in the approved budget mailing.
- Any assessment payment not received within ten (10) days of the due date shall be termed late and a late charge shall be assessed.
- If an assessment is more than thirty (30) days late, the account is now considered delinquent, the Association's Management Company is to

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automatically instruct the Association's attorney to file a lien. After 45 days, the Board of Directors may accelerate the remaining annual assessment and direct the attorney to initiate proceedings for collection.

Except as noted, monthly dues pay for the following:

- Maintenance and paving of Clifton Farm Ct., La Faye Ct., Carter Farm Ct., and Cedar Landing Ct.
  - *Tis Well Dr. and Holland Road are maintained by the Fairfax County.*
- Repair and replacement of common area sidewalks and curbing because of normal, wear and tear usage.
  - *Damage to a sidewalk or curb created by an owner or tenant is repaired/replaced at the owner's cost. (No patching or partial repairs are allowed; an entire slab must be replaced.*
- Homeowners are responsible for the sidewalk leading to their front door.
- Exterior painting of homes. Homes in each section are painted once every five years, unless otherwise decided by the Board. Painting is covered in section 2-1.
- Front lawn care and landscaping of common property. An outline of the current lawn care maintenance schedule can be found in section 2-2.
  - *Snow removal from association-owned roads and sidewalks. Homeowners are responsible for snow removal from the sidewalk leading to their front doors and their stairs/stoops/landings.*
- Association financial reserves
- Taxes on Association owned property
- Liability insurance and Directors and Officers Insurance
- Printing, duplicating and postage
- Legal fees
- Audit and tax return preparation
- Professional community management by a management firm

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**DELIQUENCY OF ASSESSMENTS (draft)- once approved, the resolution will be posted to the website  
- need resolution language**

Any assessment payment not received at the management agent's designated address, by the tenth day of each month, shall be termed **LATE**.

- If a property owner's assessment is not received within ten (10) days after the 1<sup>st</sup> of each month, it shall have a late charge for Ten Dollars (\$10.00) applied and shall accrue.
- Checks returned for insufficient funds will be subject to a Twenty-Five Dollar (\$25.00) handling charge in addition to any fees incurred by the HOA as a result of the insufficient funds. For repeated delinquencies, management is authorized to request payment in cashier's check, money order, or certified check.
- A lien may be placed on any property against which an assessment is more than thirty (30) days in arrears (**and is now considered DELINQUENT**). Management is to take immediate action and instruct the Association attorney to file said lien.
- If a property owner's payment is more than forty-five (45) days past the due date (**15 days DELINQUENT**), the Board of Directors, by resolution, may accelerate the entire amount of the remaining annual assessment to be immediately due and payable, and direct the attorney to initiate proceedings for collection.
- The Association attorney will notify the **DELINQUENT** property owner, by certified mail, of the intent to file a lien, setting forth the amount delinquent, interest, late fees, costs, and attorney's fees, as well as other fees to be pursued, and explaining that a lien will be in place against the property if not paid within ten (10) days.
- Delinquent payments of assessment shall bear interest at the rate of eight percent (8%) per annum on the principal amount from the due date through the date of payment in full.
- The property owner shall be responsible for all legal and administrative costs incurred as the result of any delinquency on said owner's property. A lien will not be released from any property unless all delinquencies and costs have

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been paid in full, unless waived by a decision by the Board of Directors. Any fees paid shall be applied to the oldest outstanding debt first, unless the method of payment is restrictive.

## SECTION IV: RULES COMPLIANCE

### 4.1 RESPONSIBILITIES OF HOMEOWNERS AND TENANTS

Basic control for maintaining the quality of design is through the Declaration of Covenants, Conditions, and Restrictions for First River Farms. The Declaration is binding on all homeowners, homeowner residents, or their tenants and must be fully understood. The Declaration assures all residents that the standards of design quality will be maintained to enhance the community's overall environment and protect property values.

The HOA uses standard procedures to enforce the Declaration to maintain community safety and retain aesthetic and property values in our neighborhood. First River Farms uses the Environmental Design and Grounds Oversight review committees and the rules violation process outlined in the following pages to ensure a harmonious, quality development as the community matures. These procedures provide a middle ground between private interests of the homeowner and the broader interests of the community.

### 4.2 GRACE PERIODS AND GRANDFATHER CLAUSES

#### A NOTE ON GRANDFATHER CLAUSES:

There is no grandfather clause. Any and all non-compliance with current rules and regulations must be submitted to the Board of Directors for an "After the fact" acceptance or rejection. If rejected, violations must be remedied; correction must be made or penalties may be invoked or legal action taken. Any and all non-compliance with current rules and regulations are considered violations. Violators must submit an after the fact EDC for consideration with the understanding there may be rejection by the Board of Directors.

Proof of existing exemptions and/or approval of deviations from existing rules and regulations on file with the Management Company and the Board of Directors shall stand with some exceptions such as when a non-compliant, previously approved item (i.e., non-compliant front door, non-compliant paint) is replaced. If the county or state further rules that a previous action is now illegal, such as the growth of an invasive plant type, that will mandate a change within our community.

Grace periods for unique situations are addressed in the relevant section of this document.

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#### 4.3 VIOLATIONS, COMPLAINTS, AND DUE PROCESS

In any community with nearly 200 homes, it is inevitable that rules will be broken. Some rules that seem trivial or unimportant to some individuals can be extremely important to others. ***The first line of defense for rule violations is constructive communication between neighbors to try to work issues out without involving the Association.*** However, there are times where an official complaint may be the only way to resolve a situation.

##### 4.3.1 Rule Violation Complaints

Any homeowner, tenant, managing agent, or board member who requests that the Board take action to enforce the Association's Declaration, Bylaws and Rules and Regulations shall complete, date and sign a complaint form provided by the Management Agent. This may also be submitted by email.

- The Complaint shall be submitted to the Management Agent for a determination as to whether it appears that the Association's Declaration, Bylaws or Rules and Regulations have allegedly been violated.
- The Management Agent shall then inform the Board of Directors of the complaint. The Board of Directors will direct that the Management Company take action (such as a demand letter), seek legal counsel, inform county authorities, or other actions as it deems appropriate.
- Complaints that involve activities that are illegal in nature, such as trespassing, fighting, loud noises, illicit drugs, theft, and other crimes should be immediately reported to the Fairfax County Police Department. The Homeowner's Association is not capable of intervening in these types of cases.

##### 4.3.2. Demand Letter

- If determined appropriate, the Board of Directors will direct the Management Company to send a written demand letter that shall specify the alleged violation, the action required to abate the violation, and a date usually not less than ten (10) days after the date of the demand letter by which the alleged violation must be remedied.
- When the violation may constitute a health, safety or fire hazard, demands may be made to remedy the violation within twenty-four (24) hours. These complaints will be handled in the most expeditious manner.



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- Demand letters shall be sent by first class mail or shall be hand-delivered to the lot owner at the owner's lot address, or if not owner occupied to the address provided to the Association, or to the lot's address if a tenant occupies the lot address.
- The demand letter shall state that if the violation is not remedied, the alleged violator must make a written request for a hearing before the Board of Directors to avoid imposition of charges. The letter shall also state that if no hearing is requested by a specified date, the owner will be deemed to have waived the opportunity for a hearing and rules violation charges may be assessed. This may be appealed if the homeowner is unable to respond to the demand letter.
- The demand letter may be combined with the notice of hearing referenced in Section 2-3.3 if it is of a serious nature or if previous notices of violation have been sent to the owner.

#### **4.3.3 Notice of Hearing**

- If the alleged violation is not remedied by the date specified in the demand letter referenced in Section 2-3.2 and/or the Board of Directors determines a hearing is necessary, a notice of hearing shall be sent, unless a hearing was already requested by the homeowner.
- Notice of a hearing shall be hand delivered or mailed by registered or certified United States mail, return receipt requested, at least fourteen (14) days in advance of the hearing to the lot owner at the address, which the lot owner is required to provide to the Association.
- The Notice of Hearing letter may be combined with the demand letter as specified in Section 2-3.2.
- The notice of hearing shall specify the following:
  - The time and date of the virtual hearing. In-person hearings can be held if the property manager and Board members are available to attend.
  - That the lot owner and tenant, if applicable, shall be given an opportunity to be heard and to be represented by counsel (arranged for by and at the owner or tenant expense) before the Board of Directors.

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- The alleged violation, citing provisions of the Association's Declaration, Covenants, Bylaws or Rules and Regulations, which allegedly have been violated.
- The potential charges or penalties for violation of the Association's Declaration, Bylaws and Rules and Regulations, which may include assessment of up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day for any offenses of a continuing nature or such greater amounts as may be authorized by the Virginia Property Owners' Association Act, and/or the suspension of an owner's (and any tenant's) right to use facilities such as parking spaces or other services offered by the Association until the offense is cured and/or ceased. The Notice of Hearing must include a statement that the Association may proceed with legal action to compel an owner's compliance and seek recovery of its incurred legal fees and costs.
- After proper notice has been given, if the lot owner fails to appear, the hearing or executive session meeting may continue as scheduled. During this session, the Board of Directors may assess charges from the final compliance date of the letter or take such other action as may be authorized by the Association's Declaration, Bylaws or Rules and Regulations.
- Upon receipt of a Notice of Hearing, the homeowner may waive their right to a hearing by contacting the Management Company. The Board of Directors may decide to proceed with a closed hearing to consider evidence and testimony before making a final decision on the violation allegation.

#### **4.3.4 Hearing Procedures**

- The hearing shall be virtually scheduled at a reasonable and convenient time within the discretion of the Board of Directors. An in-person meeting may also be an option and would normally be scheduled 30 minutes before the regularly scheduled HOA board meeting on the third Monday of the month at 6:30 pm, excluding May and August. The Board will try to accommodate the owner's schedule, but has the authority to hold the hearing without the owner present if it is determined by the Board that the owner is being uncooperative in order to avoid the hearing.
- The Board of Directors, within its discretion, may grant a continuance. If the lot owner for which the hearing is scheduled requests a continuance to a different time or date, no further notice shall be required.

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- The hearing is generally informal and is not conducted according to technical rules of evidence applied in a court of law. The hearing shall provide the alleged violator with an opportunity to present their side of the story to the board.
- Homeowners or tenants may choose to have legal representation at the hearing to make their case for them. However, it is the responsibility of the homeowner to arrange, as well as pay for, any legal representation for the hearing date.
- During the course of the hearing, Members of the Board of Directors shall have the right to:
  - Call, examine, and cross-examine witnesses
  - Introduce testimony and evidence into the official record
  - Rebut testimony and evidence, all within reasonable time limits imposed by the presiding officer.
- During the hearing, the alleged violator has the right to:
  - Call, examine, and cross-examine witnesses.
  - Introduce testimony, documents, and evidence into the official record.
  - Rebut testimony and evidence, all within reasonable time limits imposed by the presiding officer.
  - Remain silent or decline to answer questions of the board
  - Ask to be excused from or end the hearing at any time
- Presiding Officer. The President of the Board of Directors presides over the hearing, and controls the time allotted to each side for discussion. Should the President be unable to attend the hearing, the presiding officer will be the Vice President. Should both be unavailable, the Treasurer will have the option to proceed as the presiding officer or reschedule the hearing to a later date.
- Hearings will last not more than 30 minutes, unless this time cap is waived by the presiding officer.
- If it is determined that significant additional time is required, the presiding officer may elect to recess the hearing to reconvene at a later date.
- Because rule violations are a private matter, the hearing shall be closed to other members of the association and the general public, unless an open hearing is desired by the accused and agreed to by the Board of Directors. If the hearing is **not** closed, the presiding officer may impose a reasonable

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limit on the number of such persons who can be accommodated into the hearing room or on a virtual call.

- During the course of a hearing, the Board of Directors, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.
- If the alleged violator acknowledges responsibility for the violation charge during the hearing, or does not wish to contest the alleged charge, the Board of directors may, in its discretion, dispense with a hearing after having afforded the alleged violator with an opportunity for a hearing.
- Within thirty (30) days of the hearing, the Board of Directors shall notify the alleged violator of its decision in writing.
  - If the homeowner is found to be in violation of the rules, the decision notice may include notification of the assessment of any charges, the date from which those assessments shall accrue, and the due date for the charges.
  - If the homeowner is found to be in violation of the rules, the decision notice may include notification that the Association shall proceed with legal action to compel the owner's compliance and seek recovery of its incurred legal fees and costs.
    - Monetary fines or charges shall be incurred starting with the date set forth in the demand letter to correct the violation.
    - The decision notice may include notification of the suspension of the owner's use of the Association common areas and facilities, which may include both visitor/guest and individual parking spaces.

#### **4.3.5 Violation Records**

The Board of Directors or the Managing Agent shall keep a copy of all correspondence relative to rules violations in the lot owner's file or in a separate file on rules violations. This will include the official record of any hearing held, which may contain documentation or photographs of rule violations.

Minutes of each hearing or meeting shall be kept and placed in the lot owner's file and appropriate Association files.

#### **4.3.6 Assessment of Penalties**

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Pursuant to Section 55-5 13.B. of the Virginia Property Owner's Association Act, any charges assessed for violation of rules after notice and hearing shall be in amounts authorized by the Act and shall be treated as an assessment against such lot owner's lot for the purpose of Section 55-516 of the Act regarding liens, and collection under the provisions of the recorded Declaration, the Bylaws, and adopted rules and regulations. Such amount also shall be the personal obligation of the homeowner.

#### 4.3.7 Other Remedies

Section 4.3.6 should not be deemed to require a hearing prior to assessment of rules violation charges if a hearing is not requested, prior to the use of other remedies, or to prevent the Association from exercising any other remedies authorized or available under the Virginia Property Owner's Association Act, the Association's governing documents or By-Laws.

Suspension of use rights and/or assessment of charges shall not constitute an election of remedies, Remedies may be cumulative and include, without limitation:

- Suspension of voting rights of an Owner for any period during which an assessment against his Lot remains unpaid; and for a period not to exceed sixty (60) days for an infraction of its published rules and regulations as authorized by Article II, Section 1(b) of the Declaration.
- Suspension of a lot owner's or tenant's rights to use the Association's recreational facilities and/or parking privileges during any period in which an assessment against his lot remains unpaid in accordance with Article II, Section 1(b) of the Declaration;
- Assessment of interest as authorized by Article IV, Section 1 of the Declaration
- The right of access to lots to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon for which a lot owner is responsible, after notice except in emergencies when no notice is required, at the expense of the owner, as authorized by Article V of the Declaration.
- Legal action for damages or injunctive relief, including attorneys' fees, as authorized by Section 55-515.A. of the Act and Article X, Section 1 of the Declaration.

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## **SECTION V: RULES AND REGULATIONS**

### **5.1 ADMINISTRATIVE REQUIREMENTS, SALE & USE**

#### **5.1.1 Contact Details for Homeowners and Tenants**

All homeowners are required to provide the First River Farms management company with current, valid contact information to keep on file to ensure ready communication regarding emergencies, community activities and other community issues.

Contact details must include:

- Name(s)
- Street address
- Mailing address, if different from street address
- Telephone number
- Email address

Non-resident homeowners must also provide the same contact details for any and all tenants, as well as any property managers they hire.

Any change(s) to contact information for homeowners, tenants or property managers must be forwarded to the Association's management company within seven (7) days of the change(s). (Email addresses for the First River Farms HOA and the management company can be found on the community website at [firstriverfarms.com](http://firstriverfarms.com).)

Failure to provide and maintain current contact information will be processed as any other violation of community rules, and may result in fines being incurred.

(Please note that this contact information will be **confidential and** used to provide a welcome letter to new residents from the Board of Directors. The welcome letter will include instructions for accessing the First River Farms Rules and Regulations on the community website, as well as other helpful information. ~~It is kept confidential.~~)

#### **5.1.2 Home Sale**

See the FRF website for instructions when you sell your home. Contact the management company. When notified of a pending sale, the Board of Directors will do a visual inspection of the home. Any violations observed will be noted to the FRF management company and must be disclosed during the selling process to determine who will be responsible for the abatement of the violation. Any items in violation of the rules, such as non-compliant deck color, a shed higher than 12" over the fence, must have an accompanying, previously approved EDC Request on file with the management company or be provided by the owner in order to avoid being held in non-compliance.

