

# **HAYMARKET SQUARE HOMES ASSOCIATION**



**A GUIDEBOOK FOR HOMEOWNERS AND RESIDENTS  
REVISED SEPTEMBER, 1998**

## A GUIDEBOOK FOR HOMEOWNERS AND RESIDENTS

**WELCOME TO HAYMARKET SQUARE**, a townhouse community. This guidebook provides information about living in Haymarket Square and the rules and regulations of the **HAYMARKET SQUARE HOMES ASSOCIATION** that govern the community. The guidebook is a supplement to the legal documents the owner receives when a townhouse is purchased. It also is designed to inform renters of their rights and responsibilities.

Homeowners and residents are urged to be familiar with the contents of the guidebook and to keep it as a ready reference.

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## WHAT IS HAYMARKET SQUARE?

Haymarket Square is a townhouse community that is a part of the planned unit development (PUD) known as Hethwood. As indicated in your property deed, each **HOMEOWNER** is automatically a member of both the Hethwood Foundation and the Haymarket Square Homes Association. **ALL RESIDENTS** (owners and renters) are expected to abide by the rules and regulations of both associations.

Homeowner associations are a sort of mini-government operating under a set of legal documents. The majority rules. Individuals in the community must abide by what the group wants as long as it conforms to the laws of the Commonwealth and the legal documents of the Association.

Hethwood has a two-layer association system. The over all or "umbrella association" is the **Hethwood Foundation**. It maintains certain architectural controls over the PUD and is responsible for the maintenance of the community recreation facilities such as the swimming pools, tennis courts, clubhouses, etc.

**Haymarket Square Homes Association (HSHA) is the private, non-profit association that governs the townhouse community and administers the budget for the maintenance of the common areas and the exterior of the townhouses.**

Automatic membership in the two associations should not be confused with voluntary membership in civic or social groups. **Membership is a legal obligation to pay for one's share of the expenses incurred by the associations in operating and maintaining the facilities.**

### **Assessments and Dues**

Homeowners receive semi-annual billings for dues and assessments from Haymarket Square Homes Association for the periods May 1 to October 31, and November 1 to April 30. The Hethwood Foundation bills its dues annually, usually in May. Each association sends a separate statement. Dues payments should not be combined.

A late charge is assessed monthly for unpaid dues. Currently the HSHA late fee is \$25 per month until all fees are paid. Payment must be postmarked by the last day of the month in order to avoid a late fee assessment.

The bill for the semi-annual assessment is sent to the last name on record. **Late fees will not be waived because the Association was not notified of a change in ownership or the address of the owner.** It always is wise for new owners to call both Associations to make sure that the records have been updated.

Liens may be placed against deeds for failure to pay the annual assessments. The costs of collection are added to the assessment and late fees. Attorney's fees and the costs of collection range from \$75 to \$350 depending on the type of legal procedure required. Action to collect unpaid dues results in a publicly recorded lien being placed against the property.

## WHAT DOES HAYMARKET SQUARE HOMES ASSOCIATION DO?

The major responsibility of the Association is to protect the investment and enhance the value of the property owned by the members. These obligations include:

- Economical and reasonable maintenance of the exteriors of the townhouses and the common areas.
- Collection of the annual dues assessment.
- Development of a budget and annual assessment that will support the actual present cost of maintenance and provide reserve funds for future planned improvements.
- Swift and judicious enforcement of the master regulations.
- Facilitate effective communications among the members.

There are some things the Association does not do. It is not a political organization that attempts to influence outside issues and elections. On rare occasions, HSHA may become active on an issue that affects the property values or quality of life in Haymarket Square.

## WHO MANAGES HAYMARKET SQUARE HOMES ASSOCIATION?

Haymarket Square Homes Association (HSHA) is a non-profit corporation administered by a nine (9) member Board of Directors elected by the homeowners. Each board member serves a three (3) year term. Terms are staggered for continuity, with three (3) new board members being elected each year at the annual meeting. The Board fills vacancies during the year, usually from the non-elected candidates at the most recent annual meeting, or from other individuals who have expressed interest in serving on the Board. **You do not have to be a homeowner to serve on the Board of Directors.** Board members are not paid, but may be reimbursed for out of pocket expenses on behalf of the Association.

The Board of Directors elects the association officers. Committees are appointed as needed. Anyone may serve on a committee.

The Board contracts for day-to-day management and maintenance with a property management firm. Currently Appalachian Management Company manages HSHA.

**Board of Directors Meetings** – The HSHA Board meets monthly, usually on the fourth Monday at 7:00 p.m. at the Huntsman Community Building. Anyone is welcome to attend the meetings and to submit agenda items. Contact the Management Company for more information or to place an item on the agenda.

**Meetings of the Membership** – The BY-LAWS require the Association to hold an annual membership meeting. The annual meeting is held in October, usually the last week of the month. Each household whose dues are paid in full is entitled to one vote at

the annual meeting. Items that may be discussed and voted upon at the annual meeting include: Proposed major capital improvements, the budget for the next fiscal year, election of three (3) Board members, and any other concerns of the homeowners.

Called meetings of the membership may be held throughout the year to address specific problems. Written notification of meetings must be sent to all homeowners in compliance with the BY-LAWS.

**Permanent Address of the Association** – Written communication is an excellent way to document ideas, complaints, requests, etc. The Association's permanent mailing address is

Haymarket Square Homes Assoc.  
P. O. Box 10192  
Blacksburg, VA 24062-0192

**(NOTE: This address is a postal box. Items cannot be hand delivered to it.)**

### **COMMUNICATIONS: MAKING YOUR VOICE HEARD**

Communications within any organization is vital. The key to a successful Association is the enthusiastic support of the membership. Communication is a two-way process, and residents (owners and renters) can become involved by:

- Reading the newsletter.
- Complying with community rules and standards.
- Attending the Annual Meeting and special called meetings. If you cannot attend in person, mail in your proxy.
- Volunteering to serve on a committee, or running for election to the Board of Directors. You do not have to be an owner to serve on the Board of Directors.
- Attending the monthly Board meeting and voicing your ideas and concerns. All meetings are open to the public.

