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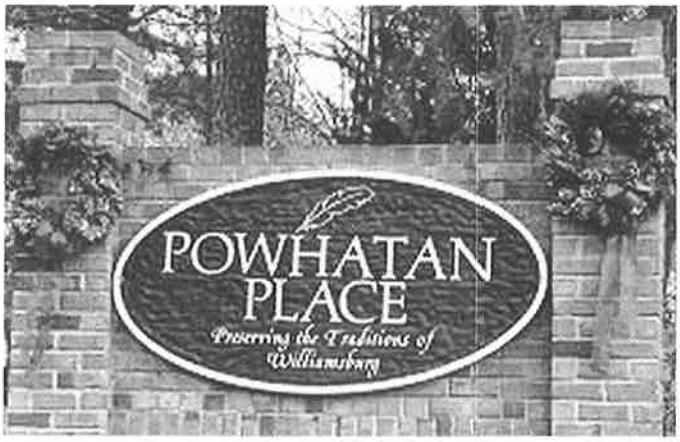
Powhatan Place

Community Rules and Regulations

Board Approved

September 30, 2025



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Section 1 – Introduction

1.1 Authority

Among the various applicable state and county laws, the *Virginia Property Owners Association Act* ("VPOAA") applies to all Common Interest Communities in Virginia. The *James City County (JCC) Code of Ordinances* applies at the county level.

The following documents govern Powhatan Place Homeowners Association ("HOA" or "the Association"):

- *Declaration of Covenants, Conditions, Restrictions, and Easements* collectively (the "*Declaration*"); any *Supplemental Declarations*, and any amendments,
- *Articles of Incorporation of the Association* (the "*Articles*"),
- *Bylaws of the Association* (the "*Bylaws*"),
- *Community Rules and Regulations (the "Community Rules"),*
- *Architectural Standards, and*
- *Board Resolutions*

The *Declaration* authorizes the Board of Directors (the "*Board*") to create rules to govern the Powhatan Place Community. The "*Articles*" incorporate the Association as a non-stock corporation under Virginia state law and define the Association's basic purposes and powers. The "*Bylaws*" contain provisions concerning Association operations, such as meetings, election procedures, and general duties of the Board. The *Powhatan Place Community Rules and Regulations* and the *Architectural Standards* are part of the Governing Documents.

In addition, "*Board Resolutions*" are formal statements that affect HOA policies and reflect Board decisions. "*Policy Resolutions*" affect Owner rights and obligations. "*Administrative Resolutions*" address the internal operations of the HOA. "*Special Resolutions*" record Board decisions that apply a policy to an individual situation, and "*General Resolutions*" record Board decisions regarding routine events.

1.2 Rules and Regulations

Article 6, Section 6.1 of the *Declaration* provides that "*From time to time, the Board of Directors may adopt general rules, including, but not limited to, rules relating to the use of the Property (including, but not limited to the Lots), and the well-being of Members, . . . All such Rules and any subsequent amendments thereto shall be binding on all Members and occupants of the Property, including their tenants, guests, and invitees, except where expressly provided otherwise in such Rules. Such Rules as adopted from time to time are herein incorporated by reference and shall be as binding as if set forth herein in full.*"

1.2.1 Powhatan Place Enforcement Policy

In addition to the contractual authority of the Board to adopt rules, as set forth in Article 6 of the *Declaration*, the VPOAA (Section 55.1-1819) authorizes the Board of Directors to adopt and enforce rules. To support compliance, the Board of Directors has approved Powhatan Place Policy Resolution 2021-02 "*Governing Documents Enforcement Policy,*" effective May 25, 2021.

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Important: As set forth in the *Governing Documents Enforcement Policy,* any communication about a possible violation of the *Powhatan Place Community Rules* or any other of the Governing Documents must be submitted in writing, by means of email or hand-written note, to the on-site HOA Property Manager or Board Member.

1.2.2 Amending the Rules

These *Community Rules* are tailored to meet the needs of Powhatan Place and may be amended from time to time by the Board. Preparing updates to these *Community Rules* can involve the collaborative effort of the HOA Board of Directors; an Ad Hoc Rules and Regulations Committee; the HOA Property Manager; the HOA Attorney; and HOA Members/Owners.

Note: Owners may submit recommendations for modifying the *Community Rules* in writing by means of email or hand-written note to the HOA Property Manager.