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### 5.1.3 Home Rental

#### 5.1.3.1 Long-Term Rentals

Homeowners in First River Farms who lease their homes to tenants must comply with all county and state regulations regarding licensing, taxes, and occupancy. In addition, landlords must notify the Management Company of the intent to rent their property and provide (with each new lease):

- Authorization for the Management Company to work through a property manager, if applicable, along with contact information for that property manager
- copy of the rental lease
- contact information for lessees, including cell phone numbers, email addresses (both for the purpose of emergencies)
- a list of all vehicles belonging to tenants with license tag numbers
- signed verification form indicating tenants have received a copy of Rules and Regulations
- Current and complete contact for the homeowners themselves (mailing address, email, phone numbers)

Homeowners (or property managers, as the designated agents) are responsible for maintaining the home to meet all standards of HOA Rules and Regulations and for the conduct of their tenants in regard to those Rules and Regulations.

One of the benefits of renting rather than owning a home is that maintenance worries are left to someone else. However, tenants should comply with the day-to-day expectations of all residents in First River Farms, including but not limited to trash disposal and general upkeep of external features of homes, such as porches and lawns. Although the HOA provides mowing and some additional landscaping services to individual home fronts, it is the resident's responsibility to weed flower beds and keep back yards free of weeds, plant overgrowth and discarded objects. Homeowners should make this known to tenants.

When a property manager is assigned, the Management Company will direct correspondence to that manager. It will be the policy of the Management Company to copy homeowners on all correspondence related to a property.

In accordance with applicable ordinances, a home may not be rented to a group of more than four adult persons not related by blood or marriage.

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A homeowner who chooses to rent a room(s) while also living in the home should also notify the Management Company of the arrangement, including the tenant(s)' contact information.

Homes may not be subdivided into two units with separate entrances.

#### 5.1.3.1 Short Term Rentals – CAN THIS BE DONE AS A RESOLUTION?

Fairfax County allows for short term rentals under very specific conditions. To engage in short-term rentals, a homeowner must provide the Management Company with verification that all licensing regulations have been met. (Details can be found on the Fairfax County website.)

To ensure the safety and peace of other residents, the HOA will monitor that restrictions specified in the applicable code are followed and will strictly enforce all FRF rules and regulations. Homeowners will be held responsible for any violations that may occur, including damage to property, towing expenses, and associated penalties.

- By definition, short term rentals are those under 30 days in duration under a single lease or a maximum of 60 days per year (multiple shorter rental events).
- Only six adults at a time on a contract and only one contract for a given period.
- No events such as parties or any other gathering of persons other than authorized lodgers are permitted.
- HOA amenities such as common areas are not permitted to be used for short-term rentals.
- No basement level shall be permitted for renting that does not meet current building code requirements including but not limited to providing a second means of egress.
- By County code, at least one parking space must be assigned to the short-term renter. **Visitor spaces are NOT to be used for this purpose.**
- Absentee landlords (i.e., those who cannot claim the property as their primary residence, which requires inhabiting the unit at least 185 days per year), are not eligible for a short-term license.



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#### 5.1.4 HOME-BASED BUSINESS

Operating a home-based business is permitted in a personal residence and said home business/resident must comply with the Association's governing documents found on the First River Farms website and the Zoning Ordinance of Fairfax County, subsection 4102.7H Home-Based Business, found on their website.

Home-based businesses operating out of residents' home should adhere to the following as set forth by the Environmental Design Committee:

1. Homeowner must notify and submit an Environmental Design request of the business to the Management Company for approval by the Board of Directors.
2. Owners of home-based businesses must have the proper permits/licenses and follow the standards and procedures required by Fairfax Zoning Ordinance 4102.7H - Home-Based Business.
3. The home-based business is designated for operation only in the personal residence.
4. Clients/customers of a resident's home-based business are prohibited from using FRF visitor's parking, as it is only for guests of the residents of the community. Residents with home-based businesses may allow their clients/customers use of their assigned personal parking spaces only and should inform clients of parking on Tis Well Drive and Holland Road. Clients may not idle, double park, park in any emergency zones (marked in yellow), or otherwise block the flow of traffic in FRF streets at any time.
5. Home day care businesses are prohibited from using the common areas and the FRF playground for their operation. Use of such can become a liability which is not the responsibility of First River Farms HOA.
6. To be considerate of the rights of enjoyment for other residents of the community, any noise, nuisance, risks of safety, and loss of curb appeal due to the operation of the home-based business will be the responsibility of the owner of that business.
7. Per the Fairfax County Zoning Ordinance 4102.7H for Home-Based Business, hours of operation are set for nonresident employees and customers or clients of home-based businesses. It is the responsibility of the owner of that business to know those hours and be considerate of the residents living in the FRF community.
8. Per the Declaration of Incorporation of the FRF HOA (Article VII, Section 1), a homeowner may maintain a professional or home office or activity on the Lot on which he or she actually resides provided that such activity or office does not violate any other section of this article or any other governing document of the Association.

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### **5.1.5 Extended Absences**

If there is an emergency or an urgent need, for the safety of your home or a vehicle left on-site, provide your out of town contact information to the FRF Management Company. Consider leaving your out of town contact information and house/vehicle keys with a trusted neighbor. Provide the period of time you anticipate being away from our community.

### **5.1.6 Homeowner's and Renter's Insurance**

Homeowner's insurance is not mandated by law; however, mortgage lenders require insurance on any mortgage issued. The requirement may only be in an amount to cover the cost of the mortgage, but may also be for coverage to pay to rebuild a home from the ground up. If there is no mortgage on the property, home insurance is not obligatory; however, it is an extremely wise decision. In a community of townhouses, damages to one unit will frequently impact an adjoining unit. Relying on insurance from a neighbor could be risky, and out-of-pocket expenses without insurance could cause catastrophic financial loss.

The HOA recommends that all homeowners be fully insured for damage to their home, replacement of personal property, and for liability to others for bodily injury or damage to their property. Tenants should protect themselves and their property with renter's insurance as well.

Also recommended is specific coverage for home systems such as interior and exterior plumbing, electrical, and HVAC equipment. This may be established as riders on current home insurance policies or through individual policies, such as those in partnership with the local electric utility.

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## 5.2. HOUSES

### 5.2.1 Interior Changes

The HOA does not require EDC applications for changes made inside a home. However, except for emergency services for such incidents as plumbing, AC/heating, or electrical failures; homeowners must submit to the management company for its files written notification of interior remodeling that will cause noise, outdoor storage of construction materials, or other potential disturbances.

Included in the notice should be:

- Nature of remodeling (ex. Bathroom remodeling, new flooring)
- Date(s) of construction
- Statement that neighbors who might be impacted have been alerted to the upcoming work.
- Confirmation that any required permits by County codes have been secured. It is also the homeowner's responsibility to ensure that any demolition or construction debris is properly removed. Failure to do so may result in fines/penalties.

### 5.2.2 Exterior Design and Landscaping Changes

#### 5.2.2.1 EXTERIOR DESIGN CHANGE GUIDELINES & PROCEDURES

The Declaration establishes an Environmental Committee in the Association and requires the Committee's prior approval of any change to the exterior of a property, including, but not limited to: landscaping design, the addition or replacement of a storm door, shed, deck, fence or doghouse. The stated purpose is to preserve and enhance property values and to maintain a harmonious relationship among structures, landscaping design and community architecture.

The Environmental Committee is charged with conducting the review of all applications for exterior changes and to render its decision to the applicant, in writing, within 30 days of receipt of the application. **The 30-day clock doesn't begin until all required documentation has been received and/or any questions posed by the committee have been answered.** If an application is denied, the applicant may appeal to the Board of Directors. The Board may reverse or modify the Committee's decision by a majority vote of the Directors.

The guidelines to follow are the procedures and standards applied by the Committee and the Board to assist the Association and its members in the design review process, as specifically required in the Declaration. These Guidelines serve as a tool that allow you to plan for the full and free use of your property in a manner that is consistent with the aesthetic and harmonious development of our community.

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***Any exterior change, update, or modification made without the required prior approval of the Environmental Design Committee or the Board of Directors (in the event of an appeal) constitutes a violation of the Declaration of Covenants, Conditions and Restrictions, and may result in the imposition of fines or other sanctions such the Association proceeding with legal action to compel an owner's compliance and seek recovery of its incurred legal fees and costs as determined by the Board of Directors.***

#### **5.2.2.2 WHAT MUST HAVE ENVIRONMENTAL COMMITTEE APPROVAL**

The Environment Design Committee's prior approval is required for any change in the exterior of a property. Section VI-3, of the Declaration, states the requirement as follows:

- *"No building, fence, wall, residence, structure or projection from a structure (whether of a temporary or permanent nature and whether or not such structure shall be affixed to the ground) shall be commenced, erected, maintained, improved or altered without the prior written approval of the Environmental Committee. Nor shall any grading, excavation, landscaping, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of the lot or improvement thereon be done, without the prior written approval of the Environmental Committee ... "*
- The design review requirement applies to every townhouse property and common areas. ***Changes made in the backyard that are not visible from the common area may be made without Committee approval. Should changes be made in the backyard while the fence is up and then the fence is removed, "after the fact" requests for the changes may be required.***

#### **5.2.2.3 APPLICATION FOR APPROVAL OF EXTERIOR DESIGN CHANGES**

- To apply for an exterior change, fill out the form titled "Application for Approval of Exterior Design Change" found in Appendix A of this document or at [www.firstriverfarms.com](http://www.firstriverfarms.com). Include full details as required by the form.
- If the change is structural, fencing, or grading, please submit a sketch or plan, and provide as much information on specifications and materials to be used as possible.
- Mail, Email, fax, deliver, mail a legible application to the Association's Management Company.

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- All applications must be legible, and include the homeowner's name, address, phone number, and if possible, email address.
- The Environmental Committee is charged with conducting the review of all applications for exterior changes and rendering its decision to the applicant within 30 days of receipt of an application.
- If an application is denied, the applicant may appeal to the Board of Directors. The Board may reverse or modify the Committee's decision by a majority vote of the Directors.
- To file an appeal with the Board of Directors, contact the Management Company. The Management Company will forward all of the details of the appeal to the Board for a review at the next available board meeting. Be sure to provide a statement of your grounds for appeal. Residents are encouraged to present their appeal in person at the board meeting.
- **DO NOT PURCHASE BUILDING MATERIALS OR ENTER INTO A CONTRACT IN ANTICIPATION OF APPROVAL BY THE COMMITTEE. WAIT UNTIL YOU HAVE RECEIVED A WRITTEN APPLICATION APPROVAL NOTICE FROM THE COMMITTEE OR MANAGEMENT COMPANY PRIOR TO PURCHASING MATERIALS.**

**5.2.2.4 REVIEW CRITERIA FOR EVALUATING APPLICATIONS FOR CHANGE**

The Committee's decision is not based on personal opinion or taste, but upon the following criteria:

- **Validity of concept.** The basic idea of the exterior change must be sound and appropriate to its surroundings, and meet all established building code standards.
- **Landscape and environment.** The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man made environment.
- **Protection of neighbors.** The interests of neighboring owners and users must be protected by making responsible provisions for such matters as access, surface water drainage, sound and sight buffers, the preservation of views, light and air, and other aspects of design, which may have substantial effects on neighboring property. *For example, fences may obstruct views, breezes or access to neighboring property; decks may cast unwanted shadows on an*

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*adjacent patio or infringe on a neighbor's privacy.* That's why all external design changes require your neighbors' acknowledgement on the design change request.

- **Design Compatibility.** The proposed changes must be compatible with the design characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as harmony in style, scale, materials, and color and construction details.
- **Scale.** The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings. For example, a large 5-foot wall along the front sidewalk of your property would violate this principle.
- **Materials.** Continuity is established by use of the same or compatible materials as are used in the existing house. For example, if no fence encloses it and it is visible to the community, an added storage shed in a patio should be made of wood or brick similar to that used in the community.
- **Color.** Color may be used to soften or intensify visual impact. For example, the color of storm door/screen doors must match the entrance door color and shutters (if any). The color of window trim should match the adjacent color of the house trim.
- **Circulation.** Where, and as needed, appropriate provision must be made for pedestrian access, servicing, and parking for all users including, where applicable, the handicapped, the very young and the elderly.
- **Workmanship.** Workmanship is another standard which is applied to all exterior changes. The quality of work must be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards. The Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.
- **Timing.** A property change may be built or installed either by the residents themselves or by a contractor, whatever is allowed by local codes and regulations. However, projects which remain uncompleted for long periods are visually objectionable and can be a nuisance and a safety hazard for neighbors and the community. All applications must include a proposed maximum time from start to completion of construction. If the proposed time is considered unreasonable, the Committee may disapprove the application. If an application is approved, the applicant must provide a timeline by which the

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work will be completed and meet that timeline. If circumstances present delays in the timeline, the applicant must advise the Management Company immediately. As a courtesy to neighbors, advise them of the delay, too.

#### 5.2.2.5 Miss Utility Law Notification

**C A U T I O N!** There are numerous gas, water, cable, telephone and electric lines in your front and backyards. Your safety, as well as that of your family and neighbors, should be a prime consideration whenever you are working in your yard.

The Virginia Underground Utility Damage Prevention Act, or "Miss Utility Law", requires that Miss Utility be called 48 hours in advance of planned excavation work to allow time for marking, that the marks be respected and protected, and that excavation be completed carefully. Call 811 or 800-552-7001.

There is no charge for this service!

**Failure to notify Miss Utility before you dig could make you liable for the cost of any repairs should you damage a utility service.**

For your safety, the safety of neighbors and the community, and to minimize disruptions to utility services, the owner of the property is responsible for making sure Miss Utility is notified in order to have any utility lines that might be in the area of the owner's proposed work marked to avoid damaging them. A representative for each utility company with service that might be affected by your work will mark the approximate location of underground lines, pipes, cables and wires with the exception of private utility lines that will not be marked. Private utility lines include the water pipe from the meter to the house and the sewer lateral from the property line to the house. The property owner is responsible for maintenance of these lines including repairs, sewer backups and **locating prior to excavation**.

Additional examples of private utility lines are:

- lawn irrigation systems
- underground invisible pet fence wires
- electric wires to serve lamp posts or out buildings

#### 5.2.2.6. EXTERIOR DESIGN CHANGE REVIEW PROCEDURES

The Committee considers the exterior design change application and any data or comments received from or presented at a meeting by immediate neighbors and other members (if such a meeting is called) when making its decision. The more information the committee has, the better and more rapidly it can make a decision on the application.

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- After review and discussion of the application, the Committee acts on the application by either:
  - Approving the application as submitted
  - Approving the application with conditions, specified in the approval notice
  - A request to the applicant for further information or a meeting
  - Tabling the application for the stated reasons until the next regular committee or board meeting if it falls within the 30-day decision limitation
  - Disapproval of the Application. Any application not approved as submitted will receive a Committee statement with the reasons for disapproval.
- The Committee records approval or disapproval on the Committee copy of the application form, including the names of the reviewing Committee members. This approval or disapproval is submitted to the Management Company on the the Management Company application approval/disapproval form.
- The Management Company will give the applicant notice in writing of the Committee's decision.
- One copy of the application will be returned to the applicant for his/her record keeping and one copy will remain in the permanent file of the Management Company's office.

#### **5.2.2.7. VERIFICATION INSPECTION PROCEDURES**

In some cases, the Committee may wish to inspect the work under construction and upon completion. The purpose of the verification inspection is to ensure that the exterior design change is in accordance with the application submitted to the committee, and that it meets all community standards as outlined in the rules and regulations.

The Committee may request the applicant to correct any noncompliance with the design should it fail to conform to the approved application. This request will be made to the homeowner in writing and will describe the precise actions that must be



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taken or corrections required in order to come into compliance with the application on file and/or community standards.

A violation may require removal or modification of the work at the expense of the property owner, or payment of damages.