**Newsletters** – The HAYMARKET HERALD is the newsletter published by the HSHA Board of Directors to keep residents and owners informed about Board actions, neighborhood happenings, problems, etc. The HSHA newsletter is delivered to all residents and mailed to absentee owners. The Hethwood Foundation also publishes a monthly newsletter, the HETHWOOD HOORAH, which includes information on recreation and other activities sponsored by the Foundation. The Hethwood Foundation newsletter is mailed to all residents.

### **Neighborhood Watch**

The HSHA Board voted to endorse the concept of the national program of Neighborhood Watch to confront various problems that have resulted in harm, damage, loss and

destruction to property belonging to homeowners, renters and the Association. This is an organized program, administered in cooperation with the Town of Blacksburg Police, where residents provide watchful care to their own property, as well as the property of others in the neighborhood. A telephone number (961-1150) is provided by the police to report a) unusual activities, b) suspicious persons doing suspicious activities, c) outright destruction and vandalism, or d) any other type of questionable activities. Neighborhood Watch is not a vigilante group. It does provide extra eyes and ears for reporting crimes and helping neighbors.

Anyone can participate in Neighborhood Watch. The HSHA Board has a Neighborhood Watch Committee that acts as coordinator of the program. Both renters and homeowners can serve as Block Captains. Call the Management Company for the names and telephone numbers of the coordinators and block captains, or to volunteer.

### **UNDERSTANDING THE MASTER REGULATIONS**

When any group of people share property, rules must be established for its use. These rules and their enforcement are essential for the preservation of property values. **HSHA is regulated by the following documents listed in order of legal precedence:**

**ARTICLES OF INCORPORATION** establish the Association and its purpose, structure, and powers under Virginia law. (Recorded at the County Clerk's office)

**DECLARATIONS AND COVENANTS** for both Hethwood and Haymarket Square detail property rights and conditions applicable to the use of the property for each owner as well as the owner's rights and obligations in each of the Associations. (Recorded in the County Clerk's office)

**BY-LAWS** for both Hethwood and Haymarket Square establish the Associations' operating rules, the Board of Directors, officers, committees, and the membership meetings. (Recorded at the County Clerk's office)

**ARCHITECTURAL STANDARDS, RESTRICTIONS AND PROHIBITIONS FOR RESIDENTIAL PROPERTY** for both Hethwood and Haymarket Square control the overall appearance of the Hethwood planned community. The purpose of the standards is to assure that the integrity of the community's original design is preserved. (Recorded at the County Clerk's office)

Additions or changes in the Hethwood standards are regularly published in the **HETHWOOD HOORAH** newsletter. All Hethwood standards apply in Haymarket Square in addition to the standards that are designed strictly for Haymarket Square townhouse community.

The HSHA standards are included in this guidebook. The Hethwood standards are available from the Hethwood Foundation office. All homeowners should have copies of all of each of the Associations' documents. Copies are included in the disclosure packet when a unit is purchased.

## **HAYMARKET SQUARE ARCHITECTURAL STANDARDS**

The HSHA Board has developed architectural standards, grounds maintenance standards, and landscaping guidelines for Haymarket Square. Homeowners should contact the Management Company before making any changes to the exterior of their property. Any exterior changes, including extending a patio fence, installing a storage shed, changing trim paint colors, installing a fireplace, wood-burning stove, replacement windows, or a satellite antenna must be approved by the HSHA Architectural Controls Committee **before construction begins**. In the case of satellite antenna, the Hethwood Foundation must also approve.

This list is not all-inclusive, but rather is provided as an explanation of the governing BY-LAWS and DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS of the Hethwood Foundation and the Haymarket Square Homes Association. The HSHA Board votes on all variances recommended by the Architectural Controls Committee.

Requests for architectural changes should be submitted in writing to the Management Company who will forward the request to the Architectural Controls Committee. The request should contain the following information: Description and scale drawing of what is planned, materials to be used, acceptance of financial liability for maintaining the change, and any agreements reached with neighbors.

Please use the standards listed in this guidebook when planning to make changes or additions. If what you want to change is not listed in the guidebook, **call the Management Company for information on how to proceed.**

### **Fences**

HSHA standards are as follows:

- The rear wall of the patio fence may be extended a **maximum of 24 feet** from the rear of the townhouse, provided the extension does not violate property lines. Notification to the Management Company is required prior to any extensions.
- Downspouts and splash blocks must be extended with the fence so that water from your property does not drain onto your neighbor's property.
- Any fence extensions must use **exactly the same height and type of fencing materials as the existing fence**. Call the Management Company if you are having trouble finding matching materials.
- Exterior surfaces of the fence may not be painted or stained. **Exterior surfaces may be waterproofed using a clear water proofing sealer. Using a sealer will prolong the life of the fence.**
- Back fences may not be removed, and gates should be closed at all times.

Maintenance of the patio fence is a homeowner responsibility. The common or party fence between adjoining units is the responsibility of both owners, and it is their responsibility to negotiate how and when the common fence is repaired or replaced.

### **Storm - Screen Doors and Storm Windows**

OSHA standards are as follows:

- Combination storm-screen doors are permitted if the door's color is harmonious with the exterior colors of the townhouse, or it is painted to match one of the exterior colors. (NOTE; Bare aluminum is not acceptable. Vinyl-clad doors and windows come in a variety of colors. A white door does not harmonize if white is not one of the exterior colors on the townhouse. Owners are encouraged to purchase a door that harmonizes with the existing colors on the townhouse, or a door that can be painted to match.) Call the Management Company for paint color code numbers.
- Storm doors and windows must contain either safety glass, Plexiglas, or a screen at all times. No empty frames allowed.
- Owners are responsible for replacing cracked or broken glass and Plexiglas panes and torn screens in both windows and doors.
- Owners will be required to replace doors or windows with bent frames, and broken or missing sections.

