

**Purpose:** To define the term “commercial vehicle” and to clarify the interpretation of Paragraph 5 of the Declaration of Restrictions as it applies to commercial vehicle restriction.

**Authority:** Article VII, Section 1(b) of the By-Laws:

*“The Board of Directors shall have power to: exercise for the Association all powers, duties and authority vested in or delegated to this Association, and not reserved to the membership by other provisions of these By-laws, the Articles of Incorporation, or the Declaration...”*

Article XV, Declaration of Covenants, Conditions, and Restrictions

*“The Association... shall have the right to enforce by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges, now or hereafter imposed by the provisions of this Declaration. Failure by the Association... to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.”*

Paragraph 5, Declaration of Restrictions:

*“...Commercial vehicles of any kind operated by a member of the household occupying the dwelling on the Lot... shall not be parked on the street within the front or side setback lines or anywhere on the Lot it... would be visible from any traveled road or another Lot.”*

1. Background

- a. Restriction of commercial vehicles is an important factor of maintaining and enhancing the quality of the community and its property values.
- b. The Board further recognizes the term “commercial vehicle” can hold different meanings for different individuals. As such, it is imperative the term be clearly defined to eliminate confusion and provide for consistent and equitable enforcement.
- c. In order to minimize the burden placed on homeowners, the Board endeavored to discover the least restrictive definition while balancing the Association’s need for enforcement.

2. Definition

- a. A commercial vehicle is defined as any vehicle which has a gross vehicle weight rating (GVWR) greater than 12,200 lbs.
- b. Pickup trucks and vans with a GVWR below this threshold, and therefore not considered a commercial vehicle for the purpose of this policy, include:
  - i. Ford E/F-Series 150 - 350

- ii. Chevrolet C-Series 1500 - 3500
- iii. Dodge Ram Series 1500 – 3500
- iv. Freightliner Sprinter 2500 – 3500 (Cargo or Passenger only)
- c. The display of commercial signage (business name, phone numbers, etc.) or ladder racks will not cause a vehicle such as those described in Paragraph B to be labeled a commercial vehicle.
- d. The absence of commercial signage does not preclude a vehicle from being considered commercial.

3. Prohibited Vehicles

- a. The following vehicles are considered commercial vehicles, even if they meet the weight requirement established in Section 2, Paragraph A:
  - i. Box vans
  - ii. Step vans

4. Appeals

- a. If a homeowner desires to appeal the commercial vehicle designation they must contact the board in writing within 15 days of their violation notice.
- b. The appeal must include the homeowner’s name, address, phone number, date of violation, vehicle description (to include GVWR), and offer a defense of why the vehicle should not be considered commercial.
- c. Within 7 days, the Board will consider the merits of the appeal and notify the homeowner if the designation as a commercial vehicle will stand.