**Appeal Procedure.** If the applicant disagrees with the decision of the Committee in either its review or inspection stages, he/she may appeal to the Board of Directors. The appeal procedures for an inspection finding are the same as those outlined in Section 5.2.2.3.

#### **5.2.2.8. LANDSCAPING DESIGN CHANGE GUIDELINES & PROCEDURES**

The process for changing the design of landscaping visible on homeowner lots follows the same practice and approval procedures as an exterior design change. Applications are sent to Environmental Design and Grounds Oversight Committees.

No homeowner shall make any change to the exterior of their home or lot without written approval of the Environmental Design Committee (EDC) and/or Grounds Committee. Failure to do so may result in fines/penalties and/or the Association proceeding with legal action to compel an owner's compliance and seek recovery of its incurred legal fees and costs.

Examples of exterior changes that require Environmental Design Committee approval include, but are not limited to, exterior painting, installing new windows, front door(s) or a storm door, replacing a roof, building a deck or adding outdoor lighting.

Examples of landscape changes that require both EDC and Grounds Committee approval include planting or removing a tree, shrub or other perennial plant. Flower gardens are not subject to this rule if all plants are annuals.

Changes made in the rear of a lot that are not visible from outside, such as within a fenced backyard, may be made without Committee approval. Should changes be made inside a fenced area and the fence subsequently removed, those changes may become subject to review and approval through the "after the fact" procedure.

#### **5.2.2.9. Noise Restrictions During Interior and Approved Exterior Design Changes**

Repairs and construction to a home calling for power tools, demolition, or other loud noises must conform to county noise regulations, which specify that work may not begin before 7:00 am (8:00 am on weekends and holidays) and must end before 10:00 pm. However, consideration should be given to neighbors and, whenever possible,

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except in emergency situations, such work should be done between 8:00 am and 8:00 pm.

**5.2.3 Paint Colors**

To maintain the colonial aesthetic of the community, while allowing for individual differences in homes, exterior paint must be drawn from a specific palette of colors. Refer to Section 2.1 for details on the responsibilities of homeowners regarding exterior painting. In addition, a sample of the approved paint palette can be found in Appendix B.

**5.2.4 Doors**

**5.2.4.1 Front Entry Doors**

- Front entry doors must meet the following specifications:
  - 6-panel classic-style (not modern, Asian, craftsman, Mediterranean, etc.)
  - steel, wood, fiberglass



- As specified in Section 2.1, the color of front entry doors must be an exact match to the authorized main dark color for the unit. Since factory-finished doors may not match the palette exactly, replacement doors must be paintable.
- Double doors must be exact matches. If there are knockers on both doors, they also must be exact matches.
- Kick plates for doors are acceptable but require Architectural Review Committee approval. They must match the hardware on the door and be no more than 8” inches in height.

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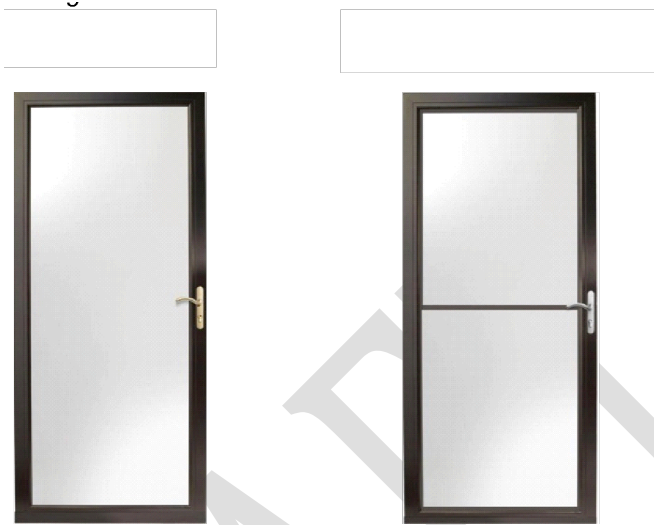
- Front door hardware, including knobs, locks, knockers, and peep holes should maintain the colonial design of the neighborhood. As an exterior design change, replacement of any hardware requires EDC approval. See Appendix D for guidelines.
- Hardware finishes may be brass, gold-tone, pewter (or pewter-like brushed nickel), bronze, or black. Stainless steel and shiny chrome or silver-like finishes are not acceptable.
- All hardware must match. No mixture of metals, finishes or styles is permitted.
- Keypad entries are permitted.
- Changes to front door hardware require the homeowner to repair any holes, scratches, etc. created by the removal of original hardware and, if necessary, repaint in the approved FRF palette for that home.
- Door knockers other than the original traditional design must be in keeping with the colonial design of the community.
- When replacing any front-of-home features, homeowners should be mindful of other existing features. For example, entry door hardware and light fixtures should be compatible in style and finish.

#### 5.2.4.2 Storm/Screen Doors

- Homeowners may install a storm/screen door at the front entry that meets the following specifications. Installation of new and replacement doors is subject to approval by the Architectural Review Committee.
  - Storm/screen doors must be basic full-view without any additional ornamentation such as scalloped edges, grates, wrought iron inserts, etc. Replacement of original and older storm doors which currently have a mid-view style will need to follow this regulation of full-view design. (See examples below.)
  - Any door with a thin visible bar (for stability or due to sliding window/screen) must be the exact same color as the front entry door.
  - Any door without a visible bar must be the exact same color as the front entry door or the adjacent door trim.
  - Glass in storm doors must be clear, tempered safety glass. Approval must be obtained by the Environmental Design Committee for any etched design in the glass.

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- As specified in Section 4.1.4, the color of any storm/screen doors must be an exact match to the authorized dark color of the front entry door or the authorized light color of the trim. Since factory-finish colors may not match the palette exactly, storm/screen doors must be paintable.
- Hardware on storm doors must match the hardware used on the exterior door in style and finish.

#### **5.2.4.3. Patio and Deck Doors**

Patio/French/Deck doors may be white or off white or painted the same authorized color as the trim.

#### **5.2.5 Windows and Shutters**

##### **5.2.5.1. Windows**

Window replacement must be the standard 6 pane per window style, equal in size and the sash must be an equal half of the window and approved prior to purchase/installation by the Environmental Design Committee. All windows must have muntins/grids installed.

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No reflective material may be used to create a mirror effect from the outside. This includes the use of aluminum foil or other materials to reflect heat.

Non-standard items such as plastic lids and /or cardboard cannot be placed against windows, either on the inside or the outside.

Grills and grates are not allowed on windows. (See section 5.9.2.)

Windows must be maintained in good repair, without cracks or missing panes of glass or reflecting a defect of seals between glass to show a “mirrored” or “hazed” look.

Plastic covering over a window is not permitted, unless the window is in a state of repair. The management company must be immediately advised and a date of repair provided.

If necessary, the Board of Directors will determine when a reasonable time has expired to have a window repaired before considering sanctions for cracked windows, plastic covering or other violations.

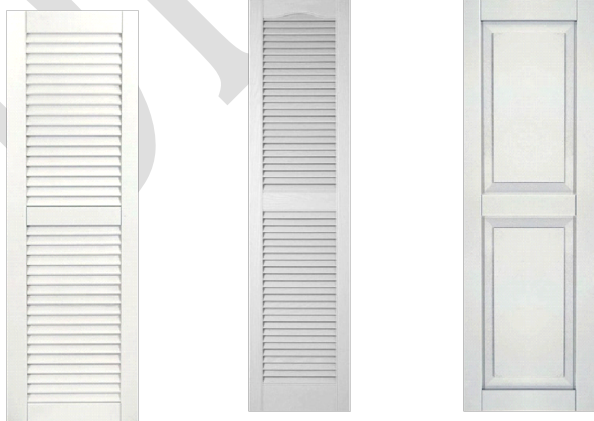
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### 5.2.5.2 Shutters

Aside from the approved standard decorative shutters, no exterior shutters may be used on homes. Replacement shutters must match shutters currently on the home and must be approved prior to purchase/installation by the Environmental Design Committee. Shutters and blinds internal to the home are permitted and must be maintained in good repair. All windows must present a neat and maintained appearance, inside and outside. Privacy films and tint films are not allowed.

- All shutters on an individual unit (front, side and back) must match in terms of color, style, width, and slat size and spacing. They must be the full length of the adjacent windows and hung evenly.
- Shutters are required on all windows of all homes with the exception of a home where the original design did not include shutters.
- Shutters may be wood, composite or vinyl.
- Shutters must be one of the following styles:
  - traditional – standard straight top, center mullion, open louver (wood, composite, vinyl)
  - cathedral – standard arch, center mullion, open louver (vinyl)
  - raised panel – center mullion, 2 equal panels (wood, composite, vinyl)



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- As specified in Section 2.1.4, the color of all shutters must be an exact match to the authorized dark color for the unit. Since factory colors for vinyl and other pre-painted shutters may not match the palette exactly, replacement shutters must be paintable.
- Vinyl shutters can warp and fade over time. Warped shutters must be replaced. For faded shutters, the homeowner may be required to pay extra during the community painting cycle in order to bring the color into compliance. (See Section 2.1.4.)
- Aside from the approved standard decorative shutters, no exterior shutters may be used on homes.
- When shutter replacement is required on only one side of a home (i.e., only front or only back), homeowners may select a different style from the one currently installed as long as all shutters on a side match. As further replacement is needed, new shutters should be matched to the most recent change. This exception applies to interior units only. Because of visibility, end unit homes must maintain matching shutters on all sides. EDC form approval by the Exterior Design Committee is required for this change.
- Shutters, blinds, shades, and curtains internal to the home are permitted but must be maintained in good repair and present the accepted standard of appearance in the neighborhood. All windows must present a neat and maintained appearance.

### **5.2.6 Siding and Other Non-Brick, Non-Wood Surfaces**

All exterior surfaces must be maintained for both the structural integrity and the appearance of the home.

As discussed in section 2.1, the HOA contracts for the painting of doors, shutters, and all trim on First River Farms homes on a regular cycle. However, homeowners are responsible for keeping siding and other surfaces in good repair between paint cycles. Problems with fading or peeling paint that fall outside of the contractor's warranty must be remedied by the homeowner.

Vinyl and other sidings must match the FRF paint palette. When a siding color is non-compliant but had been approved by a previous BOD, it may remain until it is replaced or the home is sold, at which time it must be brought into compliance with the approved palette.

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Any materials on homes that fade, discolor, or become stained from mildew or mold must be restored. This includes but is not limited to door and window frames, sills, fascia boards, gutters, downspouts, and vinyl, composite, or wood siding.

Repairs requiring removal and replacement of materials must be preceded by an ARC application. Power washing of surfaces does not need prior approval from the EDC.

Patio/French/Deck doors may be white or off white or painted the same authorized color as the trim.

## **5.2.7 Porches –**

### **5.2.7.1 Porches and Steps**

For safety and curb appeal, a home's porch and steps must be kept free of obstacles, including overgrown plants, planters, and other objects. (See Section       .) They must be maintained in good repair.

Porches and steps, along with sidewalks, may be constructed of concrete or brick only. Slate and other pavers are not permitted.

Time and weather will cause the surfaces of a porch and steps to discolor. Homeowners should monitor the condition of these features to maintain their appearance. Power washing may restore the surfaces to a clean look.

Cracks, gaps, and uneven surfaces in a porch or porch steps pose a serious hazard for homeowners and anyone approaching the home. These may occur as a home settles and ages but should be tended to promptly to prevent other, more costly damage, such as moisture or water seeping into the foundation of the home.

To replace either a porch or steps, the homeowner must submit an EDC request and receive approval from the EDC before any work may begin.

Steps and porches must comply with Virginia Building Code statutes and specifications. Homeowners or their contractors are responsible for securing any required permits for construction.

Any materials needing to be stored in advance of construction of concrete or brick porches and steps should be placed in the homeowner's parking space. These materials may not be placed on common walkways or homeowner's lawn, as they will kill grass.



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Lesser repairs not requiring demolition of current porches or steps must be of high quality and blend in with the existing concrete or brick surfaces. Substandard or shoddy workmanship may be rejected by the EDC and cause the homeowner to redo the work.

Appropriate exterior door mats are acceptable, but steps and porches may not be carpeted in any way.

The painting of porches and steps is prohibited.

The use of temporary stair treads to help prevent slipping during the winter months is permitted. Homeowners should be aware that these treads capture moisture underneath them and could contribute to the degradation of the concrete or bricks.

**Power washing**

As described in Sections 5.2.6 and 5.2.7 above, homeowners must maintain home exteriors to ensure that a clean, well-kept appearance exists throughout the community. Routine power washing is permissible and is encouraged to avoid buildup of dirt, soot, and other stains on all outside surfaces. Failure to keep homes clean is a violation of rules and may incur fines or other penalties.

Professional power washing can be very abrasive. Homeowners should discuss with their contractor the importance of avoiding sprays that wash dirt and other debris onto neighbors' property or landscaping. The homeowner will be responsible for any damage that might result.

**5.2.7.2 Railings**

Railings serve not only as a critical part of staircase safety but also contribute to the homes' and our neighborhood's overall colonial motif. They are regulated by the Virginia Uniform Statewide Building Code. Any changes, replacement, or installation of railings must comply with the Virginia Code.

- The Virginia Uniform Statewide Building Code (VUSBC) defines specific dimensions for the construction of stairs and railings. Because railings are an integral part of staircases, the regulations applied to them are linked to the stairs they're built on.
- The VUSBC requires that any interior or exterior staircase with more than four (4) risers be fitted with a guardrail. Virginia building regulations define a *handrail* as a continuous graspable structure attached to secure

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posts at each end. A *guardrail* is the post or rail that extends vertically downwards and connects securely to the surface of the stair or floor.

- Railings added to a property or affected by a stairwell repair or upgrade should retain the colonial design characteristic of our community and must be approved by the EDC. Appendix C provides guidance on railing selections. The Exterior Design Change form should denote measurements that comply with applicable codes. Homeowners are encouraged to use contractors that are cognizant of and compliant with such standards.
- Railings must be painted the same color as the front door or black. The rules for painting metal railings are covered under Section 2.1.

**5.2.8 Decks**

Prior to installing or changing a deck, the homeowner must take into consideration neighbors' privacy regarding the design and dimensions. Construction, rebuilding, modifications or repairs of all decks require approval from the Environmental Design Committee.

- If the construction, rebuilding, or modification of a deck requires a permit, the permit should not be pulled prior to application approval.
- Permits must be displayed in the front window of the townhouse per Fairfax County Land and Development Rules during the entire construction process.

In cases where there is a dispute between homeowners/neighbors over the design and/or impact of a proposed deck, the Board of Directors will hold a hearing to review the application to determine if the project can proceed.

Decks constructed on the ground or one level above ground must be kept to a scale like current community deck installations. No deck may extend from the top floor. This includes staircases, which must be compliant with Fairfax County Codes.

Decks are highly visible and are not to be used as storage areas. The provisions for exterior appearance as outlined and found in Section 5.3.2 apply to all decks. This includes enclosing the lower portion of any deck (for example: erecting permanent screen/glass/wood enclosures). Retractable screens that are hidden when not in use may be acceptable once approved.

Wooden privacy lattice screens are permitted with an ARC approval from the Board of Directors, since these are a permanent exterior design change.

Decks may be constructed using pressure-treated wood and/or composite (for example, Trex) materials.

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The deck may be sealed with a clear or natural tone, transparent or semi-transparent stain. \*Solid colored stains are permitted on a case-by-case basis with approval by the Environmental Design Committee. This would entail the deck's wood showing colors due to previous staining, aging, weather and repair or replacement of wood.

Painting a deck is not allowed.

To keep current with the changes in materials used for home improvements and to avoid color choice selections not aesthetically suitable for the community, a color palette for stains has been created for use by the community, along with a palette for composite materials (Trex, etc.), has been provided in Appendix D.

## **5.2.9 ROOFS, CHIMNEYS, & GUTTERS**

### **5.2.9.1 Roofs**

*Roofing materials.* All roofing materials used in replacement roofs must maintain the current industry standards and the look of others in use in the neighborhood. Roof changes or replacement must be approved by the Environmental Design Committee. Any partial roof/shingle repair/replacement must also be approved by the Environmental Design Committee. The chosen shingle type and color for a section repair/replacement must match the current type and color on the roof.