### **Regulations for Adding Gas or Wood-burning Heating or Cooking Devices, including Fireplaces**

Some sections of Haymarket Square were built with access to natural gas. The townhouses in these sections have gas furnaces and gas water heaters, and some even have gas fireplaces. Also there are townhouses with wood-burning fireplaces. The other sections of Haymarket Square are all electric.

Occasionally a homeowner will want to change from gas to electric appliances and vice versa, or will want to add a fireplace or a stove. Regulations for adding gas or wood-burning heating or cooking devices, including stoves, fireplaces, and fireplace inserts, were developed because these devices **can constitute a fire hazard for a whole row of townhouses**. In some cases, adding one of these devices may negate fire insurance coverage on every house in the row.

The Board of Directors discourages installation of any additional wood-burning devices in Haymarket Square because of the health problems caused by the smoke from the existing wood-burning devices in the Hethwood area. A catalytic converter is required in order to gain approval for any new installation. (Policy adopted 3/16/87)

The approval procedure is as follows:

Installation:

- A written request must be submitted through the Management Company to the Architectural Controls Committee. The request should contain the following information:
  - Location in the townhouse where the device is to be installed
  - All clearances from combustibles
  - Materials to be used
  - Design blueprints and a picture (if possible) of the model to be installed
  - Manufacturer's specification for installation
  - Proof of Underwriters Laboratory Certification or equivalent safety certification
- The homeowner will submit the plans to the Blacksburg Building Inspection Department and obtain a building permit for any new chimney construction (after tentative approval by the Architectural Controls Committee).
- A licensed heating or electrical contractor should do the work.
- The homeowner will have the construction approved by the building inspector before and during construction, as well as after it is completed.
- All fees for building permits or inspections are to be borne by the homeowner.
- The homeowner will notify the Association when the construction is complete, and a designated representative of the Association will inspect the completed project.
- The homeowner may choose to have a third party present at all inspections.
- The homeowner will notify their insurance company of the additions or changes.

Maintenance standards:

- The chimney should be cleaned annually to remove the buildup of hazardous materials in the flue. This is imperative for safety.
- Periodic inspection of the full system by a representative of the fire department is imperative for safety reasons.
- The Association has the right to require periodic inspections by the fire department or a building safety expert chosen by the Board in order to protect the safety of the neighborhood. Such inspections will be at the homeowner's expense.
- The homeowner will be required to upgrade or remove any device if it is determined that it is unsafe.

### Installation of Antennas (Satellite Dishes)

The **Telecommunications Act of 1996** permits residents of planned communities to install direct broadcast satellite, television broadcast, and multipoint distribution service antennas on individually-owned property. The Association, under this new FCC rule, is allowed to enforce rules relating to the means, method, and location of installation, as long as these rules do not prevent, unreasonably delay, or unreasonably increase the cost of antenna installation, maintenance, or use, or preclude the receipt of an acceptable quality signal. The new law does not allow residents to install antennas on common areas.

You should be aware that antennas must be properly located and installed to receive an acceptable quality signal. Therefore, you are advised to ensure that good reception is possible before purchasing equipment, signing any agreement for rental of equipment or subscription to any telecommunication service. The new law does not give you the right to violate your neighbors' property in order to get an acceptable signal. You must have your neighbors' permission to place an antenna on the common wall.

The Haymarket Square Board is using The Hethwood Foundation Addition to Architectural Standards Concerning Installation of Antennas (Satellite Dishes) as its guide for all installations in Haymarket Square since the Hethwood Foundation is the umbrella association. Specific issues of concern are safety, liability, and cooperation with neighbors. **Before** installing any antenna, you should notify both the Hethwood Foundation and Haymarket Square Homes Association. Request a copy of **The Hethwood Foundation Addition to Architectural Standards Concerning Installation of Antennas (Satellite Dishes)** and read it thoroughly. You must complete the **Notice of Intent to Install an Antenna** and file copies of the notice with both the Hethwood Foundation and Haymarket Square Homes Association. The "Notice" form is available at the Hethwood Foundation office (552-5252). Also HSHA requires a signed Statement of Responsibility." This form is available from the Management Company.

### Decorative Plantings and Ornamental Fixtures

HSHA standards are as follows:

- All plantings in front of the townhouse are the responsibility of the homeowner or resident. **Only ornamental shrubs and flowers, not vegetables, may be planted. Plants that violate this rule will be removed.**
- Plantings should not extend more than 6 feet from the exterior walls or patio fence.
- Any plantings made outside of the front bed, outside of the patio fence, or at the side of end units should be approved by the Grounds Maintenance Committee and are subject to annual review. Request to make such plantings should be submitted through the Management Company.

- Any plantings outside the patio fence or in front of a townhouse that are not maintained (i.e. weeded, pruned to maintain shape and size, etc.) will be removed by the Association and the owner will be billed for the removal.
- No ornamental structures such as birdbaths, milk cans, figurines (example: pink flamingos, whirligigs, etc.) are allowed on the stoop, steps, front lawn, or outside the patio fence.
- Flower boxes may be attached to the front of the townhouse if their color and design are harmonious with the exterior of the townhouse. Maintenance of the flowerboxes and the surfaces to which they are attached is a homeowner responsibility.

### **Ivy and Other Vines**

While vines can be very attractive, they can also damage the surfaces to which they attach themselves – surfaces the Association is obligated to maintain. Therefore, the following policy has been instituted regarding all types of vines.

