

# WEXFORD CONSERVANCY

## POLICY RESOLUTION NO. 2014-03 (Rules Relating to Political/Campaign Signs)

**WHEREAS**, Article III, Section 3(c)(2) of the Declaration of Covenants, Conditions, and Restrictions ("Declaration") for Wexford Conservancy (the "Association") provides the Board of Trustees with the power and duty to establish rules and regulations for the use of property; and

**WHEREAS**, Article VI, Section 1 (d) of the Declaration states that "[f]rom time to time the Board of Trustees shall adopt general rules, including, but not limited to, rules to regulate potential problems relating to the use of property and the well-being of Members," including rules to regulate signs; and

**WHEREAS**, Article V, Section 9 of the Declaration provides that "[n]o sign, message or symbol of any type (including the arrangement of shrubs and other landscaping to form a message or symbol) shall be displayed to public view on any Lot or the Common Area without the prior written approval of the Architectural Review Board, except customary name and address signs meeting established Architectural Review Board standards;" and

**WHEREAS**, the Association's Architectural Guidelines provide in Section 16 (with relation to real estate sales signs/rent signs) that "Signs may only be placed in the front yard of the property available."

### **THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES ADOPTS THE FOLLOWING POLICY:**

#### **I. Definitions.**

- a) **Election** - Any vote conducted by governmental entity for the selection of offices, positions, initiatives, referendums or other issues by a ballot.
- b) **Political/Campaign Sign** - A sign that carries a message intended to influence the outcome of an Election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.
- c) Owner – as such term is defined in the Declaration

#### **II. Guidelines and Rules for the Display of Political/Campaign Signs.**

- a) During the time periods referenced herein, Owners may display up to two Political/Campaign signs on their Lot without first obtaining prior written approval from the Board of Trustees.
- b) Political/Campaign Signs may be displayed no earlier than thirty (30) days before an Election and must be removed from display within five (5) days following the Election.
- c) Political/Campaign Signs may be no larger than 24 inches wide by 19 inches high.

- d) Political/Campaign Signs must be issued by the candidate or the candidate's party or political action committee.
- e) Political/Campaign Signs cannot contain language or images that are deemed to be offensive in the sole discretion of the Board of Trustees.
- f) Enforcement:
  - a. The Board of Trustees reserves the right to disallow any sign that is deemed to be offensive, in the sole and absolute discretion of the Board of Trustees.
  - b. In the event that the Board of Trustees finds an Owner's Political/Campaign Sign to be in violation of this policy, whether by reason of being offensive or otherwise not in compliance with this policy, the Board of Trustees shall provide the Owner with notice that the Political/Campaign Sign must be removed from display within 48 hours.
  - c. Additionally, the Board of Trustees may thereafter find the Owner in violation of the Association's Rules and Regulations under Virginia Code § 55-513, and after notice and a hearing, may fine the Owner for such violation accordingly.
  - d. If after notice to the Owner, the Political/Campaign Sign is not thereafter removed from display, the Board of Trustees may enter onto the Owner's Property and remove the Political/Campaign Sign. If the Political/Campaign Sign is displayed in public view but is not in an area accessible for removal of the sign by the Board of Trustees, the Owner shall be deemed to be in continuous and ongoing violation of this policy until such time as the sign is removed from public view.
  - g) Display of any signage within the Association's Common Areas is prohibited. All signs displayed in the Common Areas will be immediately removed by the Association.
  - h) In the event that legal action is necessary, the violating homeowner will be responsible for all costs of the action, including reasonable attorney fees, pursuant to Va. Code § 55-513.
- III. The Board of Trustees may grant a deviation from this resolution in the sole and absolute discretion of the Board of Trustees. Any grant of a deviation shall not be deemed to be a waiver of any rights of the Board of Trustees to thereafter enforce the requirements of this policy or the governing documents of the Association.

This resolution shall take effect as of March 20<sup>th</sup>, 2014 and will become enforceable as of April 21st, 2014.