*Solar Panels (by Board resolution on xx/xx/xxxx).* Any installation of solar panels to a house requires prior approval by the Environmental Design Committee.

### **5.2.9.2 Chimneys**

Chimney caps are recommended but not required.

- Chimney caps are recommended but not required.
- The National Fire Protection Association advises that all chimneys, flues, and venting systems be inspected one a year.
- Mortar and brick should also be inspected and repaired regularly, and bricks replaced as needed.
- Any algae or mold growth and soot must be power-washed as necessary.

### **5.2.9.3 Gutters and Downspouts**

- Replacement and/or repair of gutters and downspouts must be in accordance with existing/as built standards.
- Homeowners are responsible for keeping gutters free of clogs which would damage the gutters or cause erosion. Leaf guards are recommended.
- New gutters and downspouts must match the trim color of the home. See Section 2.1 for specific requirements regarding paint colors.

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- Any extensions to downspouts to prevent erosion must be black or green in color and should be hidden behind shrubs or buried beneath soil. Tubing is not permitted to be placed on an adjacent property nor to divert water onto a neighbor's property.
- EDC approval is needed before replacement of gutters and downspouts.

### 5.2.9.4 Attic Ventilation

- Low profile, electric fans with hoods that blend with the roof are permitted. The Environmental Committee must approve all applications for new, modified, or changed attic ventilator fans.
- Replacement of internal fan components that do not change exterior appearance do not need to apply for a design change.

### 5.2.10 Permanent Exterior Attachments

#### 5.2.10.1 House Numbers

Every house must display the number of the house unit. For cohesiveness in the community and quality of materials, the following standards must be followed:

- Numbers should be between 3 and 4 inches tall in order to be visible from the street.
- Numbers should be metal (cast or wrought iron or cast aluminum not plastic, which is easily broken).
- End units must have house numbers mounted on the side of the house facing the street and not obstructed by landscaping. These units may have a second set beside or over front door.
- Numbers placed above the door should be attached to the door frame, not on brick or siding above the door.
- House numbers should be attached flush against a small wooden plaque in order to be easily seen, approximately 6 x 13 inches long, which is then installed on the brick or siding of a home beside the door frame (see original numbers in the community). Wood plaques must match the paint color of the house trim.
- Small, bronze or other metal plaques may be acceptable. These should be similar in size to the original house number and wooden plaque.
- The only acceptable finishes and colors for plaques and numbers are glossy or brushed (matte) black, bronze, gold, copper, and pewter. Glossy Silver or nickel does not reflect the colonial design of the community.
- House numbers must be horizontal.
- Changes in house numbers must be approved by the EDC before being installed. Replacement of numbers that replicate the original design (in size, color and style) and location does not need EDC approval.
- Any existing non-compliant house numbers such as, but not limited to, ceramic tiled numbers will be allowed to remain in place. However, upon the sale of the

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home or the need to replace the house numbers, an ARC application must be submitted and replacement must meet the Rules criteria.

Appendix F provides examples of house numbers and plaques that are acceptable for display in FRF. These are intended as a guide and are not definitive. Also included in Appendix F are styles that are not compatible with the style of FRF homes. They serve as a guide to designs that should not be selected.

**5.2.10.2 Porch Lights and Other Outdoor Lighting**

- Changes to permanent exterior electric lighting and lighting fixtures (including permanently removing old or adding new fixtures) require the Environmental Committee's approval.
- Each home should have one or two (matching) porch lights by or above the front door, and one by rear doors (patio and/or deck). Porch light design should maintain the colonial style of the community. To guide homeowners in selection of appropriate replacement porch lights, Appendix G provides examples of light fixtures that would comply with approved styles. Also provided are samples that would not comply.
- Floodlights of any kind are prohibited on the front and side of homes. Security floodlights are permitted only on the back of homes according to the following specifications.
  - One security light may be installed on the rear lower level only.
  - The light must be motion-activated on a short duration timer. It may not be turned on for an extended period of time.
  - The light must not be aimed in such a way that it disturbs neighbors.
- The use of temporary lamps, extension cords and cables to permanently light exterior areas is prohibited. This includes light fixtures or lamps designed for internal use, as well as those not permanently mounted.

***Accent lighting***

- The use of small accent lights, both solar powered and otherwise, is permitted in front and back yards as long as they do not constitute a nuisance to adjacent homes. The actual style, size and color of the accent lights must be the same.

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- Installation of or changes to accent lights in the front of a home are considered an exterior design change requiring the Environmental Committee's approval. Specify distance apart, etc. for adequate but not excessive lighting for safety?
- Any lights used to illuminate a home's front walk for safety reasons must be "down lighting" only. If permanently installed and connected to the home's electrical power, wiring must not be exposed, or strung across lawns or sidewalks, and must not interfere with landscape maintenance.
- Landscape lights directed up to illuminate a home or garden for any reason are not permitted.
- Accent lights required for illuminating steps to/from a deck are permitted, but should not constitute a nuisance to neighbors.
- The EDC has the authority to review the use and location of accent lights for modification or removal.

**Temporary lighting**

- The use of temporary or seasonal outdoor lights, such as lanterns, string lights and pole lights, are permitted only on decks and in backyards as long as they do not constitute a nuisance to adjacent homes.
- Extension cords and cables used to power temporary lights may not hang loose out of windows or doors; over deck posts, fences or railings; or in trees.
- The temporary use of holiday and/or seasonal decorative lights is addressed in Section 5.3.4.

While outdoor lighting serves to extend a home's living and entertaining space, safety, community appearance, and neighbors' comfort must be of primary consideration before installing outdoor lights. Any use or condition detrimental to the quality of living within the neighborhood will be denied. Like intrusive noise, lighting that disturbs neighbors' peace is not permitted.

Backyard accent lights are permitted under the following conditions:

- Small wattage, string lights meant for outdoor use only may be attached to inside fences and on decks.
- Directional lights, such as spotlights, must be aimed away from neighbors' windows.
- Deck and yard lights should be illuminated only while the outdoor space is in active use.

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- Deck and backyard lights may not be on overnight or during off-season. To correspond with the Fairfax County Ordinance for Noise, deck and patio lights should not be on beyond 10 pm weeknights and 11 pm weekends.

### 5.2.10.3 ANTENNAS, SATELLITE DISHES AND WIRES

- TV antennas, radio aerials, and other electronic devices and wires are permitted on the exterior of a building or in an outside area.
- Cable TV wiring should be securely fastened to the townhouse wall and shielded from view (by routing behind down spouts, for example).
- Digital Satellite System dishes are permitted per "The Telecommunications Act of 1996," but must adhere to the rules of the Association.
- Only one antenna or satellite dish allowed per home and must be removed when the owner sells the house or the antenna or satellite dish is no longer needed/used.
- Additional guidance on antennas is available in Appendix I.

### 5.2.10.4 AWNINGS & SUNSHADES

Awnings and other permanent exterior sunshades are not permitted.

Sun umbrellas are permitted.

Temporary pop-up sunshades, such as tailgating canopies or picnic covers are permitted in the backyard areas or common areas, but must be taken down at the end of the event or as soon as possible.

### 5.2.10.5 Security Grills and Grates

Security grills, grates, gates, or other similar door or window coverings are not permitted. The only type of gate permitted is the one on a fenced yard.

### 5.2.10.6 Security Cameras

The use of private home security cameras and video doorbells located on the exterior of a home or on a homeowner's lot are permitted in First River Farms subject to the following requirements.

*Adherence to state & county laws:*

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Installation and use of private home security cameras are subject to any and all laws and ordinances governing the property that relate to surveillance and recording with such devices. Each homeowner is encouraged to perform their own research on the laws and regulations governing use of audio and video recordings, and to review the following provisions from the Virginia Code.

This includes, but is not limited to:

- Virginia Code 18.2-386.1 (Unlawful creation of image of another), under which it is illegal to videotape or photograph non-consenting individuals who are totally nude, partially undressed, or wearing underclothes; and
- Virginia Code 19.2-62 (Unlawful interception, disclosure, etc., of wire, electronic or oral communications), under which it is illegal to intercept or record any conversation without the consent of one participant.

Ring Doorbell Cameras (and other comparable devices affixed to front door trim) that are wireless may be installed without an EDC request so long as they comply with the other criteria listed under this Rule.

Association approval is required for all other security cameras on the home exterior:

- Prior to installation of a private home security camera on the exterior of a home or upon the lot, the homeowner and/or resident MUST obtain written approval from the HOA by submitting an Exterior Design Change Application, as the installation constitutes a change to the exterior appearance of the lot or house. Approval will be made on a case-by-case basis.
- The Exterior Design Change Application must:
  - Specify type of camera, size and shape, angle of view, and specific location of placement on the house or lot. (Include manufacturer's written specifications, and photographs of the proposed location.)
  - Indicate if the camera is being installed by a professional company (provide name) or if the homeowner is installing it.
- Any subsequent deviation from the approved location must be resubmitted for approval on another Exterior Design Change Application.



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Location, placement and use:

- No more than two security cameras will be allowed per lot, one in the front of the house and/or one in the back. Exceptions will be considered on a case-by-case basis.
- Security cameras may be installed only upon the requesting homeowner's lot. Any camera installed on the Association's common area will be removed and disposed of by the Board without notice.
- Cameras must not be directed at any adjacent yard, or towards a window or door of any adjacent home. In addition, cameras should not be directed to record the Association's common areas, including without limitation the pool and playgrounds.
- The use of security camera warning features is prohibited. This prohibition includes flashing lights, as well as audio announcements such as "you are being videoed".
- The homeowner is responsible for any damages done, or repair work needed, when the camera/doorbell is removed for any reason, such as when the home is sold or newly rented. Repair work will likely include touch-up painting that must be the exact FRF-approved palette color on the house and reflect a workmanlike quality when finished.

**5.2.10.7 Other Permanent Attachments to Trim or Brick**

Items not specifically addressed as approved attachments to a home's trim or brick (i.e., flag pole, security camera, number plaques) are not allowed. This restriction includes, but is not limited to, individual mailboxes, monograms, wreaths, signage, art work.

**5.2.11 AIR CONDITIONERS / FANS / CLIMATE CONTROL SYSTEMS**

- Air conditioning units, fans, and all other systems designed for climate control that mount in windows or doors are prohibited.
- Exceptions to this policy are fans and air conditioning units which do not protrude past the exterior of the window or door they are mounted in. Any

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mounting hardware must be flush with the window, and no part of any kind, to include hardware or cables, must be visible from the outside of the home.

- The Environmental Design committee must approve the installation of any door or window-mounted fan or air conditioner, or any other device that uses a window or door as the primary source of intake or ventilation of air for cooling or heating purposes

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## 5.3 YARDS

### 5.3.1 Landscaping Design Changes

Homeowners are required to maintain the greenery and any hardscape features on their property to assure that curb appeal for the community is not diminished by the presence of weeds, overgrown or failing shrubs, diseased or dying trees, etc. However, any planned work beyond routine upkeep must be submitted to the EDC through an Exterior Design Change form and be approved prior to commencement of a project.

**5.3.1.a. Resource Protection Area Restrictions** In addition to securing approval from the EDC for exterior landscaping changes, portions of FRF are subject to an approval process from Fairfax County, as they fall within a Resource Protection Area (RPA). An RPA creates a buffer “to protect water quality by reducing the amount of pollutants that enter the rivers and streams that drain into the Bay. The RPA buffer also reduces shoreline erosion, provides habitat for wildlife and moderates water temperatures by providing shaded areas along waterways for aquatic species.” Because existing vegetation does much to maintain beneficial conditions, removal of that vegetation requires replacement plantings of equally effective protection.

Owners of homes which back to Little Hunting Creek on Clifton Farm and Carter Farm Courts should consult the Fairfax County website Land Development Services page for details and to download a form to request approval prior to undertaking any landscape changes. A map of the RPA for First River Farms can be found under HOA documents on the community website.

Affected homeowners must attach receipt of approval from Fairfax County with their application to the EDC. No design change application will be approved by the EDC without approval from the County. Failure to comply with RPA requirements may result in stiff fines and a mandate to return the landscape to its original state by Fairfax County.

**Elimination of invasive species** In compliance with Fairfax County guidelines to eliminate aggressive, invasive, and noxious plants, such as Virginia Creeper and all ivy, the HOA will maintain a proactive and ongoing policy to eradicate these plants in all common areas. As of May, 2024, no aggressive/invasive vines will be permitted to grow on private property. Failure to comply with this regulation will be considered a violation and may incur fines or other penalties including the Association preceding with legal action to compel an owner’s compliance and seek recovery of its incurred legal fees and costs.

The aggressive growth of bamboo and the destructive properties of its root system make it a serious problem for townhome communities where property lines are in close proximity to the adjacent home, and stemming the spread is difficult even with concrete barriers. Effective January 1, 2023, Fairfax County passed an ordinance that imposes fines on property owners who have not contained bamboo to their property.

To avoid the potential damage from this invasive plant, bamboo is not permitted in FRF.

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**Trees and Shrubs** In addition to the common area landscaping provided by the HOA, personal trees will also need pruning from time to time. Homeowners may undertake the task themselves or hire a tree service. Please keep the safety of yourself, your neighbors, and all property in mind if you decide to prune a tree on your own.

- **Removing a tree is not considered “pruning.”** Removal of trees requires the approval of the Environmental Design Committee. An application for a tree or shrub removal can be found in Appendix A, or on the FRF website.
- If a tree or shrub is allowed to extend from a neighbor’s property onto a homeowner’s property and is considered a hazard or nuisance, the affected homeowner should consult with the tree or shrub owner to request that it be pruned. If no satisfactory solution can be reached, the complaining homeowner should notify the Management Company to request assistance. If mediation by the HOA Board does not produce a positive compromise, the complaining homeowner is legally entitled to trim back any branches, foliage, etc. to his or her property line. However, all steps to resolve the situation amicably should be taken before a last unilateral action.
- In a community where water drainage is a constant concern, trees and other landscaping features provide a resource for water absorption. To maintain the environmental stability of the community as well as its beauty, requests for plant/tree removal must always include a remediation plan.
- Removal of trees, shrubs and plants requires that the stump and exposed roots be ground out. **Virginia requires that Miss Utility be called to mark the property prior to removal and grinding (see Section 5.2.2.5).**
- With few exceptions, as approved by the EDC, any landscape feature that is removed must be replaced with an in-kind feature (tree for tree, etc.), should be selected from the approved list available on the community website, and should be an appropriate size for the space.
  - New trees should be at least 5’ in height, excluding root ball, when planted.
  - New shrubs should be at least 3’ in height when planted.

Make an appendix? See page 15 of July 2005 rules and regs.

- Replacement of new trees and shrubs should be scheduled based on the optimal planting season for that species. When possible, removal of old plantings should occur at the same time. When an emergency removal is required, the HOA may grant an extension of time for the replacement. This information must be provided in the EDC application.

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**Ground Cover** Heavy shade and large roots throughout the community make growing of grass difficult. Homeowners who are seeking a solution may consider a ground cover. A list of approved ground covers can be found on the FRF website and in Appendix C. Prior to transitioning from grass to ground cover, approval of an EDC application is required.

Neither mulch or stones alone are permitted as a replacement for grass.

### 5.3.2 Exterior Access and Appearance

#### Front Yards

The overall curb appeal of a community and its value relies heavily on making a good first impression. In addition to its general landscaping and the maintenance of townhomes, our front yards play a huge part in that role. It is important that yards are well maintained. Yards, porches, and sidewalks should be clear of yard tools, bicycles, toys or collections of other items. They are not to be used as storage areas. Garden hoses should be gathered neatly by the spigot. Wet towels may not be hung over front railings. Personal sidewalks and porches should be periodically power washed or replaced if patchwork repairing is not sufficient to meet the aesthetic standards of the neighborhood.

#### 5.3.3 Small Plants and Gardens

Garden Decorum should be held to good taste and order. Garden decoration or ornamentation in public view should be of a scale, number, color, style, condition and subject that is in harmony with the traditional architecture of the community.