HSHA standards are as follows:

- Vines growing on the exterior surfaces of a townhouse are permissible only if they are controlled. The vines must not be allowed to encroach on neighboring townhouses, trees, sidewalks, mailboxes, gas meters, shrubbery, etc.
- The owner of a townhouse with any type of vine growing on or near the exterior surface must be willing to assume financial responsibility for any injuries or damages to people or property caused by said vines and any subsequent repairs to the owner's townhouse or neighboring properties.
- A signed statement affirming willingness to assume liability for damages must be on file with the Association.
- When a townhouse that has vines growing on it is sold, the liability for any damages will be disclosed to the new owner. The new owner will be given the option of removing the vines rather than assuming responsibility for them.

### **Front Entrance and Patio Maintenance**

HSHA standards are as follows:

- Removal of weeds from the shrubbery and flowerbeds is a homeowner responsibility.
- No items (toys, shoes, rugs, towels, grills, bicycles, trash containers, recycling bins, etc.) should be left outside the patio fence, on the front steps or stoop, on the sidewalk, or behind the shrubbery. The Management Company will confiscate items violating this rule.

- Bicycles and pets may not be chained to the trees, shrubbery, or the stoop and step railings.
- The patio area should be kept free of weeds and the grass should be mowed as often as needed to keep the grass and weeds less than 12 inches in height.
- Trash, indoor furniture, appliances, boxes, etc. should not be allowed to accumulate in the patio. Such accumulations create rodent and insect problems.
- The Town of Blacksburg's vacant lot standards will be applied to grass, weeds, trash, etc. inside the patio (i.e. no grass or weeds taller than 12 inches. Accumulated trash must be removed.)

### Signs

OSHA standards for homes are as follows:

- External signs may display either address or name. Display of house numbers is encouraged.
- Numbers on signs should be less than 4" in height, and letters less than 3".
- Colors on signs should match one of the exterior colors on the townhouse.
- No lighted signs are permitted.
- The American Flag may be displayed using proper flag etiquette. No decorative banners or flags are permitted.

### PETS

**All pets should be under the direct control of their owners at all times!** Pets that are allowed to run loose create problems that are costly and offensive. They sometimes attack other people and their pets, they defecate and urinate against trees, shrubs, in flowerbeds, etc.; they tear open trash bags, and scatter garbage. All of these actions ruin the looks and quality of life of the neighborhood. Cleanup after pets by Management Company personnel adds to the expense of maintaining the neighborhood.

**Owners are liable for any animal causing damage, a nuisance, or a health problem.** See Article X, Section 7 of the BY-LAWS and DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

**Town law requires the use of a leash on all dogs when they are not within a fenced yard.** Dogs should be walked away from yards and the playgrounds, and the person walking the dog should carry suitable equipment to cleanup after the pet.

Loud or continuous barking is a violation of the Town 's noise and leash laws. Dogs left alone often bark, especially dogs left alone in the patio area. A barking dog can frighten children and adults walking in the neighborhood, and the noise disturbs the neighbors.

When pets (dogs and cats) are identified as running loose, fouling lawns or flowerbeds, scattering trash, or otherwise bothering the neighbors, the owner of the property where the pet resides will be charged for any cleanup done by the Management Company (HSHA policy).

Pet problems should first be brought to the attention of the animal's owner(s). If this fails to correct the situation, contact the Montgomery County Dog Warden (382-2951), the Blacksburg Police (961-1150), or the Montgomery County Commonwealth's Attorney (382-1431). Stray animals should be reported to the Montgomery County Dog Warden. Protect your pet, your neighbors, and yourself. Don't allow your pets to run loose. Do not tie a dog anywhere outside the patio. The concern is not only for the damage to trees, shrubs, railings, etc., but also for the safety of people, especially small children, walking and playing in the neighborhood.

#### **GARBAGE COLLECTION AND CURBSIDE RECYCLING**

The Town currently picks up garbage and recycling on Fridays between 8:00 and 8:45 a.m. Put your garbage and recycling containers at the curb in front of your townhouse the morning of collection. The general guideline is the Town will not pick up items unless they are in a garbage can or garbage bag.

**PLEASE WAIT UNTIL FRIDAY MORNING TO PLACE YOUR GARBAGE AND RECYCLING AT THE CURB, AND TAKE THE EMPTY CONTAINERS BACK INSIDE YOUR TOWNHOUSE OR PATIO BY FRIDAY EVENING.** Neighbors should not have to look at garbage cans, garbage bags, or recycling bins any time except Friday mornings.

If you feel you must put the garbage out the night before, it **MUST** be in a can with a tight fitting lid. Animals (dogs, skunks, rats, opossums, raccoons, and cats) will tear garbage bags open and scatter the contents.

Please make arrangements for a neighbor to put your garbage out when you are planning to be away on the regular collection morning. Also, ask them to take your garbage and recycling containers back inside your patio or townhouse. Please **DO NOT** use the Foxridge dumpsters, the trash cans on the playgrounds, or the common area sections of Cambridge Road for disposal of household garbage.

It is a violation of the Architectural Standards to store garbage cans and recycling bins on the front stoop, steps, behind the shrubbery, or any other place outside of the townhouse or outside of the patio. Garbage and recycling containers left outside will be confiscated.

The Town will not pick up large items such as broken furniture, old mattresses, tree limbs, or old tires with the regular garbage on Fridays. Residents need to make

arrangements to take large items to the County landfill, or arrangements can be made with the Town for a special pickup. Currently the cost is \$20 per load for a special pickup. The Town does pick up large items free of charge one day per month during certain months and during Spring and Fall Clean Up Campaigns. The schedules for special pickup days are published in the local newspapers.

If the Association must remove items not picked up during regular garbage collection, including scattered garbage, trash, or containers that have been left out, the owner of the items will be billed for the cleanup including labor and the landfill charges.

