

Stone Ridge Association, Inc.

**Community Code No. 7**  
**Rules and Regulations Regarding**  
**Residential Child Day Care Services**

**WHEREAS**, the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Stone Ridge Association, Inc. (the "Declaration"), the Articles of Amendment and Restatement of Articles of Incorporation for Stone Ridge Association, Inc. (the "Articles"), the Amended and Restated Bylaws for Stone Ridge Association, Inc. (the "Bylaws"), as amended, and Community Codes, collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents of Stone Ridge Association, Inc. (the "Association"); and

**WHEREAS**, Article X of the Declaration establishes restrictions on use of the Lots and Common Area of the Association; and

**WHEREAS**, Article IV, Section 4.1 of the Bylaws of the Association states that the business and affairs of the Association shall be managed by the Board of Directors appointed by the Declarant or elected in accordance with the Articles of Incorporation and the Bylaws; and

**WHEREAS**, Article IV, Section 4.1(c)(4) and (6) of the Bylaws permit the Board to adopt and amend any Community Codes not inconsistent with the Governing Documents, and to enforce the provisions of the Governing Documents, respectively; and

**WHEREAS**, Article X, Section 10.1 (p) of the Declaration authorizes the Board of Directors to adopt rules regarding the use of residential lots for day care purposes; and

**WHEREAS**, Section 55-515 of the Virginia Property Owners' Association Act, Code of Virginia (1950, as amended) ("POAA"), and provisions of the Declaration and Bylaws require that all Lot Owners (hereinafter "Members") and their tenants, guests and invitees comply with the Governing Documents and all provisions of the POAA; and

**WHEREAS**, the Board of Directors deems it necessary and in the best interests of the Association to adopt rules for the use of residential lots for day care purposes.

**THEREFORE**, it is hereby RESOLVED THAT Policy Resolution No. 2005-04 (Rules & Regulations Regarding Residential Child Care Services) is repealed in its entirety, and that the following day care procedures, collectively entitled Community Code No. 7, Rules & Regulations Regarding Residential Child Care Services, are hereby adopted:

1. A Member or resident must obtain the Board of Directors' prior written consent before using his or her Lot for child day care purposes. The Board retains the authority, in its sole discretion, to withhold its consent if the Board deems it to be prudent under the circumstances or otherwise in the best interests of the Association. Requests for approval must contain sufficient information and documentation to reflect that the applicant's proposed child day care will comply with this Community Code and with applicable state and county law.

For the purposes of this Community Code and Article X, Section 10.1(p) of the Declaration, the term "child day care" or "day care" shall refer to providing care, protection and supervision of children who are not members of the household residing on the Lot on which the care is being provided, in return for compensation. However, the term "child day care" or "day care" shall not apply to, and nothing in this Community Code shall be interpreted to prohibit or require prior approval for occasional (sporadic or infrequent, not regular) babysitting, or for providing other low-impact babysitting that does not require any county or state licensing, registration or permits.

2. One employee (one full-time equivalent), other than members of the family residing on premises, shall be permitted to work on site given one additional off-street parking space is provided.
3. Child day care services may be provided only during weekdays (Monday through Friday) and only between the times of 6:00 a.m. and 7:00 p.m.
4. The use of a dwelling and Lot for child day care purposes shall clearly be incidental and subordinate to the use of the dwelling for residential purposes.
5. Members may not change the outside appearance of the dwelling or Lot to reflect that the Lot is being used to provide child day care services, nor shall there be visible evidence that a Lot is being used to provide child day care services.
6. Association consent requires that the child day care provider must obtain (and then maintain) all required state and county licenses and permits and comply with all laws. Additionally, any use and/or appearance of the Lot providing child care services shall remain subject to compliance with all of the restrictions and requirements of the Governing Documents of the Association, including but not limited to those applicable to play equipment being installed or used in yards.
7. A Lot which provides child day care services shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood. The child day care services shall not produce offensive or disturbing noise or odor, or otherwise adversely affect the surrounding properties.
8. Issuance of a county, state or federal permit, license or other governmental authorization for carrying out child day care services shall not in any way be a substitute for, or otherwise relieve a Member or resident from complying with, the requirements of this Community Code and the Governing Documents.
9. Any Member using or allowing the use of his or her Lot, in whole or part, in violation of this Community Code shall be considered in violation of the Association's Governing Documents and must immediately cause such activity to cease and desist. Violations shall be deemed good cause for the Board to revoke its consent to the provision of child day services on the Lot. Members are responsible for their own violations and violations by their tenants, guests, agents and members of their household.

In addition to revoking consent as noted above, if a Member or resident persists in the provision of child day care services in violation of this Community Code or the Governing Documents, after the Association sends notice to cease and desist the noncompliant conduct, then the Board may undertake any and all other remedies available to it, including but not limited to imposing violation charges against the noncompliant Member, initiating legal action, seeking an injunction, providing notification of violations to any appropriate governmental authorities, and such other

remedies as the Board deems necessary or appropriate. The costs incurred by the Association in pursuing such remedies or proceedings, including attorney's fees, shall be assessed against the Member in violation.

10. No consent by the Board shall be deemed to be an assumption by the Association or the Board of any obligation, liability or responsibility whatsoever with regard to the use of the Lot for child day care purposes. For as long as a Member or resident uses a Lot for approved child day care purposes pursuant to this Community Code, the Member assumes full responsibility for the proper operation of the child day care services, including but not limited to ensuring that such use (i) is safe and appropriately related to child care services; and (ii) remains in full compliance with the Association's Governing Documents and with applicable state and county laws, ordinances and regulations.

This Community Code was duly adopted by the Board of Directors this

21<sup>st</sup> day of July, 2009.

STONE RIDGE ASSOCIATION, INC.

BY:

  
Denise Harrover, President

**STONE RIDGE ASSOCIATION, INC.  
Community Code Action Record**

**Community Code No. 7  
RULES and REGULATIONS REGARDING  
RESIDENTIAL CHILD CARE SERVICES**

Resolution Type: Community Code Pertaining to: Residential Child Care

Duly adopted at a meeting of the Board of Directors held June 17, 2009

Motion by: Mr. Edier

Seconded by: Mr. Rhodes

VOTE

	YES	NO	ABSTAIN	ABSENT
<u>Ms. Harrover, President</u>	<u>X</u>	_____	_____	_____
<u>Ms. McCracken, Vice President</u>	<u>X</u>	_____	_____	_____
<u>Mr. McIntosh, Secretary</u>	<u>X</u>	_____	_____	_____
<u>Mr. Rhodes, Treasurer</u>	<u>X</u>	_____	_____	_____
<u>Ms. Conner, Director</u>	<u>X</u>	_____	_____	_____
<u>Mr. Edier, Director</u>	<u>X</u>	_____	_____	_____
<u>Mr. Deal, Director</u>	_____	_____	_____	<u>X</u>

Resolution Effective Date: July 3, 2009

ATTEST: I hereby certify that a vote was duly taken and the Board of Directors adopted the above Resolution on the 16<sup>th</sup> day of June 2009.

  
\_\_\_\_\_  
Mark McIntosh, Secretary

June 16, 2009  
Date

Book of Minutes No. 1

Meeting No. 48