- Garden decoration includes statuary and planters of all types. A limit of two items of statuary and two planters is permitted. The planters should be closely similar in design, scale and color. All must be in good condition.
- Planters must be maintained with plants in good condition. Off-season, the planters should be cleared of dead material and stored in the backyard.

Plant material must not be allowed to grow over the common or intrude on any walkways, including the sidewalk leading to the home.

Annual plants and herbaceous perennials that die back to the ground or roots over the winter (tulips, mums, hostas, etc.,) are permitted and encouraged when used in foundation beds. They do not require EDC approval but may not be allowed to encroach on or damage other perennials, bushes/shrubs, ground cover, or trees.

**Virginia requires that Miss Utility be called to mark the property prior to removal of woody perennials (see Section 5.2.2.5).**

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#### **5.3.4. Back Yards - Fenced or Non-fenced**

For health and safety reasons, all backyards, fenced or non-fenced, must be kept free of all rubbish, any item or device that allows for standing or pooling of open water, and must be maintained to avoid the growth of tall grass and/or weeds. Fences must be kept free of overgrowth of plants and vines. Backyards may not be used as a storage area for old, unwanted, unused items such as, but not limited to, unused furniture, car parts or tires, boxes, or old toys and other items. Approval is not required for native or non-invasive plantings within enclosed backyards, however, excessive growth, more than 2 feet, beyond the property line or above the fence is not permitted, unless approved by the Environmental Design Committee (such as an in-fence tree). Backyards without an enclosing fence must also be well maintained, well organized, and plants and trees pruned. Furniture and other décor must be in good repair and clean at all times.

#### **5.3.5 Exterior Decorations, Flags and Signage**

Decorating of home exteriors, including displaying of flags and seasonal or holiday decorations, is encouraged.

- Seasonal decorations may reflect one of the four seasons – Spring (March-May), Summer (June-August), Autumn (September-November) and Winter (December-February).
- Holiday decorations may reflect a specific day set aside by law or custom – including (but not limited to) Christmas, Hanukkah, Kwanza, Valentine's Day, St. Patrick's Day, Easter, 4th of July, Halloween and Thanksgiving.

##### **5.3.5.1 General:**

- The display of seasonal, holiday or other decorative lighting and/or decorations does not require prior approval of the HOA Board of Directors as long as such display conforms to the following rules.
- A door wreath and one small decorative yard flag are allowed for each home.
- Garden statuary (including bird baths) in the front yard is limited to two items. Statuary must be of a reasonable size, color and weight to compliment the home and the neighborhood.
- A maximum of four non-holiday decorative items are allowed for each house. This may include any combination of small garden flags, free standing statuary and/or pots. In addition, each house may display up to two symbolic flags as outlined in Section 5.3.4.4.
- All decorative lighting and decorations must be tasteful (to any reasonable person) and appropriate for all ages.

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- Decorative items must be confined to the resident's property and not overflow onto a neighbor's or common property.
- Decorative lighting or decorations that have begun to fade, become tattered or torn, or show other signs of wear are not allowed.
- When removing decorative lighting and decorations, all nails, hooks and other fasteners added to the structure of the home for display purposes must also be removed.
- Decorative items permanently attached to the home are not considered external decorations and are not allowed.

If there is a complaint or dispute regarding any signage or exterior decoration, the HOA Board of Directors will determine any appropriate corrective action. Until the Board has made its decision, the homeowner/resident may continue to display the decoration, unless there is an immediate safety concern or it is considered to be inappropriate by any reasonable person.

**5.3.5.2 Seasonal Lighting and Decorations**

Seasonal lighting and decorations may be displayed for a maximum of three months (see 5.3.4 above). They may be added to the home and/or yard no earlier than one week prior to the start of the season and must be removed no later than one week after the season ends.

**5.3.5.3 Holiday Lighting and Decorations**

- *Christmas, Hanukkah, and Kwanza:* Decorative lighting and decorations may be displayed for a maximum period of 6 weeks. They may be added to the home and/or yard no earlier than 4 weeks before the holiday and must be removed no later than 3 weeks after the holiday.
- *All other holidays:* Decorative lighting and decorations may be displayed for a maximum period of 6 weeks. They may be added to the home and/or yard no earlier than one month before the holiday and must be removed no later than 2 weeks after the holiday.
- Holiday lighting and decorations on display for one holiday cannot overlap with lighting and decorations for another holiday.
- All holiday inflatable decorations must be size-appropriate for the yard and may not encroach on sidewalks and neighboring properties at any time. **Could we say that holiday inflatables should remain for a shorter duration?**

**5.3.5.4 Symbolic Flags:**

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- Each home may display no more than two of the following symbolic flags:
  - an official national flag (U.S. or other country),
  - an official state or territorial flag,
  - a U.S. military flag,
  - a POW/MIA flag, or
  - a school or team flag.
- Displayed flags may be no larger than 3 feet by 5 feet.
- Flags must be in good repair and properly displayed. For example, according to U.S. flag etiquette, the U.S. flag may be displayed from sunrise to sunset, or if the flag is displayed 24 hours a day, it should be properly illuminated during the hours of darkness.
- Each flag must be flown from a pole anchored on the home by the front door (or another location on the same level as the front door). Flagpole brackets should not be anchored in the home's trim. Exceptions to this location rule (for example, hanging flags on decks) must be approved by the HOA Board of Directors.
- Flagpoles in yards are not allowed.

#### 5.3.5.5 Signage:

- No signage is permitted on mailboxes or mailbox enclosures. According to the USPS website, it is illegal to affix signage or any other item to mailboxes.
- No sign of any kind shall be displayed to public view on any building, through any window or door, in any yard, or otherwise, on any lot with the following exceptions.
  - Only one sign may be displayed on an individual property to advertise the property for sale or rent. It may be displayed through a window or on a professional sign placed in a secure manner on the property's yard. Handwritten signs are not allowed.
  - Directional signs are allowed for the duration of an open house event for a home that is for sale. (This does not apply to rentals.) The directional signs may be displayed only on the morning of the open house and must be immediately removed when the open house function is finished for the day.
  - One home security sign may be displayed on each side (front and back) of the home.



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- A small decal may be placed on the window of a front storm door or sidelight, or a front first floor window, to notify emergency responders that individuals with special needs and/or pets are in the home.
- When required by Fairfax County for a home improvement project, a copy of the building permit must be displayed in a front window for the duration of the project.
- One temporary sign to announce a party or other event (for example, a child's birth) may be displayed on an individual property for one day only.
- One support sign may be displayed on an individual property for the duration of a school fund raiser.
- One support sign for a school sport or school graduation may be displayed on an individual property for a maximum of 30 days.
- In accordance with the HOA by-laws, signs supporting a political candidate are allowed only for the political pre-election time period (2 months prior to election day) and must be promptly removed within two days after the election is over. Signs supporting a political candidate must be on the resident's property and may not be placed on common property.
  - Because of the size of our yards, political signs may be 24x30 inches maximum and must be removed within two days after the election.
- No illuminated signs are allowed.
- Only the HOA Board of Directors may place signs on common property. The Board of Directors may post signs on common areas for informational purposes. Homeowners and/or their real estate agents may not place signs of any type on common property, unless authorized under the provision of Section 5.3.4.5.a.2. Any other signage on any common area will be removed.
- The HOA Board of Directors must approve any temporary signs not described in this section.

### **5.3.6 FENCES and GATES**

#### **5.3.6.1 Fences**

Fences enclosing back yards are the responsibility of the homeowner. To retain the cohesive appearance of the community, the fence line, as it extends along the rear of each section homes, must adhere to the following criteria:

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Because the replacement of an existing fence or the addition of a fence to enclose a previously open backyard represents a change to the exterior design of a home, an ARC request must be submitted and approved prior to beginning any work. An exception to this rule includes replacement of single planks.

Fences must be constructed of pressure-treated wood in a “shadowbox” configuration with a running plank or railing across the top. No composite or vinyl materials are permitted.

Fences may not be stained or painted, but must be allowed to weather to blend with the neighborhood. A clear sealant may be applied to protect the wood.

Fence Specifications of board plank width and height shall match in place standards as accepted by the BOD and EDC.

Posts used to connect fence sections and gates to fences must be 4”x4” pressure-treated wood. Wooden, metal, or vinyl caps may be attached to posts. They may be black or natural wood color.

All hardware seen from outside the fence, to include numbering, hinges and handles must be black.

Periodic power-washing of fencing is encouraged and will often restore the wood to a near-new condition.

Fences must be maintained so that they are structurally sound and do not show signs of rotting or leaning.

The fences that run perpendicular to the exterior of homes to separate adjacent units are owned jointly by the two owners. When repair or replacement is required for these, the cost should be borne equally. However, if one owner is unwilling or unable to share in the expense, the other may apply to the EDC to undertake the improvement independently. Access to both yards for the construction of the fence is mandated.

No objects are to be hung on the outside of fences. The HOA does not generally monitor the appearance or use of an enclosed back yard unless its condition represents a hazard to health or safety.

**5.3.6.2 Gates**

Gates must match community standards that are in place and as accepted by the BOD and EDC.

Gates must be constructed of pressure-treated wood planks. The top edge of the gate may be arched or straight.

Gates must be allowed to weather naturally. No paint or staining is permitted. A clear sealant is permissible to protect wood.

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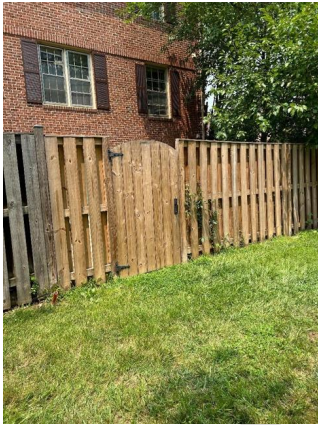
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Gates, like fences, must be well-maintained and neat in appearance at all times.

Front yard fencing is not permitted, including small metal or picket edging.

Failure to meet any of the criteria above will be considered a violation of the FRF Rules and Regulations. (does info below need its own appendix?)

The photos below serve as examples of acceptable fencing, gates and caps:



Sample Post Caps



Caps should sit low on the post and may not be a finial style, as shown here:

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### 5.3.7 Water and Grading

The Environmental Committee's approval is required for any change in exterior grade elevations of the ground, paving or drainage ways. Article VIII of the Declaration contains provisions on easements. Homes within the RPA must also receive approval from Fairfax County before undertaking any work that affects grading. (See Section 5.3.1 for specifics for RPAs). **Move closer to yards?**

### 5.3.8 Sheds and Other Outdoor Storage Structures

Sheds and other outdoor storage structures, both permanent and temporary, are allowed **only** in backyards and on decks subject to height restrictions, and must be maintained in good condition. No outdoor storage structure of any kind, regardless of size or material, is allowed in front (or side) yards, including on front porches.

Outdoor storage structures in backyards may not be higher than one (1) foot above the standard height fence.

Outdoor storage structures that are visible above the fence line require an approved Exterior Design Change request before installation. If installed without approval, the structure is subject to removal and the Association may proceed with legal action to compel an owner's compliance and seek recovery of its incurred legal fees and costs.

All permanent outdoor storage structures in backyards without a fence require HOA approval.

Any outdoor storage structure within a fenced backyard may be constructed of any reasonable construction material but must be clean and well maintained at all times, including the roof.

Sheds should be made of materials and colors that are in harmony with nearby fences and decks, unless otherwise approved by the Environmental Design Committee.

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On decks, any storage containers or structures may not exceed the height of the deck railing. They must be located in such a way to allow for safe passage to any egress, and storage container or structure placement should be such as to avoid climbing and other hazards to residents and visitors. The materials and color of such containers and structures should be in harmony with deck materials.

### 5.3.9 Doghouses and Other Pet Shelters

Doghouses and other pet shelters, both permanent and temporary, are allowed in a resident's backyard only and must be maintained in good condition. No pet shelter of any kind, regardless of size or material, is allowed in the front (or side) yard.

Doghouses and other pet shelters should be made of materials and colors that are in harmony with nearby fences and decks, unless otherwise approved by the Environmental Design Committee.

In backyards with no fence, permanent doghouses or other permanent pet shelters must be painted or stained to match the exterior trim of the home. (Residents are reminded that pets must be kept on lead when outdoors and not within the confines of a fenced yard. See Section 5.5.3.)

Doghouses, cat shelters, litter boxes or any other structure supporting household pets within a fenced backyard may be of any material, type and color, but may not extend above fence level.

### 5.3.10 Wood Storage

#### Firewood

- Firewood must be stored in the backyard in neat stacks that are:
  - at least one foot away from foundation walls, fences and other structures to prevent damage from termites;
  - elevated above the soil on a platform made of bricks or concrete blocks, or on a commercially available metal rack;
  - no higher than 4 feet; and
  - in yards without enclosed fences, along the foundation wall or a bordering fence.
- Firewood should be inspected on a regular basis for evidence of termite activity (mud tubes).

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- Rotting wood must be removed from the property and disposed of according to Fairfax County Waste Management regulations. It is illegal to dispose of wood on the Fairfax County Park land behind First River Farms. It is also prohibited to dispose of wood on any common property within the community.

**Lumber and other wood products**

- Lumber and other wood products may be stored in a fenced yard according to the same rules for storing firewood. (See Section 5.3.9.1.)
- Storage of lumber and/or other wood products in a non-fenced yard is prohibited, except during an active construction project approved by the Environmental Design Committee.

**5.3.11 Barbeque Grills, Smokers, Firepits and Outdoor Heaters**

**General**

- Barbeque grills, barbeque smokers, portable fireplaces (including firepits and chimineas) and portable outdoor heaters may be stored and used only in the backyard of a house. Such items may not be used in common areas.
- Grills, smokers, fireplaces and heaters may not be built-in, or permanently attached, to any structure.
- Residents must follow all regulations outlined in Fairfax County Fire Prevention Code governing barbeque grills and open-flame cooking devices, portable outdoor fireplaces, and portable heaters.
- Fairfax County Code expressly prohibits the burning of garbage, rubbish, construction waste, rubber and other materials that produce dense smoke, ignitable liquids and/or other hazardous materials.
- Do not leave a grill, smoker, firepit or heater unattended when in use or while heating elements are still hot and/or fires are smoldering. Be prepared to put out a fire by keeping a fire extinguisher and/or a garden hose nearby and ready to use.

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- After use, ensure that these devices have been properly shut down – fires are completely extinguished, burners and fuel supply have been turned off and cooled, and any embers are completely cool before disposing in a metal container.

### **Barbeque Grills and Smokers**

- A barbeque grill or smoker may be stored on a deck or in the backyard.
- A barbeque grill or smoker may be used on a deck or in the backyard, but not under a deck due to the risk of floating embers or out of control flames setting it on fire.
- When in use, a grill or smoker should be:
  - in a well-ventilated area
  - on a stable, level fire-resistant surface; and
  - at least 5 feet away (10 feet is better) from any structure or other combustible material (house, shed, fence, deck railings, tree branches, wood mulch, decorations, etc.)

### **Portable Fireplaces, Including Firepits and Chimineas**

- A fireplace may not be stored or used on a deck.
- A fireplace may be used in the backyard, but not under a deck due to the risk of floating embers or out of control flames setting it on fire.
- When in use, a fireplace should be:
  - in a well-ventilated area;
  - on a stable, level fire-resistant surface – not directly on grass, wood, or other combustible surface; and
  - at least 10 feet away (15 feet is better) from any structure or other combustible material (house, shed, fence, deck, tree branches, wood mulch, decorations, etc.)

### **Outdoor heaters**

- A portable outdoor heater may be stored on a deck or in the backyard.
- A portable outdoor heater may be used on a deck or in the backyard, but not under a deck according to Fire Prevention Code.
- When in use, a portable outdoor heater should be:

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- in a well-ventilated area;
- on a stable, level fire-resistant surface; and
- at least 5 feet away (10 feet is better) from any structure or other combustible material (house, shed, fence, deck railings, tree branches, wood mulch, decorations, etc.)
- a portable outdoor heater must be equipped with an automatic tilt or tip-over switch.