#### **HAYMARKET SQUARE PARKING POLICY**

- There are **two (2) numbered parking spaces** per townhouse no matter how many or how few vehicles the residents own.
- No one may park in another resident's parking space without expressed permission. **Residents (homeowners and renters) have the right to enforce this parking policy.** Any resident may initiate the towing of a vehicle violating their parking spaces by calling TEKOW, INC. at 951-4304. HSHA has a contract with TEKOW, Inc. for towing at the vehicle owner's expense.
- No one has permission to park in a fire lane, double park, or block the parking lots in any way. The Town police or TEKOW, Inc. should be called to tow offending vehicles.
- Parking is permitted on Cambridge Road in accordance with Town ordinances. **GUESTS** should be directed to park on Cambridge Road unless the residents are willing to park on Cambridge Road in order to leave their reserved spaces open for their guests. This is especially important when residents have parties. Do not use your neighbor's parking spaces unless the neighbor has given permission.
- **No commercial vehicles, campers, motor homes, boats, or trailers may be parked in any part of Haymarket Square for more than 24 hours.** Such vehicles that are left parked for more than 24 hours can be towed at the vehicle owner's expense. Owners should arrange for storage at one of the numerous commercial storage facilities in the area.
- **All vehicles parked in Haymarket Square on a continuing basis must have current license plate decals, a current Town decal or its equivalent, and they must be operable.** Vehicles in violation of this policy should be reported to the Management Company.
- **The Town of Blacksburg's abandoned vehicle law will be enforced.** Vehicles with out-dated license decals and vehicles that have been parked in the same space (either in a numbered parking space in a court or on Cambridge Road) for more than 7 days without being moved should be reported to the Town police or the

Management Company. The police and the Management Company can both follow up to determine if the vehicle is abandoned and have it removed.

- Parking the wrong direction (against traffic) on Cambridge Road is a violation of Town traffic ordinance. You can be ticketed,
- **No parking or driving is allowed on the sidewalks or grass.**
- **No repair of vehicles, including changing oil, is allowed on the sidewalks, on the grass, or in the parking lots.** If any of these activities are observed, the violators will be billed for the damage done (i.e. oil spills, ruts in the lawn, damaged sidewalks and curbs).

### **NOISE AND OTHER OBNOXIOUS BEHAVIOR**

In a community as densely populated as ours individuals must be careful not to infringe on their neighbors' rights to quiet, order, and safety. Haymarket Square was not designed for, nor can it tolerate, large gatherings. Loud noise at any time disrupts the neighborhood, and this is especially true between 10:00 p.m. and 8:00 a.m.

Litter thoughtlessly dropped by residents or their guests, detracts from the overall appearance of the community, can be a safety hazard, and cleanup is costly. Bottles, drink cans, snack wrappers, cigarette butts, etc. belong in a garbage can, not in the parking lots, on the lawns, on the sidewalks, or behind the shrubbery.

**A little forethought by each resident can help eliminate most of the behaviors that disturb the neighbors. Here are some HELPFUL HINTS that work:**

- Place stereos, radios, and TV sets against an inside wall, not a common wall, so that sound traveling through the walls will not disturb the neighbors on either side of you.
- Have parties inside the house, not on the patio. Keep party noise inside the townhouse by closing the windows and doors. Running the air conditioner helps block noise. For information on the Town Noise Ordinance, call the Town Clerk's office (961-1147).
- If you decide to have a party, have a guest list and stick to it. Open houses seem to get out of hand.
- Enter and leave your townhouse quietly. Ask your guests to go straight to their cars and to leave. Sound echoes on the courts! Slamming doors and loud talking can disturb the entire block. Sounding horns, except in an emergency, is offensive and unnecessary.
- Please drive slowly as you enter and exit the courts or drive on Cambridge Road so as to not endanger people, pets, or other vehicles. This is a family neighborhood, please watch for children!

- Do not litter your yard, your neighbors' yards, or the common areas and remind your guest not to litter.
- Keep your possession inside the townhouse or patio fence. Leaving your garbage can, recycling bin, or bags of trash out on non-garbage collection days detracts from the appearance of the neighborhood and irritates the neighbors. Leaving garbage cans, recycling bins, etc. on the street, behind the shrubbery or on the front stoop or steps is also highly objectionable. Store these items inside your townhouse or patio fence.
- Be sure to keep any pets under control and cleanup after them. "Dog poop" is the number one continuing complaint from neighbors.

### **HANDLING OBNOXIOUS OR OFFENSIVE BEHAVIOR**

The following procedure has been developed for dealing with residents who continually violate the rights, privacy, and quiet enjoyment of their fellow residents. It is a step-by-step process designed to help neighbors resolve problems among themselves rather than bringing every problem to the HSHA Board. **The Board becomes involved in the process only after the resident demonstrates that he or she has made some effort to resolve the problem.**

You should try the following steps before asking the Board of Directors to take action:

- Talk to the person(s) causing the problems or disturbance. Often people simply are not aware that their actions are offending their neighbors. A friendly discussion may resolve the problem immediately and without further hassle.
- Report the problem to the Management Company, preferably in writing. Describe the problem, when it occurs, and any actions you have taken to resolve it. The Management Company will contact the offender, either by telephone or by letter, to request that the offending behavior stop. The Management Company may consult with the police, the HSHA Board, the outside property management company if the offenders are renters, and the owner of the property.
- Report the problem to the Blacksburg Police Department - 911 (Emergency) or 961-1150 (non-emergency). This step is essential in case the problem persists and the Board needs to take legal action against the offenders and the owners of the property. The Blacksburg Police Department tells us that the information given will be kept confidential, although you will be asked to identify yourself when reporting the problem. Offender(s) will not have access to the information you give. Call as often as necessary to alleviate the problem. Don't assume that someone else has called. Calls from a number of people will get results faster.