The Board will review all suggested and recommended updates to the *Community Rules*. When the rules no longer meet the needs of the community, the Board may appoint volunteer HOA Members to an Ad Hoc Rules and Regulations Committee, as necessary to amend, update, modify, repeal, or otherwise change these rules and regulations, subject to Board approval.

1.2.3 Definitions

Unless otherwise indicated, the terms used in these *Community Rules* shall have the meanings set forth in the Governing Documents (see Article 1 of the *Declaration*). In addition, unless otherwise indicated, the terms *"Owner" and "Resident"* shall have the following meanings as used in these *Community Rules*:

a. The term *"Owner"* refers to the record owner of the Lot or Dwelling unit. All *"Owners"* are *"Association Members."*

b. The term *"Resident"* applies to all non-owners who reside in the community.

Important: Owners are responsible for ensuring that all non-owners, visitors, and guests comply with the *Governing Documents* including these *Community Rules*.

1.2.4 Powhatan Place HOA Communications

Information can be disseminated to Powhatan Place Owners and Residents using the following methods:

a. **HOA Communications** – The Board of Directors manages HOA communications by means of an electronic mail (e-mail) system to share information with all Owners/Residents who have provided a current e-mail address. In addition, the HOA may use the U.S. Postal Service to mail letters to each Owner.

b. **Bulletin Boards** – The two cluster mailboxes in the community each have an enclosed bulletin board that can be used by all Powhatan Place Owners/Residents. Any notices must be placed inside the boxes and must be removed once the event or notice is no longer news.

Important: Community notices from the Board take precedence over other communications. The Board reserves the right to remove any notices, as needed. Any notices posted by Non-Owners or Non-Residents of the Powhatan Place Community will be removed.

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Section 2 – Common Areas

2.1 Common Areas in Powhatan Place

Powhatan Place is one of twelve (12) distinct neighborhood sections in Powhatan Secondary, a collection of custom-built single-family homes, cluster homes, townhouses, condominiums, and apartments. Powhatan Secondary is managed by the Powhatan Community Services Association (PCSA) which serves as the master Homeowners' Association (HOA) with several sub-associations. Powhatan Place Community Association (PPCA), Inc. is a sub-association under PCSA.

The Common Areas in the Powhatan Place Community border News Road, Lake Powhatan, and the Timber Walkway. All Common Areas within the community are identified on the Subdivision Plat referenced in Article 1 of the *Declaration*.

Common Areas shall also mean and refer to any drainage facilities. The walkway easement to the Nature Trail is not a part of the Powhatan Place HOA Common Areas; however, the Timber Walkway shall constitute a portion of the Common Areas, and the Timber Walkway shall be subject to an easement of ingress and egress for the benefit of PCSA and its members. The Powhatan Place Community Association owns and maintains the Timber Walkway.

> **Important:** PCSA Owners/Residents have access to the Nature Trail and Timber Walkway, and appropriate use of Powhatan Lake is dictated by the PCSA HOA rules.

2.1.1 Use of Common Areas

Common Areas are defined in Article 1, Section 1.2 of the *Declaration*: *"Common Areas" shall mean all real property, including the improvements thereon, owned by the Association for the common use and enjoyment of the Owners and designated on the Subdivision Plat referenced in the Declaration."* These Common Areas are maintained by the Powhatan Place HOA and may be used by the Owners/Residents of the Powhatan Place Community and their invited guests. The following rules apply:

a. **Use of Common Areas** – All Common Areas are available for use during reasonable hours. Owners/Residents must use the space responsibly and properly dispose of any trash incurred during use. Access to the Common Areas must be by means of the normal egress and ingress routes. For safety reasons, the use of Common Areas for sports activities is **NOT permitted**.

b. **Protecting Common Areas** – Placing signage of any type in Common Areas for any purpose *and/or* placing personal garden décor items or lawn ornaments in the Common Areas for any reason is **NOT permitted**. (Refer to the *Powhatan Place Architectural Standards.*)

c. **Owner/Resident Private Gatherings** – Any Owner/Resident who wants to host a private friend or family gathering in the Common Areas must obtain permission from the Powhatan Place HOA Board of Directors. After permission is granted, the Owner/Resident must post a notification on the community bulletin boards, detailing the date, time, place and type of gathering to provide the necessary communication to others in the community. The host Owner/Resident is responsible for properly disposing of any litter incurred during the gathering and must leave the Common Area in its original clean condition.

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Important: Homeowners who do not adhere to the rules of behavior and do not exercise responsible care of the Common Areas will be held accountable and billed by the Powhatan Place HOA for any expenses incurred.