#### Fuel gas containers

- No more than two fuel gas containers (propane or LPG tanks) with a maximum capacity of 20 pounds may be stored on a deck or in the backyard at any given time.
- Fuel gas containers must be stored outside in a well-ventilated area, on a solid dry surface, and away from doors and windows. Outside storage must be located in a manner that minimizes exposure to excessive temperature rise.
- Fuel gas containers must be DOT or ASME approved.

#### 5.3.12 Outdoor Lighting

#### 5.3.13 Clotheslines

- The use of clotheslines, or any items or systems designed to hang and dry clothes or linens, is restricted to backyards only. Any such drying system, whether permanent or temporary, must not extend above fence level.
- Hanging of any items to dry on front railings or anywhere in front or side yards is prohibited.
- Items temporarily hung on deck railings must be removed as soon as possible when dry.

#### 5.3.14 Play Equipment



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*Permanent structures:* Play equipment of a permanent nature (swing sets, sliding boards, playhouses and other similar fixed structures) are allowed within backyards only.

- If the backyard is enclosed, play equipment must be below fence level. An approved Exterior Design Change request is required for equipment to extend above fence level by no more than one (1) foot.
- If the backyard is not enclosed, an approved Exterior Design Change request is required for all permanent play equipment regardless of height.

*Temporary structures:* Bouncy houses, water slides and other inflatable or moveable play structures are not permitted in front yards or on common property.

*Toys and sports equipment:* Toys and sporting equipment of any kind shall not be left out overnight or stored in front yards. (This includes, but is not limited to, bikes, scooters, skateboards, balls, sticks, rackets, goals, etc.) Such items must be stored out of sight in the backyard or inside the house.

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## 5.4 VEHICLES

For the purposes of these regulations, approved homeowner/resident vehicles are licensed personal automobiles, small pickup trucks and motorcycles. Homeowners are responsible for the vehicles of their tenants and guests, and are responsible for notifying their tenants and guests to comply with these rules.

### 5.4.1 Vehicle Types

**Personal vehicles:** Homeowners'/residents' licensed personal automobiles, small trucks (1/2 ton or less) and motorcycles may be parked on HOA property according to the parking rules outlined in Section 5.4.3. All such vehicles must display valid license tags and inspection stickers. They must be maintained in proper operating condition and not be a nuisance by virtue of noise, emissions, or appearance.

**Work/commercial vehicles driven by residents: Work vehicles** (cars, small trucks, vans, taxis, etc.) driven by residents that have logos or labels, advertising, and/or equipment attached to the roof or rear must be covered when parked for more than 4 hours during a 24 hour period on HOA property. (See Section 5.4.2.7) For longer periods, such vehicles may be parked on Tis Well Road or Holland Road.

**Work/commercial vehicles on-site for services:** Work/commercial vehicles may temporarily park in visitor parking or the assigned parking spaces of the resident in whose home their work is actively being done. Information regarding periods of work that may extend beyond 7 hours during a 24 hour period should be shared in advance with the management company and immediate neighbors.

**Recreational and other large vehicles:** Trailers, buses, boats, motor homes, campers, commercial vehicles, and trucks over 1/2 ton in weight are prohibited from long-term parking on HOA property. Such vehicles may be temporarily parked in residents' spaces for periods of not more than 4 hours when actively loading, unloading, or preparing for use.

**Unlicensed recreational vehicles:** The use of any gasoline or electric-powered vehicle used for the conveyance of a person but does not require a driver's license to operate is prohibited in the community. Such vehicles include mopeds, mini-bikes, mini-motorcycles, 3- and 4-wheel all-terrain vehicles, dirt bikes, stand-up motorized scooters, and motorized skateboards.

**Motorized toy vehicles:** Children's electric toys, such as battery-powered mini-jeeps or similar items, are allowed in the community, but should not be driven in the street nor driven without adult supervision.

**Mobility vehicles:** Electric wheel chairs and mobility scooters required for medical purposes are allowed and not restricted from operation in the community.

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#### 5.4.2 Vehicular Activities

**Speed limit:** The maximum speed limit within the community is 15 MPH. Drivers should be mindful that curves in the roads, shrubbery, and parked cars make it difficult to see children at play and others who might dart into the street suddenly.

**Off-road activities:** No motorized vehicle shall be parked on, driven across or onto lawns, sidewalks, or walkways. Any homeowner/resident doing so, or allowing someone else to do so, will be responsible for the cost of repairing any damage done. In addition, any homeowner/resident found to be responsible for repeated violations will incur appropriate penalties, and the offending vehicle(s) may be towed from the property.

**Dangerous driving:** Circuit riding of noisy vehicles, racing of any vehicles, and other forms of dangerous driving on HOA common areas and roadways are unlawful and will be reported to the Fairfax County Police.

**General maintenance:** Washing and minor repairs of personal vehicles are allowed in residents' assigned parking spaces only. Use of visitor spaces for such activities is prohibited. All vehicle maintenance must be completed within 24 hours. (Since the First River Farms community drains directly into the Potomac River and Chesapeake Bay, please use environmentally friendly soaps and detergents when washing vehicles and take special care when adding fluids.)

**Major repairs:** Due to possible damage to roads, neighbors' property, and the environment, as well as the liability consequences for all should an accident occur, major vehicle repairs and maintenance are strictly prohibited anywhere in the community. This prohibition includes bodywork, oil changes, painting and any other activity that requires the use of ramps or that causes a disruption of street access (such as extending into the street or other parking spaces) or a safety hazard.

**Vehicle storage:** Storing of vehicles on HOA property is not permitted. Any vehicle that is without valid tags and inspection stickers, or is in an obvious state of disrepair and not roadworthy will be considered stored. The homeowner/resident will be notified in writing of the violation and provided a timeframe (usually 10 calendar days) in which to remedy any issue with the vehicle. If the vehicle remains in violation after the stated deadline, the Board may use its discretion to have it towed from the community at the owner's expense.

**Vehicle covers:** A vehicle may be covered so long as the cover adheres to the following conditions.

- The cover is designed for the specific vehicle and is in good shape (not torn, ripped, or dirty). No tarps, blankets, or other covers not specifically designed as a vehicle cover may be used as a car cover.
- The cover must be neutral in color, normally grey. No covers will be allowed that disrupt neighborhood aesthetics.
- When in use, the cover must be secured so it cannot blow off.

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- When not in use, the cover must be stored out of sight (i.e. in the trunk of the car, or in the owner's back yard or house).

**Vehicle damage liability:** The Association is not responsible for damage done to any vehicle parked in the community, and/or damage caused by the operation of any vehicle in the community. This includes, but is not limited to damage caused by residents and community guests; commercial vehicles; trespassers or vandals; and/or vehicles conducting HOA business, including lighting or street repairs, snow plowing, mowing, or landscaping.

- The responsibility for such damage belongs to the individuals and/or companies causing the damage.
- Homeowners/residents are responsible for any damage done by their families, guests, contractors and/or other service providers.

**Vehicle access to Fairfax County parkland:** No motorized vehicles may be driven or parked on the county-owned path behind Clifton Farm and Carter Farm Courts without the express permission of Fairfax County. To request access, residents must contact the Fairfax County Park Authority at 703-765-6020. If the request is deemed appropriate, the FCPA will establish a meeting date and time to open the chain for access. This applies to all residents and any contractors performing work in the community.

#### **5.4.3 Parking**

Parking rules pertain to the streets maintained by First River Farms HOA – Clifton Farm Court, Carter Farm Court, Cedar Landing Court, and La Faye Court. Tis Well Drive and Holland Road are owned and maintained by Fairfax County, and as such are subject to the laws of the State of Virginia and ordinances of Fairfax County that govern use of those streets.

- All parking spaces in the community are the property of the HOA in common. They are not the property of individual homeowners.
- Two parking spaces have been assigned to each home by the HOA. For security reasons, parking spaces are identified by lot number rather than by street address.
- A limited number of parking spaces are designated throughout the community for use by visitors only. Visitor spaces are not reserved for use by any particular resident, section, street or guest. (For example, a guest of a resident on Cedar Landing may use a visitor space on Carter Farm.) These spaces are intended for short-term use only.

#### **General parking procedures**

- No vehicle shall be parked at any place in the community except in provided parking spaces. No parking is permitted on any sidewalks or grassy areas (common or private), or in any designated fire lane marked by signs and/or yellow-painted curbs.

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- Parking spaces are not to be used for purposes other than to park approved vehicles (Section 5.4.1) or as noted below (Section 5.4.3.3).
- No vehicle shall occupy more than one parking space, nor shall it overhang the curb so as to narrow the sidewalk.
- A single parking space may be occupied by only one vehicle at a time, except when motorcycles are involved. Two motorcycles may be parked in one space; or a motorcycle may be parked parallel to the sidewalk in the front of a space without interfering with passage on the sidewalk, and a car or truck may be pulled into the same space as long as it does not protrude into the street in such a way to interfere with passing vehicles.
- Parking in the street behind other properly parked cars, except for momentary loading and unloading, is prohibited.

**Visitor parking**

- Residents may not park in visitor spaces. Any resident's vehicle(s) that cannot be parked in the assigned spaces must be parked on Tis Well Drive or Holland Road. Residents' vehicles parked in visitor spaces are subject to towing at the owner's expense. Exceptions to this prohibition are:
  - during business hours when contractors or other service providers must park in the resident's space and the resident is allowed to park in a visitor space for the duration of the work; and
  - at any time HOA members or someone acting on behalf of/or at the request of the Association to accomplish day-to-day HOA business/work, such as delivering flyers, performing home inspections, meeting with a vendor, and delivering letters to residents, or responding to a concern by a homeowner.
- Visitors staying at a residence in the community for longer than 3 consecutive days/nights must park in the resident's assigned space or on Tis Well Drive or Holland Road.
- College students home during breaks are not considered visitors. If their vehicle(s) cannot be parked in the assigned spaces, they must park on one of the public streets.

**Temporary use of parking spaces:** During major construction or renovation of a home, the resident's assigned parking spaces may be used for temporary storage of building materials, a dumpster, and/or other heavy equipment *only with prior approval from the HOA*. To request permission, homeowners must contact the Management Company well in advance. The request should include items to be stored, expected date of delivery and expected date of project completion. The Board of Directors reserves the right to deny such a request depending on items to be stored and/or duration.

**Trading of assigned parking spaces:** Informal trading of assigned parking spaces among current residents is allowed; however, such arrangements will not be formally recognized by the HOA. Homeowners will remain responsible for all vehicles parked in their assigned spaces.

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- Trading of spaces must be renegotiated with new residents. It cannot be assumed that new residents will agree to previously negotiated trades.
- Residents are not allowed to renumber any parking spaces under these or any other circumstances.

**Use of spaces assigned to temporarily unoccupied homes:** Parking in spaces assigned to a home that is temporarily unoccupied is prohibited without consent of the absent homeowner/resident. For extended absences, including during turnover of occupancy, consent must be in writing and on file with the management company. For short-term absences such as vacations, verbal consent is sufficient.

**Revocation of parking privileges:** Homeowners/residents found to be in serious or chronic violation of any of the HOA rules and regulations may have their parking revoked on all First River Farms property, including their assigned parking spaces, for a period of time to be determined by the Board. In this event, they will be required to park on Tis Well Drive or Holland Road. If found in violation of this suspension, vehicles may be towed at the owner's expense without advanced notice.

#### 5.4.4 Towing

Vehicles in violation of the vehicle storage and parking rules defined in Sections 5.4.2. and 5.4.3 are subject to towing at the vehicle owner's expense.

Homeowners/residents are authorized to request towing of vehicles wrongfully parked in spaces assigned to them. There shall be no liability for removing the offending car. Towing must be done by the HOA-contracted towing company. To request towing:

- Contact Dominion Towing at 703-339-2400.
- Provide your name, telephone number and address.
- Provide exact location (street name and space number), make/model and color of car, and license tag state and number of the vehicle to be towed.
- Dominion Towing does not mandate the caller be present before, during or after they are on site.

The Association is authorized to request towing of vehicles in violation of the parking rules in any area in First River Farms. Residents who identify violations not involving their own assigned spaces should notify the management company (703-631-2003) for follow-up action.

The Fairfax County Police Department has been authorized by the HOA and may, at its discretion, ticket or tow cars in violation of these rules or other laws or ordinances. It is illegal for cars to be parked in fire lanes at any time. Residents may report cars parked in these areas by calling the FCPD central dispatch nonemergency number (703-691-2131). Costs associated with ticketing or towing are the responsibility of the vehicle owner.

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## 5.5 COMMUNITY & COMMON AREAS

### 5.5.1 Trash and Recycling

Fairfax County provides curbside pickup of trash, recycling and yard waste every Monday morning, including all holidays except Christmas Day.

- The county provides each house with two bins – a gray one for household trash, and a blue one for recyclables. To request new bins, contact Fairfax County Waste Management at 703-802-3322.
- Guidelines for residential waste disposal can be found on the Fairfax County Waste Management website – [fairfaxcounty.gov/publicworks/recycling-and-trash](http://fairfaxcounty.gov/publicworks/recycling-and-trash).

Due to the layout of the neighborhood and the difficulty of hauling bins from backyards, items for curbside pickup are often placed in front of neighbors' homes. *Residents should be mindful of any inconvenience their waste disposal creates for others.* These rules were established to minimize any such inconvenience.

**Failure to adhere to these rules for putting out trash, recycling, yard waste and other items for collection will result in violations being issued and fines being assessed by the HOA.**

#### **Timing:**

- Trash, recycling and yard waste may be placed curbside no earlier than Sunday evening – 6:00 p.m. or later March-October, 4:00 p.m. or later November-February – for pickup the next morning when collection starts as early as 7:00 a.m.
- Empty cans and bins must be returned to residents' backyards before Tuesday.
- Residents who are unable to meet these time constraints for any reason should ask a neighbor for assistance. Work or travel obligations are not acceptable excuses for putting items out earlier or taking bins in later than specified.

#### **General:**

- All trash and recyclables should be placed in the county-provided bins or in sturdy lidded containers owned by individual residents.
- All trash and recycling containers must be permanently labeled with residents' house numbers using markers, paint stencils, or stickers.
- Residents should not place trash or recyclables in their neighbors' bins without asking permission. Such action could inconvenience neighbors who might have need to add last minute waste only to find no room in their own bins.
- If a resident chooses to use plastic bags in lieu of lidded containers, those bags must be heavy duty and tightly closed in order to minimize the possibility of being torn open by wildlife or storms and garbage being strewn throughout

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the neighborhood. If the bags are torn open, the resident is responsible for cleanup and subject to fine if not done promptly.

- Residents are not permitted to discard bags of excrement from walking pets or other debris in containers that remain in the front of homes after trash collection. Such refuse should be placed in residents' own containers.
- Dumping yard waste, trash, and pet excrement in the common areas or in the surrounding parkland is illegal. Violators will be reported to Fairfax County and may be fined.

**Trash:**

Household trash should be placed in bags before placing in a trash bin.

**Recyclables:**

- Items for recycling should be placed loosely in the county-provided bins. Bundling recyclables in plastic bags makes them harder to process.
- Cardboard boxes that do not fit in the recycling bin should **must** be flattened. Failure to do so may result in the boxes not being collected.
- Please note that any glass placed in curbside recycling bins, while accepted, will be sorted out and disposed of in landfills. Residents wishing their glass to be crushed and reused may take it to the nearest purple glass-only drop-off container located behind the Mount Vernon Government Center at 2511 Parkers Lane.

**Yard waste:**

Unsecured yard waste will not be collected during a regular pickup.

- Grass, leaves and brush should be placed curbside in closed plastic or paper bags separate from other waste.
- Branches no larger than 6 inches in diameter may be tied in bundles no longer than 4 feet in length and no heavier than 50 pounds.

