

The Malvern Club, Inc.
Architectural Signs Policy

POLICY RESOLUTION NO. 002 (2012-09-13)

Purpose: to establish rules that clarify the covenant related to signs so that the Board of Directors and homeowners can be guided by a consistent policy.

Authorization: Virginia Code § 55-513, adoption and enforcement of rules, allows the board of directors the power to establish, adopt and enforce rules and regulations with respect to the common areas and with respect to such other areas of responsibility assigned to the association by the declaration.

Background: the original Owner's Consent and Dedication recorded in 1969 at Deed Book 105 at page 435 among the land records of Madison County, Virginia, subjected all the lots in the subdivision to certain easements, reservations and protective covenants. In 1970, Deed Book 112 at page 194 amended the covenants and restrictions originally recorded in Deed Book 105 at page 435.

One of the amended covenants restricted all signs being placed on lots except one designating the identity of the owner thereon.

On April 28, 2012, the membership voted to amend the covenant recorded in Deed Book 112 at page 194 to read, "A sign may be erected on any lot that identifies the owner and/or street address thereof. Such sign shall not exceed two square feet in size. One real estate sign not greater in size than 720 square inches may be placed on a lot or property. No other sign may be erected on any lot without prior approval of the Property Owner's Association". This amended covenant is recorded as Instrument Number 120000851 on June 14, 2012 among the land records of Madison County, Virginia.

Policies: The Board of Directors implements the following policies regarding signs:

1. The following signs are expressly permitted without application only on the owner's lot. Under no circumstances may signs be placed on common areas. The length of time a sign may be posted is further clarified herein.
 - a. No sign except one that identifies the owner and/or street address of a property is permanent. All lots with a structure must have street numbers readily visible from the road either displayed via a sign or attached to the structure (911 compliance). The Architectural Committee will perform an annual review and the results will be included with the spring dues notice in February to notify owners of deficiencies.
 - i. A sign will generally be placed in the front yard of a lot. Said sign may not be placed in a common area nor closer than 6 feet from the pavement of any roadway without prior Board of Director's approval. A sign may not be placed in an area that would obstruct intersection sight distance as defined by the Virginia Department of Transportation Road Design Manual, using a minimum sight distance requirement of 200 feet.
 - ii. Signs are to be free-standing. Signs are not to be attached to the signposts of any stop, speed limit, or street signs.
 - b. Real estate signs include signs displaying a property for sale or rent. An additional sign containing the name and telephone number of the listing agent may be attached to the same signpost as the real estate sign. The total size shall not exceed 5 square feet. A weather proof information box may be attached to the same signpost as the real estate sign. Signs and posts shall be removed no later than 7 days after sale or lease. A

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directional sign may be placed on another owner's property, only if written approval is obtained and all other provisions are adhered to regarding real estate signs.

- c. An "open house" sign may be placed on the lot for sale on the date of the open house. Directional signs to the "open house" may also be posted on the date of the open house with written respective owner approval. "Open house" and directional signs must be removed no later than 5:00 P.M. of the date of the open house.
 - d. Signs no larger than four square feet may be placed by commercial firms (e.g., painters, roofers, remodelers, etc.) in an owner's front yard and may remain while the work is in progress. Signs must be removed promptly upon completion of the work or upon final building inspection as may be required by the permitting authority.
 - e. Political signs in support of a candidate or ballot issue, no larger than four square feet may be placed in an owner's front yard on or after the sixtieth (60th) day before the date of the election to which the sign relates. Only one sign per candidate or ballot issue will be posted on the lot. All political signs will be removed within 7 days after the election.
 - f. Family announcement signs or banners of reasonable size may be posted for up to a total of 7 days after the event. Examples of announcement signs include, but are not limited to, "it's a girl", "welcome home", "happy birthday".
 - g. Holiday decorations are typically allowed in a front yard during a respective holiday season.
 - h. Only one free standing company generated display sign of a security alarm system may be displayed on the lot.
2. Other types of signs may be considered for approval upon submission of a written request (Exhibit A) by the lot owner to the Board of Directors. Requests should be submitted at least forty five (45) days prior to the desired date of sign installation. Tenants must go through their landlords to request such approval.
- a. No trespassing and/or Posted signs may be posted only with Board of Directors approval. The owner must submit written justification to the Board of Directors via Exhibit A. The Board of Directors will consider the justification as confidential. The Board of Directors may either approve or disapprove the request. If approved, the Board of Directors may impose special conditions as to length of time, size and location of such posting. Such approved special conditions applications will be maintained for one year after expiration of authorized time period.
 - b. No yard sales signs may be posted in individual yards other than on the date of the bi-annual scheduled community yard sale (spring and fall). Applications for yard sale participation must be completed by desired participants. The yard sale committee will post all directional signs throughout the community the day before the scheduled sale and will remove the following evening. Additionally, only the yard sale committee may place community paper maps, with all listed addresses of the participants, at the entrance to the community on the morning of the scheduled sale.