1.2.2 Common Area Maintenance

The Powhatan Place HOA shall be responsible for the management, maintenance, improvement, care, operation, repair, renovation, replacement and control of the Common Areas and all improvements thereon, unless expenses were necessitated by the negligence or willful misconduct of an Owner/Resident or their tenants, agents, employees, or guests.

2.2 Community Parking

To provide a safe environment for Owners/Residents, visitors, and guests, as well as emergency vehicles, contractors, and service providers who enter the Powhatan Place Community, the Board of Directors has adopted a Policy Resolution to support compliance (reference Powhatan Place Policy Resolution 2010-3, *"Parking on Private Streets, and Enforcement,"* effective March 30, 2010):

a. **Responsibility** – The Owner/Resident is responsible and will be held accountable for the actions of guests and visitors while on the private streets and Common Area parking spaces of Powhatan Place Community Association.

b. **Violations** – Vehicles in violation of these Powhatan Place parking rules are subject to towing without notice. The Owner/Resident will be held responsible for towing and storage fees; and subject to Association penalties, as outlined in the VPOAA.

c. **Common Area Parking** – Parking is provided in Common Areas for service providers and guests who visit the community. The Board reserves the right to limit Owner/Resident-use of these Common Area parking spaces. Owner/Resident vehicles must be parked in their respective driveways and/or garages. Long-term parking of additional Owner/Resident vehicles in Common Area parking spaces is **NOT permitted**. (See also, Section 2.4.2 *Storing Junk or Derelict Vehicles*.)

2.2.1 Clearance for Emergency/Service Vehicles

James City County (JCC) classifies the residential streets in the Powhatan Place Community as *"private."* According to the JCC Fire Marshall and the Virginia State-Wide Fire Prevention Code Act, all private residential streets must provide a minimum clearance of twenty (20) feet to facilitate the movement and operation of emergency vehicles. The following rules apply:

a. **Emergency Vehicle Access** – To ensure safety and fast response, it is essential that emergency vehicles have complete and unimpeded access to all areas of Powhatan Place Community. Parking that interferes with emergency vehicle access or turning radius is **NOT permitted**.

b. **Daytime Parking** – Because private streets in the community are narrow, on-street parking is **NOT permitted**. To keep streets clear for emergency vehicles, Owner/Resident vehicles must be parked in their respective driveways and/or garages. Visitors, guests, and service providers may park in Common Area parking spaces in designated sections of the community.

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c. **Loading/Unloading** – Parking a vehicle on the street adjacent to an Owner/Resident home or driveway to load or unload items is permitted for a period of two (2) hours. While loading and unloading, the vehicle must be clear of any fire hydrant, must allow space for passing traffic and/or emergency vehicles, and must be removed as soon as loading/unloading is done.

d. **Overnight Parking** – On-street, overnight parking is **NOT permitted**. To keep streets clear for emergency vehicles, Owner/Resident vehicles must be parked in their respective driveways and/or garages. Visitors and guests may park in Common Area parking spaces in designated sections of the community.

2.2.2 Parking and HOA Limitation of Liability

Owners/Residents and guests, who park anywhere in the community, do so at their own risk. Nothing in these *Community Rules* shall be construed as to hold the Association and/or the Board responsible for damage to vehicles or the loss of property from parked vehicles. Owners/Residents and guests are responsible for their own vehicles, and the Association is not liable for any theft and/or damage incurred.

2.3 Street Safety

The following rules apply to street safety within the Powhatan Place Community:

a. **Child Safety** – Children are discouraged from playing in the streets due to incoming and outgoing traffic.

b. **Recreational Motorized Vehicles** – For safety reasons, the use of motorized scooters, motorized skateboards, "Big Wheel" tricycles, and/or any other motorized toy vehicles on community streets is **NOT permitted** (reference Powhatan Place Policy Resolution 2015-01, "*Motorized Toy Vehicles*," effective July 28, 2015).

c. **Common Areas** – Except for lawn mowers and other landscape vehicles authorized by the Association to maintain, repair, or improve the Common Areas, any other motor vehicles are **NOT permitted** to be driven on community trails, pathways, or unpaved portions of the Common Areas.

e. **Curbing and Sidewalks** – To prevent property damage, parking on curbing, sidewalks and adjacent grass areas is **NOT permitted**.

f. **Speed Limits** – Owners/Residents and guests must obey any posted speed limits, stop signs, and yield signs. A speed limit of 10 miles per hour shall be observed within the Powhatan Place Community.

