

# MONTCLAIR PROPERTY OWNERS ASSOCIATION

## Community Guidelines Article 1

Introduction

Updated August 1, 2011



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# MONTCLAIR PROPERTY OWNERS ASSOCIATION

## RESOLUTION

### ARTICLE 1, COMMUNITY GUIDELINES

WHEREAS, Article 6, Section 6.2 of the Montclair Property Owners Association *Amended Declaration for Montclair* states, “The Board of Directors shall have the power to adopt, amend, and repeal Rules, Regulations and Policies...”; and

WHEREAS, Article 4, Section 4.1 of the Montclair Property Owners Association, Inc. *Bylaws* establishes that the “business and affairs of the Association shall be managed by the Board of Directors”; and

WHEREAS, it is the desire of the Board of Directors to provide a document that provides clear and concise statement of the rules and regulations adopted by the Board of Directors.

NOW THEREFORE BE IT RESOLVED, that the Montclair Property Owners Association Board of Directors approve Article 1 of the *Community Guidelines* as attached hereto:

**March 13, 1996      #96-056**

Amended:

06/19/96      #96-192

12/13/00      #00-254

06/12/02      #02-144

06/08/11      #11-088

1.1.6 Amendment

## ARTICLE 1 Introduction

- 1.1 General.** Montclair is a Residential Planned Community (RPC), which is incorporated as the Montclair Property Owners Association, Inc. (MPOA), under the Virginia Nonstock Corporation Act, Chapter 10 of Title 13.1 of the Code of Virginia (1950). The MPOA functions in accordance with the Property Owners' Association Act, Chapter 26 of Title 55 of the Code of Virginia. The *Association Documents* of the MPOA are the Articles of Incorporation, the Amended Declaration for Montclair,<sup>1</sup> and Bylaws. (References to the Association Documents within these guidelines may use the abbreviations shown in the footnote, below.)<sup>2</sup> Montclair is professionally managed by an independent company, hereafter known as the "Managing Agent," or simply the "Agent," which maintains an on-site staff composed of the Community Manager, and covenants, security, maintenance, and administrative support personnel.
- 1.2 Purpose.** The purpose of the *Community Guidelines* of Montclair is to provide a clear statement of the rules and regulations adopted by the Board of Directors, which affect the Association and its Members. In the event of a conflict between these guidelines and the Association Documents, the provisions of the Association Documents shall take precedence.
- 1.3 Definitions.** The definitions established in the *Association Documents* shall apply to these guidelines.
- 1.4 Authority.** Article 5 of the *Articles of Incorporation* provides for a Board of Directors (BOD), whose duties and responsibilities are delineated in Section 4.1 of the Bylaws. The primary responsibility of the BOD is to manage the business and affairs of the MPOA. To properly fulfill this charge the BOD is empowered to adopt and amend rules and regulations concerning various aspects of the Association. The purpose and intent of the rules and regulations, contained within this document, is to maintain and improve the quality of life in Montclair.
- 1.5 Enforcement.** The BOD has the authority to enforce the Association's covenants, rules, and regulations. Enforcement actions may include, but are not limited to, denying privileges to members and residents and/or levying special assessments against the lot owner for violations by residents of the lot, or their guests.<sup>3</sup> The BOD may assign administrative responsibility for enforcement to the Agent. It is the responsibility of the BOD to ensure that the actions of the Agent are in accordance with the policies established herein and the Association Documents.
- 1.6 Amendment.** The *Community Guidelines* of Montclair may be amended by a majority vote of the BOD at a regular or special meeting of the BOD as defined in Section 4.4 of the Bylaws. The BOD will notify the membership of changes to the *Community Guidelines*. However, it is the sole prerogative of the BOD to determine the means of notifying the Association of any amendments to the *Community Guidelines* of Montclair. Notification of changes to the *Community Guidelines* will contain an effective date, which shall be thirty (30) days after the notification is published.
- 1.7 Addendum.** Any standing resolution of the BOD that is not included in the text of this document may be found in Appendix A.
- 1.8 Official Copy of Community Guidelines.** The official copy of the *Community Guidelines* of Montclair, including all effective amendments, is on file at the MPOA office. The official copy of the guidelines is available for inspection by the membership during regular business hours.

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<sup>1</sup> Certain portions of the original Declaration remained in effect after the Declaration was amended on March 30, 1990, until January 1, 2001, as a result of a court order issued on May 10, 1990. On January 1, 2001, the entirety of the Amended Declaration became effective.

<sup>2</sup> AD–Amended Declaration for Montclair;  
AOI–Articles of Incorporation; BL–Bylaws;

<sup>3</sup> The Board of Directors has retained for itself enforcement authority over the covenants and Community Guidelines, instead of vesting it in a Rules Enforcement Committee as provided for in Section 7.2(c) of the Amended Declaration.