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Enforcement: the Board of Directors reserves the right to remove unauthorized signs or signs that are not in compliance with the covenant or this policy. Signs may be removed from common areas and easements without any notification to the sign owner or lot owner, and the owner will have no action against either the members of the Board of Directors or of the Malvern Club, Inc., or any individual acting on their behalf in the removal of such violating sign in accordance with this policy.

Removed signs will be stored for 30 days prior to permanent disposal of the sign. Reasonable efforts will be made to notify the sign owner concerning its removal and where it may be retrieved.

Failure by a homeowner or their representative to adhere to this sign policy may be subject to such remedies as are allowed by applicable laws and statutes, including recovery of costs that may be associated to enforcing the covenant and this policy.

Appeals: an owner may appeal, in writing to the Board of Directors, the removal of a sign within ten (10) days of its removal. The decision of the Board of Directors is final.

Severability: if any part of the covenant or this policy is ruled to be null and void or otherwise unenforceable, the remainder of the covenant and/or policy shall remain in effect.

Indemnification and Hold Harmless: an owner posting a sign has sole responsibility of such posting and agrees to indemnify and hold harmless the members of both the Board of Directors and the Malvern Club, Inc. for any liabilities, theft, damage, cost or expense whatsoever arising from or related to any claim or litigation which may arise out of or in connection with their posting of a sign.

I hereby certify that this Policy Resolution was adopted by the Board of Directors on the 13th day of September, 2012.

The Malvern Club, Inc.

By:

_____/s/_____

Roberta Jalbert, President

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Exhibit A

Application for Posting of Sign on Malvern Lot(s)

Please deliver your request via United States Postal Service Mail, hand-delivery, or by electronic mail to the Association using the following information:

The Malvern Club, Inc.
c/o Architectural Committee
905 Malvern Dr.
Madison, Virginia, 22727 or

malvernhoa@malvernofmadison.org

Name of Requestor: _____
Street Address _____
Mailing Address (if different) _____
Phone: (Home) _____ (Work) _____
(Mobile) _____ (Email) _____

Please describe the size, location and nature of the sign that you are requesting authorization for posting on your lot(s). If possible, provide a copy or photo of the sign.

The owner (on behalf of a tenant) must sign and date the Form.

Date _____ Signature _____

Board of Directors Action taken: _____ Date

Denied _____

Approved _____

Specific Special Conditions of Approval

None _____

Size _____

Location(s) _____

Authorized Period of Sign Posting _____

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RESOLUTION ACTION RECORD

Resolution Type: Policy No. 002 (2012-09-13)

Pertaining to: Signs Policy.

Duly adopted at a meeting of the Board of Directors held September 13, 2012.

MOTION BY: Donna Phillips SECONDED BY: Randell Allen

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Roberta Jalbert	President	x			
Randell Allen	1 st Vice President	x			
Joseph Graham	2 nd Vice-President	x			
Donna Phillips	Treasurer	x			
Edward Johnson	Secretary			x	
Wallace Harvey	Member At Large	x			
Paul Hankla	Member At Large	x			

ATTEST: /s/ Edward Johnson Secretary September 13, 2012 Date