

Policy Resolution #6-19 Commercial Vehicles

West Hill Estates Homeowners Association (WHEHOA)

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Commercial Vehicles

WHEREAS, Article 2, Section 2.2(b) and (c) of the West Hill Estates Homeowners Association Bylaws states, in part:

“Powers. The Association has such powers and duties as may be granted to it by the Act, including each of the powers set forth in ORS 94.630, as the statute may be amended to expand the scope of association duties and powers, together with such additional powers and duties afforded by the Declaration, the Articles of Incorporation, these Bylaws and the Oregon Nonprofit Corporation Act, including the following: (12) From time to time adopt, modify, or revoke such Policies and Procedures governing the conduct of persons and the operation and use of the Lots, the Common Maintenance Area or any Common Property as the Board of Directors may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property; (13) Enforcement by legal means of the provisions of the Declaration, these Bylaws and any Policies and Procedures adopted thereunder.

Governance: The affairs of the Association shall be governed by the Board of Directors as provided in these Bylaws. Owners have no authority to act on behalf of the Association and may take action with respect to affairs of the Association as specifically provided under the Declaration, these Bylaws, or the Act.”

WHEREAS, Article 2 of Articles of Incorporation of West Hill Estates Homeowners’ Association An Oregon Non-Profit Corporation filed with the Oregon Secretary of State on February 22, 1995, states in part:

“The purposes for which said corporation is organized are: To promote the health, safety and welfare of residents within the boundaries of WEST HILL ESTATES SUBDIVISION, and for this purpose . . . to fix assessments (or charges) to be levied against the property; to enforce any and all covenants, conditions and restrictions, and agreements applicable to the property; . . . and insofar as permitted by law, do any other things that, in the opinion of the Board of Directors, shall promote the common benefit and enjoyment of the residents of the properties.”

IT IS RESOLVED, the Policy Resolution #6-19 Commercial Vehicles be and hereby is adopted, ratified and confirmed:


The Board of Directors hereby adopts Policy Resolution #6-19 Commercial Vehicles, attached hereto as Exhibit A and by this reference incorporated herein.

The Board of Directors also repeals West Hill Estates Homeowners Association Policy Resolution #4-18 Commercial-use Vehicles Rules adopted on June 28, 2018.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held December 11, 2019. The Policy will be effective December 11, 2019.

Board of Directors 2019-2020	Vote
Scott Gilbert, President	Yes
Tom Gwynn, Vice President	Yes
Lorna O'Guinn, Treasurer	Yes
Doug Austin, Secretary	Yes
Sami Wright, member at large	Absent
Gudrun Hoobler, member at large	Yes
Steve Masten, member at large	Yes

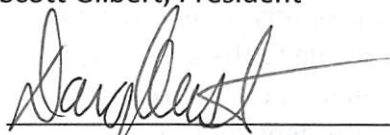
ATTEST:



Scott Gilbert, President

December 11, 2019

(date)



Doug Austin, Secretary

December 11, 2019

(date)

Exhibit A:**Policy Resolution #6-19 Commercial Vehicles**

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Commercial Vehicles

BACKGROUND AND PURPOSE (CC&R Sections 7.1 and 7.6(b))

CC&R Section 7.1 prohibits, with some exceptions, the use of any Lot for commercial, business or similar purposes without the approval of the Board of Directors. In addition, except with prior written permission of the Board of Directors, CC&R Section 7.6 prohibits the parking of any commercial vehicle in any part of the neighborhood, including public streets, unless the vehicle is screened from public view. Passenger automobiles, including pickups, are exempted, as are law enforcement vehicles and temporary daytime parking of commercial vehicles in the course of delivering residential services to the owner or occupant.

The purpose of these restrictions is to preserve the aesthetics and atmosphere of a single family neighborhood by avoiding the increased activity, parking, and traffic associated with a business environment.

DEFINITION OF A COMMERCIAL VEHICLE

The appearance and use of a vehicle will determine the designation as a commercial vehicle for the purpose of the CC&Rs, regardless of how the vehicle is registered. Any vehicle regardless of size, make or model, except passenger automobiles and pickups, which a reasonable person would consider being, in whole or in part, for use in or for a trade, service or business, due to its appearance and/or configuration will be considered a commercial vehicle. The CC&R Enforcement Committee shall determine whether a vehicle is a commercial vehicle within this definition.

The following are the main factors used to make the commercial vehicle determination. Any motor vehicle configured or used as described below or used for similar activities or purposes shall be considered a commercial vehicle with respect to enforcement of these rules.

- *Bearing a commercial license or commercial signs or commercial advertising;*
- *Without commercial signs or commercial advertising, but which has visible commercial equipment attached to the exterior of the vehicle (e.g. ladders, pipes, tools, compressors, power operated apparatus) or is configured to facilitate the carrying and transporting of such commercial paraphernalia or supplies;*
- *Which routinely carries such visible commercial supplies when parked at residences;*
- *With a commercial or single purpose specialty body configuration such as flat beds, utility beds, tip-bodies, roll-off, stake-bodies or walk-in-box body;*
- *Designed for commercial purposes such as, but not limited to, log trucks, dump trucks, tractor trailer rigs, etc.;*
- *Used or configured primarily for transportation of people for the purpose of business, trade, or commerce such as, but not limited to, private or public school vans, hearses, taxis or limousines.*

Law enforcement vehicles and unmarked company cars, meaning passenger cars, station wagons, minivans, pick-up trucks and sport-utility vehicles not otherwise prohibited by the criteria set forth above, which are registered to business or commercial entities, and which are

unmodified and bear no sign identifying or advertising any business or commercial venture, are specifically excluded from this section's definition of commercial vehicle.

Furthermore, nothing in this CC&R interpretation is intended to prohibit or restrict the temporary daytime parking of a commercial vehicle at a residence where the owner/occupant is receiving residential services applied to his or her home or yard by or from a third-party business.

ACTIONS FOR FAILURE TO COMPLY

Homeowners who do not comply with these requirements, or allow occupants of their property to violate these provisions, will be subject to the enforcement procedures in the ***Rules Enforcement Policy and Procedures*** resolution.

Certified True Copy
Doug Austin
WHEHOA Secretary