**Special collections:**

- A special pickup is required for bulk items such as televisions, computers, other electronics, furniture, large appliances and unsecured yard waste. Limitations on types and quantities of such materials eligible for special collection may be found on the Fairfax County Waste Management website ([fairfaxcounty.gov/publicworks/recyclingtrash/county-collection-customers/special-pick-up](http://fairfaxcounty.gov/publicworks/recyclingtrash/county-collection-customers/special-pick-up)). Residents should read and are responsible for following all rules pertaining to special collections as found on that site.
- Special pickups are made on Mondays - the same day as regular trash collection. Residents must schedule special pickups by 2:30 p.m. Sunday for pickup the next day. This can be done on-line at [specialpickup.fairfaxcounty.gov](http://specialpickup.fairfaxcounty.gov) (or by calling 703-802-3322 before 4:30 p.m. on the previous Friday).
- Items for special pickup should not be placed at curbside until the evening before the pickup is scheduled. (See Section 5.5.1.1.a.) Be advised that any



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objects placed under tree branches or too close to cars, or otherwise without sufficient clearance, will not be removed.

**Missed or partial collections:**

If trash, recycle, waste or special items are not collected for any reason, residents must remove the items within 24 hours after the pickup would have taken place. *Residents may not leave items at curbside for the following week's pickup.*

*Free giveaways:*

Residents may not leave any items marked for “free giveaway” anywhere in First River Farms, including on Tis Well Drive or Holland Road, except when put out for special pickup on Sunday evening. Residents disposing of furniture or other items that might be of use to others may want to announce these items on social media with a specific address and time that prospective takers can pick them up from the home or backyard.

**5.5.2 Snow Removal**

**County-owned streets:** The Virginia Department of Transportation (VDOT) is responsible for snow removal from Tis Well Drive and Holland Road.

**Common streets and sidewalks:** The HOA contracts for clearing snow from Clifton Farm, Carter Farm, Cedar Landing and La Faye Courts, and all common sidewalks throughout the community.

- Contracted snow removal is initiated when snow accumulation reaches 2 inches. If snow is not removed from common streets and sidewalks within 12 hours, residents should notify the management company.
- In order to avoid damage to parked vehicles, the contractor will plow only the middle of the street leaving several feet of snow as a buffer. Residents will need to clear that snow.

**Private walkways and assigned parking spaces:** Residents are responsible for clearing the walkways, steps and porches from the common sidewalk to their front doors. They are also responsible for clearing their assigned parking spaces, including the areas between and behind parked vehicles. Residents are encouraged to check with any neighbors who may need assistance with these tasks.

- Residents should clear the snow from their walkways, steps and porches as soon as possible, as they are liable for all damages incurred by anyone who injures him/herself on private property.
- When clearing private walkways and parking spaces, residents must ensure that snow is not deposited on common streets or sidewalks, or on neighbors' walkways or parking spaces even if those parking spaces are vacant. Shoveled snow should be deposited only on the residents' own lawn or on common grassy areas, and should not block access to fire hydrants or mailboxes.

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- Residents may elect to use one of their assigned spaces for snow shoveled from their own walkways, vehicles and/or other space. No one but the resident to which the space is assigned can use it for shoveled snow without express permission from the resident. snow shoveled into a homeowner's parking space must not hinder access to neighbors' adjacent spaces.

**Snow removal and visitor parking spaces:** Snow removed from walkways and assigned parking spaces may not be shoveled into any designated visitor parking spaces. Despite inclement weather, contractors and other service providers, as well as family and friends, still need access to these spaces.

**Snow removal and fire hydrants and mailboxes:** Fire hydrants and mailboxes are not cleared as part of the HOA's snow removal contract. In order to provide safety for the entire community, residents are encouraged to clear paths to these areas when they are shoveling their own walks and parking spaces.

### 5.5.3 Domesticated Pets and Non-domesticated Animals/Birds

#### Domesticated Pets

Pets are important family members and welcomed in our community as are other domesticated animals such as ferrets, fish, and fowl, to name a few. And just as we have rules and regulations to govern other aspects of our community, there are rules and regulations for our domesticated animals. Additionally, Fairfax County has laws regarding our pets.

- Pets must be on a leash at all times while outside unless they are in their owner's enclosed back yard. All dogs (and cats) four months of age or older must be vaccinated against rabies. In accordance with Fairfax County regulations, dog owners must purchase dog licenses for all dogs four months of age or older.
- The County authorizes the Department of Animal Control to pick up animals, in addition to dogs, that are running at large if they are creating a public nuisance and/or threatening public safety or health. Dogs and cats are prohibited from running unrestricted at all times. First River Farms rules and regulations do not allow cats to be off leash nor allow residents to have "outside" cats. Further, if an unleashed cat looks ill, is trespassing or creating noise violations, Fairfax County Animal Control is authorized to catch and remove it from our community.
- Domestic pets are not allowed in the playground areas. This allows for a healthier, more sanitary, play area for our children with the absence of any pet urine and feces. Pets are not allowed, leashed or otherwise, in the enclosed tennis/basketball courts.

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- Pets should not be allowed to trespass onto the property of other residents. Pet owners will be held responsible for damage to landscape and/or other property items caused by their pets.
- Pet owners should only allow their pets to use their own yard and the common areas along our sidewalks to relieve themselves. The county-maintained path behind Carter and Clifton Farm Courts is another area that is acceptable.
- At all times, anyone walking pets **MUST** pick up their pet's feces and dispose of it properly on their property. It must be double bagged. It is NOT acceptable to dispose of your pet's waste in someone else's trash container, nor is it acceptable to have receptacles for their waste visible from the common sidewalk, parking lot and/or street. Citizens may report infractions of these regulations to the Fairfax County Police Department's Animal Services Division at (703) 691-2131. A picture of the culprit is helpful. **Pet owners who violate these county animal regulations may, for example, incur penalties of up to \$250 in fines.** Additionally, a picture with pertinent information can be sent to the First River Farms Management company and the procedures that address violations will be followed.
- The First River Farms Declaration states that "no animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats, or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose." Fairfax County limits the number of dogs allowed per square foot of property. Based on the square footage of townhomes in First River Farms, no more than two dogs are allowed.

### Non-Domesticated Animals/Birds

**Wild Animals:** Residents are not allowed to tame, capture, harbor, or feed wild animals on their property or Association property.

**Feral Animals:** Residents are not allowed to tame, capture, harbor, or feed feral animals on their property or Association property.

**Birds:** Residents are not allowed to tame, capture, or harbor wild birds on their property or Association property. Residents may utilize only bird feeders, and only on their property, to feed birds; none is allowed on common grounds.

- Due to the size of most front yards in FRF, only one bird feeder or one bird house or one bird bath is allowed in a resident's front yard.
- Owners may submit a request to the Board of Directors for additional bird feeders to be located in front yards.
- At any time, if complaints are received, for example, because of bird droppings on a neighbor's porch or hand railing, or seed or husks being dropped that can

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attract rodents, the Board of Directors shall rule on any need to move the bird feeder, bird house, bird bath's location, rule on changing the size, or rule to eliminate a front yard bird feeder, bird house or bird bath altogether. This will be on a case-by-case basis.

- Residents must be mindful of, and are responsible for, cleaning the area under a feeder or bird house of excessive amounts of bird droppings, seeds and husks. This will need to be done on a regular basis in order to discourage vermin and ants.
- These same *general* guidelines apply to bird feeders, bird houses, or bird baths in backyards, enclosed or open, with the understanding that if complaints are received from neighbors, the Board of Directors shall rule on those complaints.
- The spreading of bird feed or any type of food in a resident's yard (front and back) is prohibited. The same practice is prohibited on Association property. This method draws vermin and other unwelcome creatures which creates a health and safety hazard. A picture of the violation sent to the Management Company with pertinent information will be addressed accordingly to the owner of the property.
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#### 5.5.4 Play Activities

##### Play Activities

- Residents are responsible for the activities and behavior of their family members (and those of any guests) at all times and are liable for any damage to landscape or physical property that may be caused by such activities.
- Playground activities should in no way encroach on neighbors' properties without their express permission.
- Common sidewalks cannot be obstructed in such a way to prevent them from being used by pedestrians.
- Using chalk to draw on sidewalks is permitted only on a resident's own front walk.
- Drawing with chalk or any other substance on common sidewalks, roads or curbs, or on any building structure is prohibited.
- Playing in the street and adjacent parking areas is prohibited.
- Any type of ball playing is restricted to the playgrounds to prevent pedestrian and vehicular accidents and possible damage to parked cars and other property.
- Tree climbing and otherwise playing in gardens and bushes in common areas and on neighbors' properties is strictly prohibited.
- Playing is allowed in common areas, but not to the obvious or potential detriment or damage to the property (e.g. carving on trees, hanging on or breaking branches, digging, etc.) Any temporary, posted restrictions to common property are to be observed and respected for the improvement of our property.

##### Recreational Areas

- The playground in the common area bordered by Tis Well Drive and Carter Farm Court is open to all residents and their guests.
  - Residents who border the access points to this playground must keep paths clear and open, so as not to impede access.
  - Residents are responsible for the activities and behavior of their family members and guests on the playground at all times.
  - Jumping off swings, slides, benches, and the jungle gym is prohibited.
  - No pets are allowed on the playground at any time.
- The playground located near the tennis courts behind Clifton Farm Court, as well as the path and wetlands access that runs behind Clifton Farm and Carter Farm

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Courts belongs to Fairfax County, so it is not under the jurisdiction or liability of First River Farms. Residents using this playground, using the path, or accessing the wetlands must abide by rules governing the use of county parkland.

- The pool and tennis courts are the property of the River Farms Conservancy and are shared with our neighbors in Briary Farms. All residents must abide by any and all Conservancy rules that govern the maintenance and use of these recreational areas. Please contact the Conservancy's Board of Directors with questions, comments or complaints. The Conservancy is a separate entity from the HOA.

### 5.5.5 Fireworks

For the safety of our families, neighbors and homes, storing and using fireworks within the community is strictly limited.

#### Fairfax County Law

- Any firework that explodes, emits a flame or sparks higher than 12 feet, or performs as a projectile is prohibited by law in Fairfax County, so may not be stored or ignited anywhere in the First River Farms community. This prohibition includes but is not limited to firecrackers, cherry bombs and skyrockets.
- The use of fireworks of any kind is prohibited without a permit on any public land within the county. For First River Farms, this includes Holland Road, Tis Well Drive, and county parkland behind Clifton Farm and Carter Farm Courts.

#### First River Farms

- Fireworks permitted by county law that do not emit sparks more than 5 feet in height or diameter may be used within the community (see the Fire Marshall's page on [fairfaxcounty.gov](http://fairfaxcounty.gov)). Such fireworks may include sparklers, snakes and small fountains.
- Use of allowable fireworks is restricted to the resident's own sidewalk and front yard. Fireworks such as sparklers, snakes and small fountains may not be used in any common areas (streets, parking areas, mailboxes, walkways and playgrounds).
- When using fireworks, residents should keep a reasonable distance from nearby houses, vehicles, and combustible materials (overhanging tree limbs, bushes, mulch, fences) to guard against setting a fire or damaging neighbors' property.
- Any debris resulting from the use of fireworks must be cleaned up immediately.

The HOA Board of Directors reserves the right to ban all fireworks within the community during periods of drought when dry conditions exist.

Fireworks should be stored in a cool, dry place.

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### 5.5.6 Fire Prevention

Homeowners and residents are responsible for taking all appropriate precautions to prevent fires that may damage their own homes and those of their neighbors. These include, but are not limited to, the rules and guidelines on storage and use of Barbeque Grills, Smokers, Firepits and Outdoor Heaters (Section 5.3.10) and Fireworks (Section 5.5.5), as well as the following.

*Smoke alarms and carbon monoxide detectors:*

- All homes must be equipped with working smoke detectors in accordance with Fairfax County building code. (Specifications may be found at [fairfaxcounty.gov](http://fairfaxcounty.gov).)
- While not required by law (nor by the HOA via these rules), it is highly advisable that all homes with gas furnaces, gas appliances, and/or wood burning fireplaces be equipped with working carbon monoxide (CO) detectors on every floor. (For guidelines, refer to Fairfax County Fire and Rescue's Carbon Monoxide Alarm Program at [fairfaxcounty.gov](http://fairfaxcounty.gov).)
- Homeowners must service, repair or replace any malfunctioning smoke alarms and/or CO detectors in a timely fashion. For rental properties, absentee landlords are required by law to do so within five days of written notice from the tenant.

*Outdoor burning:*

- Open fires (i.e. fires where the fuel being burned is not contained within a grill, smoker or firepit) are not permitted within the community.
- Burning of trash or yard waste, even if contained within a metal receptacle, is prohibited.
- In-ground roasting of meat or any other food is prohibited.
- Residents are responsible for properly extinguishing and disposing of any burning material (cigars, cigarettes, matches, charcoal or wood embers, etc.)
  - Smoldering materials should be doused in water and thoroughly cooled before depositing in a covered metal can or other suitable, noncombustible container for further disposal.
  - Allowing debris from previously burned materials to accumulate in open piles, even if within an enclosed backyard, is strictly prohibited.
- Open flames (such as from candles, oil lamps, decorative torches, etc.) must not be located on or near any combustible material.

*Hazardous materials:*

- Storage and use of explosives are strictly prohibited.

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- Residents are responsible for the proper storage and use of any hazardous chemicals, combustibles and flammable liquids according to manufacturers' guidelines, as well as applicable state and county codes. Homeowners will be liable for any damage resulting from negligence or oversight.
  - Within the home, combustibles and highly flammable liquids (e.g. paint, aerosols, motor oil, etc.) should not be stored in any room with a gas flame (furnace, water heater, clothes dryer).
  - If outside storage is recommended or required, hazardous materials should be secured in such a way as to prevent fires, explosions or other accidents.
- Residents are responsible for the proper disposal of hazardous materials. Items not accepted for Fairfax County trash removal should be taken to the I-95 Landfill in Lorton. (Guidelines and other details for disposing of hazardous materials may be found at [fairfaxcounty.gov](http://fairfaxcounty.gov).)

**5.5.7 Noise and Nuisances**

**General Noise**

Any noise that can easily be heard in another person's home with the doors and windows closed between 10 p.m. and 7 a.m. Sunday through Thursday, and between 11 p.m. and 8 a.m. on Fridays, Saturdays and any day before a federal holiday is prohibited in First River Farms. (These restrictions are similar to those specified in Fairfax County's noise ordinance that can be found at [fairfaxcounty.gov](http://fairfaxcounty.gov).)

- Residents should be mindful of any activity or noise made by their families, guests or employees that may disturb or interfere with the rights, comfort or conveniences of their neighbors. When such activities and/or noises are expected, residents should notify in advance all neighbors who may be affected, and adjust their plans as needed, if requested.

**Cannabis (by Board resolution on xx/xx/xxxx) Should Board resolutions be separate documents on the website with simply a reference in the rules and regs?**

Cannabis in Virginia is legal for medical use and recreational use. Any use of cannabis in First River Farms must be inside the lot owner's home. Its use is strictly prohibited outside on decks, back or front yards, common property and the community's private roads. As Virginia's marijuana laws continue to evolve, it is important for residents to stay informed about the latest regulations and updates.

**Drones (by Board resolution on xx/xx/xxxx) (Another option is to put this with Security Cameras and make that section a broader Security and Privacy section.)**



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The airspace around Washington, DC. is more restricted than in any other part of the country. There is an existing prohibition against flying any type of unmanned aircraft without specific approval around the District of Columbia, cities, towns, and airports.

First River Farms is one of many surrounding communities of Washington, DC in which drones are prohibited. First River Farms is in a No Drone Zone and, consequently, drones are not allowed. This drone restriction applies to commercial and personal use. Anyone flying a drone within the designated restricted areas may be subject to civil and criminal charges.

#### ***Reporting noise and nuisances***

- Specific incidences of excessive noise or disturbing activities should be reported to the Fairfax County Police for immediate resolution.
- Repeated incidents of excessive noise or disturbing activities should be reported to the HOA's Management Company.

#### **5.5.8 Solicitation and Yard Sales**

##### ***Door-to-door soliciting***

- Solicitation for the purposes of selling a commercial product or service door-to-door for profit is prohibited. This prohibition includes leaving notices on front doors and cars, and putting up signs anywhere in the community. In addition, such solicitation by individuals who do not reside in First River Farms may be considered trespassing, and those individuals may be asked to leave the community.
- Solicitation for the purposes of not-for-profit fundraising, such as food drives, disaster relief, Girl Scout cookie sales, Boy Scout projects, etc., is allowed.
- Solicitation for the purposes of political campaigning is allowed.