If the steps listed above do not resolve the problem, the next step should be a formal letter to the Board of Directors. This letter should state:

- The nature of the problem, giving specific dates and the circumstances concerning the continuing obnoxious behavior; and
- The action(s) taken by the writer to resolve the problem, including copies of letters written, documentation of calls to the police, and the response of the offenders.

Upon receipt of your letter of complaint, the Board will appoint a committee to investigate the problem. The committee will attempt to talk with residents (owners and renters) who may have observed or been affected by the behavior, and report its findings to the Board. In compliance with **Section 55-513 of the Virginia Property Owners Association Act**, the Board will schedule a hearing. The Act entitles the offending parties to have legal counsel present, at their own expense, if they so choose. The Act also permits the Association the assessment and collection of costs for the hearing and any ensuing court action. Estimated attorney's fees for such an effort are \$500 to \$1000 per incident. Charges may be assessed against the property where the offender(s) reside in accordance with **Article X, Section 1 of the COVENANTS and BY-LAWS**.

**The Board of Directors wants all residents to know that they do not have to suffer from other residents' obnoxious behavior.** The procedure should not be abused, and the Board does not take legal action lightly, but will do so in order to maintain the safety and quality of life in Haymarket Square. The procedure has been used in the past to place a Peace Bond against noise offenders and to obtain a misdemeanor conviction, including damage assessment.

**Prompt Reporting is essential!** Don't let a situation continue more than a few days before deciding to report it. Also, report as often as necessary to alleviate the problem. Report persistent obnoxious behavior to the Management Company as well as to the police.

## MAINTENANCE – WHO IS RESPONSIBLE FOR WHAT?

Below is a quick reference list, for more information, call the Management Company. Also the MAINTENANCE POLICY gives detailed information.

<u>HOMEOWNER RESPONSIBILITIES</u>	<u>ASSOCIATION RESPONSIBILITIES</u>
<ul style="list-style-type: none"><li>-All glass</li><li>-Window and door screens</li><li>-Storm windows</li><li>-Storm doors</li><li>-Mailboxes</li><li>-Exterior light fixtures</li><li>-Exterior plumbing fixtures</li><li>-Flower boxes &amp; planters</li><li>-Patio fence &amp; gate</li><li>-Area inside the patio fence</li><li>-Trees inside the patio fence</li><li>-Flowers beds, trees, shrubs, etc. planted by the current or previous owners</li><li>-Repair of underground utility lines</li><li>-Insect extermination</li><li>-Snow removal from stoop, steps and individual sidewalk to the public sidewalk</li></ul>	<ul style="list-style-type: none"><li>-Repair or replace exterior surfaces including siding, trim, shutters, stoops, steps &amp; railings</li><li>-Paint exterior surfaces including front door, siding, trim, &amp; railings</li><li>-Roof repair and replacement</li><li>-Gutters, downspouts, &amp; splash blocks</li><li>-Common area clean-up and maintenance</li><li>-Playground equipment maintenance</li><li>-Master Landscape Plan implementation</li><li>-Grounds maintenance of common area, grass, trees, shrubbery, &amp; signs.</li><li>-Snow removal from parking lots, common and public sidewalks</li><li>-Sidewalk maintenance and replacement</li><li>-Street light maintenance</li><li>-General oversight of the community</li></ul>

## MAINTENANCE POLICY

Article VI of the BY-LAWS and DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS defines "Exterior Maintenance and Duties of Association" in very broad terms. Article VI states "in addition to maintenance upon the Common Area, the Association shall provide exterior maintenance upon each lot which is subject to assessment here under, as follows; paint, repair, replace and care for roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks, and other exterior improvements. Such exterior maintenance shall not include glass surfaces and patios."

Article VI also states that "In the event that the need for maintenance or repair is caused through the willful or negligent act of the owner, his family, or guests, or invites, the cost of such maintenance or repairs shall be added to and become a part of the assessment to which such lot is subject."

Article VI also authorizes maintenance personnel entrance upon any property. "For the purpose solely of performing the exterior maintenance required by this Article, the Association, through its duly authorized agents or employees shall have the right, after reasonable notice to the owner, to enter upon any lot or exterior of any Living Unit at reasonable hours of any day except Sunday."

All utilities and the Association and its agents have the necessary easements to perform maintenance work under Article IX Easements, Section 3: which states "There is hereby

reserved to the Association such easements as are necessary to perform the duties and Obligations of the Association as are here in above set forth in Article VI here of."

The HSHA Board of Directors manages the implementation of Article VI "Maintenance and Duties of Association." In accordance with the BY-LAWS, the Board "fixes the amount of the annual assessment against each lot" that pays for the maintenance. The level and quality of maintenance are determined by the level of dues that the homeowners are willing to pay.

Over time policies have been developed to facilitate the provision of maintenance on exterior surfaces in an equitable and cost effective manner and to keep the annual assessment (dues) at a reasonable level. The policies are as follows:

1. Homeowners and residents are responsible for reporting maintenance problems and concerns to the Association's Management Company.
2. The Association is responsible for exterior surfaces of the townhouses excluding all glass, storm doors, storm windows, patio fences, storage sheds, exterior lights, mailboxes, exterior plumbing, and the area inside the patio. The Association defines exterior surface as the outer shell of the structure that is visible to the naked eye. If the problem goes to the interior of the structure, it becomes either a homeowner's responsibility or a shared responsibility with the Association. (Example: window and door frames)
3. The Association had no control over the construction of the townhouses and was required by law to accept all newly constructed units, as is, into the Association. Therefore, the Association is not responsible for correcting materials or construction techniques of the builder. The Association will provide information to the Homeowner about how a problem should be corrected. The homeowner is financially responsible for correcting problems caused by original construction techniques or materials. The homeowner will be given the opportunity to have such problems corrected, at the owner's expense, if it is possible to do so during other maintenance being performed by the Association. (Example: incorrectly applied sub-roof)
4. Maintenance personnel routinely do ground level inspections of the common areas and the townhouses to identify exterior maintenance problems. Maintenance personnel will enter a patio or townhouse only under the following circumstances: (a) the homeowner or resident has requested the visit, and/or (b) the Management Company has made an appointment to examine a specific concern. (Example: water leak)
5. There are no central water or electricity sources for performing maintenance in Haymarket Square. Water from individual units may be used for flushing gutters, power washing, etc. with the homeowner's or resident's consent. Electricity from the unit may be used for external repairs on the unit with the homeowner's or resident's consent.