2.4 Vehicle Maintenance / Storage

In accordance with the *Declaration*, Section 6.8, the following rules apply to vehicle maintenance and storage:

a. **Vehicle Routine Maintenance** – Owners/Residents **are permitted** to perform routine vehicle maintenance and minor repairs in their respective driveways and/or garages. Performing extensive vehicle repairs, extraordinary maintenance, or vehicle restorations on any Lot or in the Common Areas is **NOT permitted**.

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b. **Vehicle Waste Disposal** – Owners/Residents shall not cause or allow any toxic vehicle wastes or other material that would be harmful to the environment, inside or outside the boundaries of the Powhatan Place Community to be discharged into storm drains or on any Lot or community Common Areas. Owners/Residents must use James City County Hazardous Waste Collection services.

c. **Vehicle Storage** – Owner/Resident vehicles that require storage must be parked in a garage or stored in an off-site parking facility.

2.4.1 Storing Recreational Vehicles

Storing or leaving recreational vehicles on residential Lots, in Common Area parking spaces, in Common Area open spaces, or on residential streets within the boundaries of the community is **NOT permitted**. Any boat or trailer; motorhome; self-contained camper; slide-on camper or fifth wheel vehicle; or any pop-up camp/tent trailer or similar portable recreational vehicle or conveyance must be stored in a garage or an off-site parking facility.

2.4.2 Storing Junk or Derelict Vehicles

Leaving or storing junk or derelict vehicles in open view, on residential Lots, Common Area parking spaces, Common Area open spaces, or residential streets within the boundaries of the community is **NOT permitted.**

A vehicle shall be classified as "*junk*" or "*derelict*" if it is missing any parts necessary for operating the vehicle on public streets, such as, but not limited to, tires, wheels, engine, and so on. A vehicle shall also be considered "*derelict*" if it does not have a current state inspection sticker, or a current license, as required by state law.

2.4.3 Antique and Commercial Vehicles

The following rules apply to Antique and Commercial Vehicles:

a. **Antique Vehicles** – Vehicles that display a registered "*Antique*" license plate are exempt from the state inspection sticker requirements and must be parked in a garage or private driveway.

b. **Commercial Vehicles** – Any type of vehicle used by an Owner/Resident for commercial purposes, including but not limited to passenger cars, vans, and trucks, which may or may not display commercial signs, advertising, or visible commercial equipment, must be parked in a garage or private driveway.

Section 3 – Residential Areas

3.1 General Rules

Owners/Residents and guests in the community are expected to be considerate of others. The following general rules apply:

a. **Athletic Equipment** – Owners/Residents may use personal athletic equipment in private driveways, provided that the equipment is stored in their garage at night.

b. **Drones** – The use of drones on, around, or above Common Areas is **NOT permitted**. Owners/Residents who own drones must comply with the rules defined in Article 6.14 of the *Declaration*.

c. **Smoking and Non-Smoking Areas** – Smoking is permitted anywhere on an Owner/Resident Lot. Smoking of any type is **NOT permitted** on or around Common Areas.

d. **Soliciting** – Soliciting is **NOT permitted**. The community does not allow door-to-door commercial, sales, or other types of solicitation and canvassing, including placing solicitation materials on or under resident doors or inside mailboxes. Owners/Residents are asked to report evidence of soliciting to the HOA Property Manager.

e. **Timber Walkway** – Owners/Residents are permitted to enjoy the Timber Walkway. However, for safety reasons, sitting or standing on the walkway handrails and fishing from the Timber Walkway are **NOT permitted**.

f. **Trash/Recycling Collection** – Trash and recycling containers shall be placed outside Owner/Resident homes the evening before the scheduled collection day. Following collection, all trash and recycling containers must be stored in the homeowner's garage or returned to a visually screened area.

g. **Bulk Trash** – Owners/Residents are responsible for maintaining their Lots in a neat and clean condition, free from debris and unsightly accumulations. No outside storage of lumber, metals, or bulk materials of any kind, except building materials stored during the construction of any approved structure shall be permitted, and no refuse or trash shall be kept, stored or allowed to accumulate on any Lot. Owners must arrange with their contractor or a Trash Disposal Waste/Management company to remove any refuse.