##### ***Yard sales***

The HOA holds one community yard sale each year, normally the weekend following the annual homeowners meeting in May. Notice of the sale date with starting and ending times will be sent to residents via email and posted to the HOA website a few weeks before the scheduled date.

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- Advertising for the annual yard sale will be provided by the HOA, and directional signs will be placed around the neighborhood on the day before and the day of the sale.
- Residents may display items for sale in their front yards, assigned parking spaces, or in common areas along Tis Well Drive. Common sidewalks and roads within the community must be kept clear.
- Unsold items must be returned to residents' homes within two hours after the sale has ended.
- Any resident wishing to hold an independent yard sale outside of the annual HOA-managed event must obtain prior approval from the Board of Directors.

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Is list needed here if this info already provided in the table of contents?

**APPENDIX A: EXTERIOR DESIGN CHANGE APPLICATION FORM**

**APPENDIX B: AUTHORIZED COLORS: THE FIRST RIVER FARMS PAINT PALETTE**

**APPENDIX C: TREES, SHRUBS, AND GROUND COVER**

**APPENDIX D: EXTERIOR RAILINGS**

**APPENDIX E: FRONT DOOR HARDWARE**

**APPENDIX F: HOUSE NUMBERS**

**APPENDIX G: LIGHTING FIXTURES**

**APPENDIX H: DECKS**

**APPENDIX I: SPECIAL RULES FOR SATELLITE DISHES & ANTENNAS**

**APPENDIX J: RULES VIOLATION COMPLAINT FORM**

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EXTERIOR DESIGN

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**SAMPLE**  
Download form from HOA website to complete.

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# SAMPLE

Download form from HOA website to complete.



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**APPENDIX B**  
**AUTHORIZED COLORS – THE FIRST RIVER FARMS PAINT PALETTE**  
**THE FIRST RIVER FARMS PAINT PALETTE**



**CURB APPEAL**  
exterior accent palette



Colors may vary in actual use due to area, sheen, surface, application or lighting.

10406 Tucker Street, Beltsville, Maryland 20705

1304898 10/06

**Note: The appearance of the colors in this scanned image are not identical to the actual palette. A copy of the palette may be borrowed for a short period of time from the Management Company.**

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## APPENDIX C

### TREES, SHRUBS, AND GROUND COVER

#### Trees

Below is a list of good choices for trees in our community. For further choices, see the Virginia, Dept. of Forestry listing of native trees.

- American Sweet Gum
- Black Gum
- Dawn Redwood
- Green Giant Aborvitae
- Leyland Cypress
- Northern Catalpa
- N. Red Oak
- Pink Dogwood
- Pin Oak
- Sycamore
- Star magnolia
- Tulip Poplar
- White Kousa Dogwood

#### Shrubs

Below is a list of good choices for shrubs in our community. Va.Tech has many recommendations. These will thrive in our community.

- Abelia
- Azalea, all varieties
- Burfordii Ilex (Holly)
- Euonymus Americanus
- Hydrangea, Arborescens, Oakleaf, Macrophylla
- Laurels, Skip and Otto Luykens
- Laurel, Mountain
- Mahonia
- Meyer Lilac
- Rhododendron, PJM and all of the other varieties
- Rosa Rugosa
- Spiraea
- Viburnum, all varieties

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**Ground Cover**

The Following are suggestions for acceptable ground cover to plant in areas where grass does not grow well.

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## Appendix E

### Front Entry Door Hardware

As with all other architectural elements found in the community, front entry hardware should be compatible with the colonial or traditional style of the original appearance.

When possible, homeowners should purchase replacement hardware in "sets" rather than individual items to eliminate a mismatched appearance.

All hardware items must be the same finish. Acceptable finishes are listed in Section 5.2.4. should we repeat list here? Most styles come in a variety of finishes.

The examples shown in this appendix are intended as a guide and do not represent all options. However, prior to purchasing replacement hardware, homeowners should submit an ARC application for approval of their choice of style and finish.

#### Keyed Entry Locks

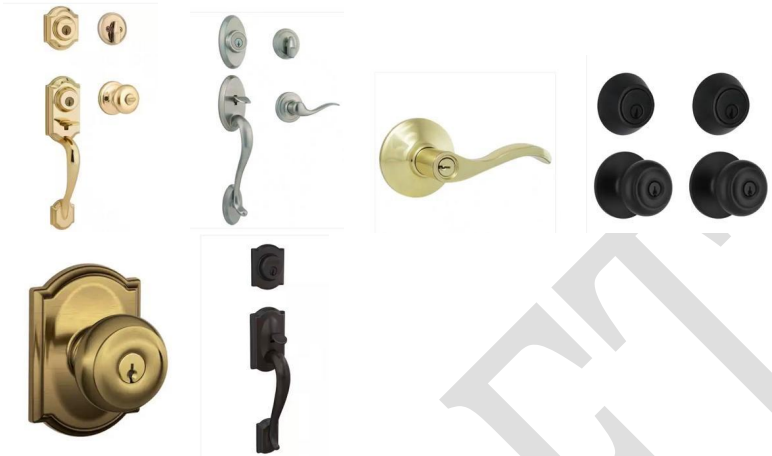
The following styles of entry door hardware are compatible with the architectural design of FRF and would be approved by the EDC for installation.

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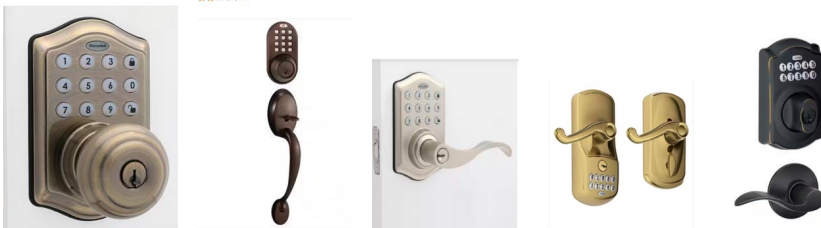


The examples of keyed entry locks below are not compatible with the colonial design and would not be approved for use.



### Keyless Entry Locks

The following examples would be acceptable for installation.



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The following keyless designs are not compatible with the colonial style of the community and would not be approved.



### Front Door Knockers

As explained in Section \_\_\_\_\_, door knockers are not required. However, if replacement knockers are desired, they, like all other front-entry features, must retain the colonial style and a harmonious appearance in the community. The examples below represent a guide for homeowners as they select new knockers. Peep holes should coordinate with the door knocker.

The following door knockers are compatible with the architectural design of the community.



The examples shown below are not compatible with the architectural design of the community and would not be acceptable.

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**APPENDIX J  
First River Farms Homeowner's Association  
RULES VIOLATION COMPLAINT FORM**

Instructions:

If you would like to report a violation of the community rules or file a complaint, do the following:

1. Be sure to do your best to resolve the situation, neighbor to neighbor. Most problems can be solved by simple courtesy and communication.
2. The Management Company is the focal point for community complaints with regard to rules violations. Management Company contact information is available on the FRF website if you have questions on how to file this form.
3. Anonymous complaints will not be considered. Your identity will be protected by the Management Company and will not be released in a public forum by the Board of Directors without your permission. The Board of Directors is the review and adjudication authority for complaints.
4. Fully complete the information below and mail, email, or fax the form to the Management Company.

YOUR NAME: \_\_\_\_\_

YOUR STREET ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

A. What is the origin of your complaint? (CHECK ALL THAT APPLY)

River Farms Resident       Landscaping or Maintenance Services       Other

B. Please provide specific details of your complaint. Be sure to include the date, time, location, and detailed description of the incident or incidents. Additional sheets may be used as required.

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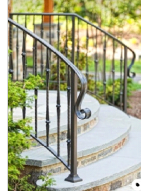
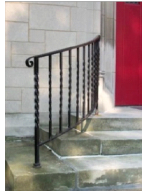
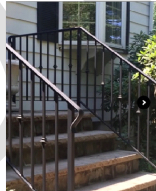
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## APPENDIX D EXTERIOR RAILINGS

### Important considerations for replacing or adding exterior railings to a home:

- Iron railings gained a place early-on in America's architectural design. Many of our First River Farms homes incorporate metal handrails as part of principal entrances and should maintain the colonial motif.
- Staircase falls are a leading cause of injury, especially among seniors, so homeowners should be aware of the dangers posed to family and guests as well as potential legal liabilities that could result from an out-of-Code staircase or railings.
- Repairs and/or upgrading of residential stairs may generate the need to update and bring into Code compliance not only the stairs but also the attached railings. Steps constructed as part of the home's original design are unlikely to meet current applicable Code standards.
- All Virginia localities are mandated to enforce the Virginia Uniform Statewide Building Code (USBC) that currently requires handrails on not less than one side of each flight of stairs with four or more risers.
- The following represent examples of exterior metal railings that complement the architectural design of First River Farms homes and would be acceptable additions to porches, stairs, and walkways or replacements for railings already installed. This selection is intended as a guide for homeowners and is not meant to be all inclusive. However, choices should be relatively unadorned. Wood or composite materials are not permissible. Posts should be vertical.



The following railing styles are **not compatible** with the neighborhood architectural design.





**APPENDIX H  
DECKS**

**Insert deck appendix here**

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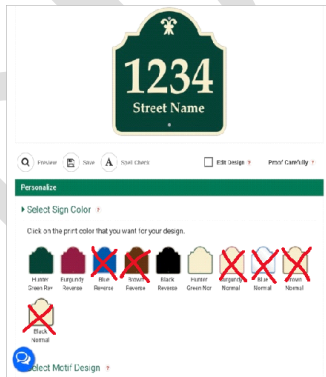
## APPENDIX F HOUSE NUMBERS

The following styles of house numbers are compatible with the architectural design of FRF and would be approved by the EDC for installation.

The original house number design remains the preferred style:



Also Acceptable are traditional numbers in traditional fonts and some metal plaques:



Colored plaques must match the trim color of the house. Only black, green, red, and cream plaques are permitted. **Please be advised that a future change in paint color would require the replacement of the house number plaque.**

**These styles would not be compliant with FRF rules.**

- Vertical numbers
- Modern or contemporary designs
- Rustic
- Painted or carved wooden signs

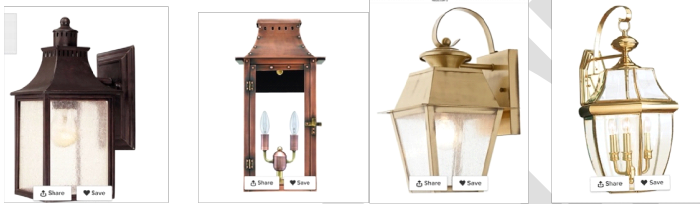


- Ceramic tiles
- Backlit numbers

**APPENDIX G  
LIGHTING FIXTURES**

**Exterior Lighting Fixtures**

Lighting Fixtures are an important enhancement to homes. They should coordinate with the architectural design of the community. The images below represent a few examples of looks that complement First River Farms' colonial style. These are not intended to be limiting but rather to provide a guide for homeowners updating their front exterior lights. Permitted metallic finishes include gold, black, brass, antique brass. Painted finishes are not allowed.



**Fixtures Attached to exterior wall beside door frame**

**Overhead Fixtures Centered above door**

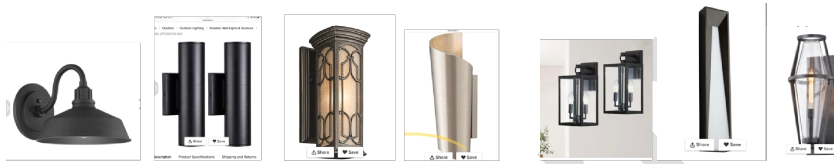
**Hanging**



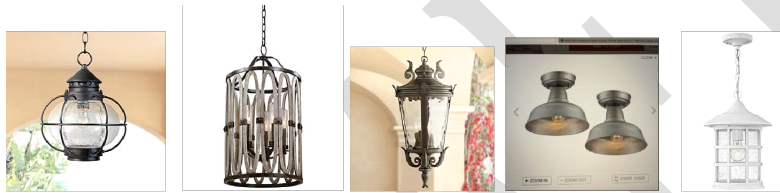
**Flush Mounted**

Below are examples of lighting fixtures that **do not complement** the colonial design of FRF and would not be approved for installation. Like the acceptable styles above, these are meant to guide homeowners but are not a complete list of styles not in keeping with the original neighborhood design.

**Wall Mounted**



**Hanging**



**Flush Mounted**



**APPENDIX J**  
**SPECIAL RULES FOR SATELLITE DISHES & ANTENNAS**

**Definitions**

*Antenna-* any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multi point distribution services (MDS). A reception antenna that has limited transmission capability for the viewer to select or use video programming is a reception antenna, if it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

*Mast-* Structure to which an antenna is attached and raises the antenna height.

*Transmission- Only Antenna-* any antenna used solely to transmit radio, television, cellular, or other signals.

*Owner-* any homeowner in the Association. For the purpose of this rule only, owner includes a tenant who has the written permission of the homeowner/landlord to install antennas.

*Telecommunications Signal-* signals received by DBSA, television broadcast, and MDS antennas.

**Installation Rules**

*Antenna Size and Type.* DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.

MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.

Antennas designed to receive television broadcast signals, regardless of size, may be installed.

Installation of transmission-only antennas are prohibited. For example, no HAM radio antennas.

All antennas not covered by the FCC rule are prohibited.

**Location**

Antennas shall be installed solely on individually owned property as designated on the recorded deed.

Antennas may not obstruct a driver's view of an intersection or street.

If acceptable, quality signals may be received by placing antennas inside a dwelling, without unreasonable cost increase, then outdoor installation may be prohibited.

Antennas shall not encroach upon common areas or any other owner's Property.

Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

An owner will follow the plan set by the Association for placement of antennas as stated in the survey accomplished by a professional company, and attached herein.

#### **Maintenance**

Owners shall not permit their antennas to fall into disrepair or to become safety hazards.

Owners shall be responsible for antenna maintenance and repair.

Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

#### **Safety**

Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.

Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within ten feet of power lines (above ground or buried) and in no event shall antennas be placed where they may come into contact with in electrical power lines.

All installations must comply with all applicable codes.

In Order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.

Antennas are required to withstand winds of 80 mph, and shall be designed to withstand the pressure of snow and ice.

### **Installation**

Antennas shall be neither larger nor installed higher than is necessary for reception of an acceptable-quality signal.

All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of building on common areas or lots.

Owners are responsible for all costs associated with the antenna, including but not limited to costs to:

- Place (or replace), repair, maintain, and move or remove antennas;
- Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use.
- Pay medical expenses incurred by persons injured by antenna maintenance, or use.
- Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.

### **Number of Antennas.**

No more than one antenna of each provider may be installed by an owner.

### **Mast Installation**

Mast height may be no higher than necessary to receive acceptable quality signals.

Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concern posed by wind and the risk of falling antenna masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify these safety risks.

A licensed and insured contractor must install masts.



Masts must be painted the appropriate color to match their surroundings.

Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.

Masts shall not be installed nearer to electric pole lines than the total height of the mast and antenna structure above the roof.

Masts shall not encroach upon another owner's lot or common property.

Masts installed on the ground must sustain a minimum of 80 mph winds.

Masts must be designed to withstand the weight of ice and snow.

#### **Notification Process**

Any owner desiring to install an antenna must complete a notification form and submit it to the Board of Directors, c/o the management agent. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.

If the installation is other than routine for any reason, owners and the Board of Directors must establish a mutually convenient time to meet to discuss installation methods.

#### **Installation by Tenants**

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the notification statement.

#### **Enforcement**

If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard through the Association's Due Process Resolution. If the court of FCC determines that the Association rule is enforceable, the Association may assess charges of \$50 for each violation or \$10 per day for a continuing violation. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

If antenna installation poses a serious, immediate safety, hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

### **Severability**

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

### **Antenna Camouflaging**

Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.

Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable costs.

Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is in contact.