6. The Association is not responsible for maintaining improvements and additions made to a townhouse by the owner unless the Association agreed in writing prior to the installation. (Example: homeowner gets permission to install an exterior stoop railing, and the Association agrees to maintain the railing)
7. The Board may approve other improvements and additions if the homeowner is willing to take responsibility for all future maintenance costs. The homeowner will be required to sign a waiver releasing HSHA from maintenance responsibilities for the improvement or addition. (Example: addition of sheds, atriums, decking)
8. Homeowners and residents will be notified when a maintenance task is performed on a unit. (Example: shutter reattached) Homeowners and residents will be notified prior to major work such as painting, roofing, spraying pesticide, or spraying herbicide.
9. Each townhouse met all local and state building code requirements when constructed. Building code requirements are upgraded over time; however, neither the homeowner nor the Association is legally obligated to incorporate the upgrades into existing homes. Homeowner may wish to upgrade their properties and this is encouraged.
10. The HSHA BY-LAWS and COVENANTS require the Association to maintain liability insurance on the Common Areas. Homeowners are responsible for purchasing sufficient property insurance to protect their house and contents. The Association will not assume financial liability for repairs or replacements that are covered by the homeowner's insurance. If a homeowner chooses not to carry property insurance, the Association will not assume financial responsibility for exterior repairs or replacements that would be covered by insurance. (Example: vandalism, Acts of God)
11. The Association does not perform special repairs or replacements to help "sell" a townhouse. The Association will verify when a particular repair or replacement is scheduled to be performed on a given townhouse if the seller requests that this information be given to the buyer. (Example: roof replacement schedule)
12. The Management Company maintains a maintenance record on each townhouse. Homeowners may look at the file on their townhouse during normal business hours: Monday through Friday from 7:30 a.m. to 4:00 p.m. The Association will furnish one free copy of the running maintenance records on a townhouse. There is a minimal charge for photo copying individual work orders. The homeowner must submit written permission to the Management Company before any maintenance records will be released to an outside party.
13. Each outside contractor employed by the Association must furnish a current certificate of liability and Workers Compensation Insurance before any contract work is begun. (Example: roofing contractor, grounds maintenance contractor)

14. HSHA follows a prioritized schedule for the replacement of surfaces or items maintained by the Association. The annual planned improvements budget is based on this priority listing. The schedules may be adjusted by the Board of Directors; however, if homeowners want something replaced out of the planned rotation, then they will be required to pay for the materials and the Association will provide the labor. (Example: shutter replacement) The homeowner will be responsible for the total cost of the repair or replacement if an outside contractor performs the work. (Example: trim painting)

15. Under the policy voted by the membership in 1987, the Association pays the cost of reroofing based on the following definition:

**Reroofing** means removal of the old shingles, inspection of the substructure, drip edge, flashing, and ridge vent; repair or replacement of the drip edge, flashing, and ridge vent; putting on new roofing felt and new fiberglass shingles with at least a 25-year guarantee; and cleanup and disposal of the debris.

Any repairs or corrections to the substructure that are the result of original construction techniques or materials are the responsibility of the homeowner. The Association will have the repairs made at the time of the reroofing and will bill the homeowner for the cost of labor and materials.

At the time of reroofing, the homeowner will be given the option of having ice shield material added at the drip edge, and behind the gutters. The homeowner pays for the materials and the Association pays the labor costs. If ice shield material is added at any other time the homeowner bears all costs.

16. HSHA has a **Master Landscape Plan** for plantings, and the Board is implementing the plan, as funds are available. Homeowners are encouraged to help implement the plan by purchasing trees and shrubbery to be planted on their own property or in the Common Areas, providing such plantings are in harmony with the Master Plan. The HSHA Landscape Committee must approve all tree plantings including trees planted inside the patio fence. (Trees planted too close to the foundation of a townhouse can cause structural damage.)

17. **Snow Removal:** The Town of Blacksburg plows the snow from the public streets – Cambridge Road, Tall Oaks Drive, and Hethwood Boulevard. The Association clears the parking lots, the walks in the Common Areas, and the common walks in front of the townhouses **only** when there is an accumulation of four (4) or more inches of snow, and the snow has stopped falling.

**Residents, renters and owners alike, are responsible for clearing the walk from the front door to the public sidewalk in front of the townhouse within 24 hours after the snow stops falling. (Town Ordinance)**

A homeowner or resident can be held liable for injuries caused by their failure to clear a snowy or icy sidewalk, steps or stoop.

Mail carriers may decline to deliver mail to any townhouse that has not cleared a path from the sidewalk to the mailbox. (U.S. Postal Policy)

18. **Pruning of Trees and Shrubbery:** Homeowners may opt to trim the shrubbery on their property. All shrubbery and trees must be trimmed so that there is at least a one foot clearance between the shrubs or trees and the main structure, steps, or patio fence. Shrubbery must be trimmed from around gas meters to allow clear access to the meter at all times.

Any homeowner or resident who wishes to trim their own shrubbery is required to sign a waiver releasing the Association from responsibility for trimming. A new waiver must be signed each year. Renters must have permission from the owner to sign the waiver.