3.2 Leasing a Residence and Disclosure

Residence leasing must conform to the applicable Virginia state and local laws and ordinances. In addition, no home in Powhatan Place can be leased unless the Owner complies with the requirements in *Article 6* of the *Declaration*. The following rules apply:

a. **Home Leasing** – No more than 12 homes in the Powhatan Place Community can be leased at any one time. All leasing requests are subject to Board approval.

b. **Owner Residency Requirement** – No Owners may lease their Dwelling Unit unless they have occupied the same as a primary residence for at least two (2) years. In its sole discretion, the Board of Directors may grant one or more hardship exceptions.

c. **Leasing Period** – No Lot or Dwelling Unit, or portion thereof, shall be used or occupied for transient hotel purposes or in any event leased for an initial period of less than twelve (12) months. No Lot or Dwelling Unit or any portion thereof shall be subjected to or used for any timesharing, cooperative, licensing, or other arrangement that would entail daily, weekly, monthly, or any other type of revolving periodic occupancy by multiple Owners, occupants, cooperators, licensees, or timesharing participants.

d. **Governing Documents and Disclosure Packet** – Owners can request the Property Manager to provide a rental packet containing all the rental policies, requirements, application forms, and other necessary documents. Owners can enter into a leasing agreement ***only*** after the Board has approved, all required documentation is completed, and all associated fees are paid.

e. **Leasing Documents/Fees** – Owners must provide the HOA Property Manager with payments for the "*Leasing Fee and Document Fee;*" a completed *"Tenant/Leasing Information and Acknowledgement Form;*" and a copy of the "*Leasing Agreement*" executed. Owners must provide these documents each time a leasing agreement is renewed.

f. **Lessee/Tenant Compliance** – Owners must provide the proposed Lessee with a "*Powhatan Place Information Packet*" that includes the Governing Documents and other information. Lessees/Tenants are required to comply with the Governing Documents, and any failure to comply shall constitute as a default under the lease.

3.3 Estate Sales and Yard Sales

Estate sales can be a necessary step in downsizing before placing the home on the market. The following rules apply:

a. **Duration** – On-site estate sales may be conducted by appointment only and may take place over several days or longer to accommodate the appointment schedule.

b. **Advertising** – The estate sale may be advertised in local newspapers, estate sales websites, and other distribution channels available to the estate liquidation company.

c. **Signage** – A sign advertising the estate sale may be placed in the front of the home where the sale is to take place.

d. **Yard Sales** – To prevent an influx of traffic and other disturbances, individual Owner/Resident yard sales are **NOT permitted**. However, a community-wide yard sale will be permitted when designated by the Board of Directors.

Section 4 – House Pets

It is recognized that animals kept as pets must be cared for and managed to help prevent pets from becoming a nuisance to the community. To support compliance, the Board of Directors has adopted Powhatan Place Policy Resolution 2010-4, "*Pets and Pet Control*," effective March 30, 2010. The following rules apply:

a. **Pet Ownership** – All common domestic house pets are permitted and must have appropriate evidence (tags) of all required pet registrations and inoculations. Farm animals and exotic pets (for example, big cats, lizards and snakes) are **NOT permitted.** There shall be no more than two (2) household pets at any residence at any given time and the Owner/Resident shall comply with all County and Virgina State ordinances and statues in regard to pet ownership.

b. **Owner Responsibility** – Pet owners are responsible and accountable for any issues that their pets, and/or the pets of their guests, may cause anywhere in the community. Issues can include, but are not limited to, damaging property, causing injury to others, and creating noise or other disturbances.

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c. **Breeding** – Commercial breeding of any pets is **NOT permitted**. Any female animal, while in heat, shall be kept confined in the pet owner's residence to prevent attracting other animals or creating a nuisance.

d. **Pet Enclosures** – The use of kennels and dog runs, as well as keeping pets outdoors in cages, dog houses, or other outside structures is **NOT permitted**.

e. **Pet Management and Control** – Pets are ***not allowed*** to roam the community. Pets that are under voice control may be kept within the boundaries of the Owner/Resident Lot. When allowed outside the Lot, pets must be on a leash and under the pet owner's complete and immediate control. No pet may be leashed to any stationary object and left unattended.

f. **Pet Waste** – Pet owners and any guests who bring pets into the community are responsible for the immediate removal of waste in all areas of the community and proper disposal of pet waste in appropriate trash containers.

g. **Violations** – Pet owners in violation of these rules are subject to penalties as outlined in the VPOAA and Powhatan Place Resolution 2021-02, *Governing Documents Enforcement Policy*, effective May 25, 2021.

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