19. **Sidewalk Repairs:** The Association is responsible for the maintenance and replacement of the individual sidewalks from the front door to the street. The individual sidewalks to the townhouses in the 2700 blocks are constructed of brick. The individual sidewalks in the 2800 blocks are concrete. The Association will continue to repair brick walks with brick as long as the existing brick can be reused; however, due to the cost, brick walks will be replaced with concrete as the bricks deteriorate beyond reuse.

20. **Reimbursement to Homeowners for Some Repairs:** Homeowners may choose to do their own repairs and replacement of surfaces that are maintained by the Association. A homeowner may be reimbursed for the cost of materials, but not labor, under the following conditions: (a) the Board had approved the need for the work before it was undertaken, (b) the Board had approved the choice and cost of the materials to be used, and (c) the Board or its agent has approved the completed work.

If the homeowner chooses to use more expensive materials than the Association has designated as the standard quality to be used for the job, the homeowner will be reimbursed only the standard amount.

## **RENTING YOUR PROPERTY**

The Association operates on the principle that **OWNERS** are responsible for behavior of their tenants even though the owner may rent the property through a property management firm or independent contractor. The Association deals with owners, not their property management firm or independent contractor.

Tenants must follow the same rules and regulations as homeowners. They also have the same privileges of use of shared property except the right to use the Hethwood swimming pools unless the owner confers this right in writing. The Hethwood Foundation requires a new form be signed each year.

Tenants should be told that Haymarket Square is a family-oriented community with persons of all ages and occupations. Tenants should be made aware of their

responsibility to respect the rights of their neighbors to quiet at all times, and especially between the hours of 10:00 p.m. and 8:00 a.m. The owner should give the tenants a copy of the HSHA Guidebook and stress that the tenants must follow the rules of the Association.

An owner must notify the Association's Management Company if a property management company, an independent contractor, or other outside party is managing the property. Owners should notify the Association's Management Company whenever new tenants move into the unit. Names and telephone numbers of all persons living in the unit should be on file with the Association's Management Company so that they can locate a person in an emergency and to help facilitate follow-up on maintenance requests.

If a tenant behaves in an unacceptable manner (see obnoxious behavior), the Management Company will first contact the tenant to request cessation of the obnoxious behavior. Copies of letters sent to tenants will be sent to the owners and to the outside party managing the property. However, having outside property management does not relieve the owner of the responsibility for the actions of the tenants.

Blacksburg's residential zoning laws regulate the maximum occupancy of all dwelling units. In multi-family zones such as Haymarket Square, up to four unrelated individuals may legally reside in a townhouse. If a violation of the ordinance is suspected, call the Blacksburg Planning Department at 961-1114, and the Association's Management Company also should be notified. Town staff will investigate the matter and take steps to correct any violations.

## **SELLING YOUR PROPERTY**

The Virginia Property Owners Association Act (effective July 1, 1989) requires the SELLER to disclose to the buyer that the property is located in a development that is subject to the Act. The Association has developed a DISCLOSURE PACKET that complies with the requirements of the Act. The Act requires the SELLER, not the buyer, to request a DISCLOSURE PACKET from the Association. The request must be made in writing and accompanied by the appropriate fee. The Act allows the Association fourteen days in which to respond after receiving the request and fee. Disclosure Packets should be requested from the Association's Management Company. Failure to comply with the Act can be grounds for cancellation of a sale.

## **MISCELLANEOUS COMMUNITY INFORMATION**

Meeting Space for Parties – As a Hethwood resident you may rent the party rooms at the Huntsman or Briarwood Community Centers maintained by the Hethwood Foundation. Contact the Hethwood Foundation office (552-5252) for information on renting the community center facilities.

Cable TV – Cable service is desirable for good TV reception. The Hethwood COVENANTS, CONDITIONS AND RESTRICTIONS prohibit outside antennas other than a small (18 inch or less) satellite dish. Prior approval must be obtained from both the Hethwood Foundation and HSHA before installation begins. (See page 10)

Recreational Facilities – Hethwood Foundation maintains the recreational facilities and provides a monthly schedule of activities in the HETHWOOD HOORAH newsletter. All questions concerning use of the swimming pools, weight room, tennis courts, walking trails, or tot lots should be directed to the Hethwood Foundation office (552-5252).

School Buses – The school buses for the middle and high schools stop at several places on Cambridge Road. School bus schedules are published in the local newspapers at the beginning of the school year, or call the School Transportation Coordinator's office for information. Students attending Kipps Elementary School (grades K – 5) are expected to walk to school; therefore, the elementary school buses do not stop in Haymarket Square.

Public Transportation – Blacksburg Transit buses stops are on Hethwood Boulevard at the shopping center and on Tall Oaks Drive near the Foxridge Apartments. The bus schedule and ticket information is available from Blacksburg Transit at 961-1185.

#### IMPORTANT ASSOCIATION ADDRESSES

Appalachian Management Company  
P. O. Box 10878  
Blacksburg, VA 24062-0878

Haymarket Square Homes Assoc.  
P. O. Box 10192  
Blacksburg, VA 24062-0192

Hethwood Foundation  
750 Hethwood Blvd. #100H  
Blacksburg, VA 24060

#### IMPORTANT TELEPHONE NUMBERS

Emergency	911
(Fire, Police, and Rescue Squad)	
Appalachian Management Company	382-0584
(Haymarket Square Maintenance)	
Tektow, Inc.	951 - 4304
Blacksburg, Town of	
Blacksburg Transit (bus schedule)	961 - 1185
Fire Department (non-emergency)	961 - 1175
Public Works (clean-up schedules)	961 - 1145
Police	961 - 1150
Clerk of the Town	961 - 1147
Town Decals	961 - 1100
Town Manager	961 - 1130
Water, Sewer, Garbage Services	961 - 1119
Hethwood Foundation	552 - 5252
Montgomery County of	382 - 5700
Montgomery County Information and Referral	382 - 6700