

WINTERPORT CLUSTER ASSOCIATION

POLICY RESOLUTION NO. 2024-1

Electric Vehicle Charging Station (EVCS) Policy

WHEREAS, Article IV, Section 1 of the Bylaws of Winterport Cluster Association (the “Association”), and Article VII.1(d) of the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston (“Reston Declaration”), provides the Board of Directors (the “Board”) with the powers and duties necessary for the administration of the affairs of the Association and to do such acts and things as are not required by the Act or the Association’s Documents to be exercised by the Owners; and

WHEREAS, Article VII.1(d) of the Reston Declaration and the Bylaws provide that the Board shall have the power to adopt and amend any reasonable Rules and Regulations; and

WHEREAS, Section 55.1-1823.1(A) of the Virginia Property Owners Associations Act (“Act”) provides that the Association may establish reasonable restrictions concerning the number, size, place, and manner of placement or installation of electric vehicle charging station on the exterior of property owned by the lot owner;

WHEREAS, Section 55.1-1823.1(B) of the Act provides that the Association may prohibit or restrict the installation of electric vehicle charging stations on the common area within the development served by the Association;

WHEREAS, with plug-in electric vehicles becoming more readily available to consumers and the demand for electric charging stations increasing, the Board deems it desirable to provide a process for lot owners to maintain electric vehicle charging stations on the property owned by the lot owner; and

WHEREAS, the Association’s Board desires to preserve the integrity of the Parking Areas and Common Areas and ensure that the installation, ownership, maintenance and removal of Owner’s EVCS equipment and associated apparatus do not create a nuisance or safety concern, and/or impose an unreasonable burden upon the Association; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Rules and Regulations with respect to the use of electric vehicle charging stations.

I. DEFINITIONS

1. “Electric Vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy, including 100% battery-powered electric vehicle and plug-in hybrid electric vehicles.
2. “Charger” means a battery charging station equipment that permits the transfer of electric energy to a battery or other storage device in an Electric Vehicle.
3. “Owner” means the person or persons who hold the legal title to the Lot in question.

II. RULES AND REGULATIONS

A. Installation of Electric Vehicle Charging Station

1. An EVCS may not be installed on the common areas of the Association, including in an Owner's reserved parking space.
2. An EVCS may only be installed on the property of the Owner. Thus, only the Owners who have a private driveway (i.e. Winterport units 1939, 1941, 1943, 1945, 1947, 1956, 1958, 1960, and 1962) may install an EVCS.
3. Only Level 1 or 2 EVCS are permitted.
4. An Owner wishing to install an EVCS must submit an application on his or her behalf (or on behalf of an approved tenant) for approval by the Association and by Reston Association. The application package should consist of 1) a signed copy of Exhibit A to this Policy Resolution confirming that the Applicant has read and understands this Policy and accepts all provisions, conditions and responsibilities contained herein in its entirety, and 2) an application (to be signed by the Association as an interested party) to the Reston Association Design Review Board. The proposed installation must comply with the DRB guidelines for EVCS and the application must indicate the make and model of the EVCS, the vendor who will be installing the EVCS, the location of where the EVCS will be installed, the power requirements for the EVCS and the method and manner of installation. The installer must be a licensed and registered electrical contractor. The application must be accompanied with specifications, schematics, detailed drawings and plans prepared by a licensed and registered contractor or engineer familiar with the installation and core requirements of an EVCS.
5. Proposed Installation of EVCS must comply with applicable building codes and recognized safety standards.
6. All costs for purchase, installation, maintenance, operation, utility and use of the EVCS must be borne by the Owner.

B. Charging Equipment

1. All Charging Equipment shall meet all applicable federal, state and local laws, codes, and standards for use with an Electric Vehicle, and shall be certified and so marked by a nationally recognized testing laboratory (e.g. Underwriters Laboratories). The use of Charging Equipment in violation of this paragraph is strictly prohibited.
2. The Charger must be mounted on a pedestal and the height of the entire assembly can be no more than 60 inches and no less than 48 inches as measured from the ground.
3. The Charger and Pedestal must be rated NEMA 4 or greater for outdoor installation.

4. Pedestals must be white, light gray or black in color and must have a means to neatly maintain the charging cord.
5. Two bollards must be installed in compliance with local and state regulations. The bollards must be the same height as the Charger and Pedestal and must be no greater than 4 inches in diameter and sleeved with a light gray PVC/HDPE covering. Reflective tape is permitted on bollards.
6. All electrical feed wires from the house to the EVCS must be buried and not exposed and installed in accordance with local laws and ordinances.
7. The homeowner must maintain the Charger, cord, pedestal and bollards, and ensure that they are in good working order.

C. Cable Path and Tripping Hazard

EVCS shall not be installed and maintained in such a manner so as to create any tripping hazard and/or hazardous conditions. No cables or wires shall cross over, under or across any sidewalk and/or Common Area in front of any other Lot, and shall not interfere with the general use of the Association's Common Areas.

D. Indemnity

The Owner, upon making application and installing the EVCS, shall be deemed to agree to indemnify and hold harmless the Association, its Board of Directors, and its employees from and against any and all liabilities, claims, damages, losses, costs, fees and expenses associated with the EVCS, including but not limited to its design, permitting, equipment, installation, maintenance, operation, repair, replacement, meter billing and removal. The Owner, upon making application, also shall indemnify and hold harmless the Association, its Board of Directors, and its employees from any claim made by a contractor or supplier pursuant to Title 43 of the Code of Virginia, pertaining to mechanic's liens.

E. Insurance

The Owner shall obtain and maintain an umbrella liability insurance policy in the amount of two million dollars (\$2,000,000) covering claims and defenses of claims related to the installation, operation or use of the EVCS and provide a certificate of insurance naming the Association as an additional insured on the Owner's insurance policy for any claim related to the installation, maintenance, operation, or use of the EVCS within 14 days after receiving the Board's approval to install the station. The Owner shall maintain such policy so long as the EVCS remains installed within the Association.

III. ENFORCEMENT

A. Lot Owner Compliance

1. Each Owner shall be governed by and comply with the terms of this Policy Resolution and

shall be responsible for ensuring that his/her family members, tenants, guests, agents, employees, licensees or permittees, comply with the terms of this Policy Resolution.

2. Each Owner shall be liable to the Association for any costs incurred to repair any part of the common elements damaged by or due to the action/inaction of the Owner or his/her family members, tenants, guests, agents, employees, licensees or permittees and such costs shall be treated and collected as an assessment.

B. Remedies of the Association

1. In the event an EVCS cable (or other related equipment) obstructs and/or is placed over the Lot or common area sidewalk, this Resolution shall give the Board the right to use self-help to remove or cure the violation, or take other enforcement action as allowed by the law or the governing documents, including the right to disconnect the power supply to the applicable EVCS.
2. Nothing in this Policy Resolution is intended to limit the Association's enforcement remedies. In addition to the remedies outlined in this Policy Resolution, the Board shall have the authority to initiate such other remedies outlined in the Association's governing documents or in the Act, as may be necessary.

EXHIBIT A

Request for the Installation of an Electric Vehicle Charging Station

Name(s) of Applicant(s): _____

Unit Address: _____

Other Address: _____

(if different from unit address)

Telephone Number: _____

In Order to process this application, this form must be signed below and an application to the Reston Association Design Review Board (DRB) must be attached. The application must utilize the DRB request form found on the Reston Association website and must include the following information:

1. Specifications of the electric vehicle charging station to be installed.
2. Vendor installing the Charger and its certifications.
3. Detailed plans and drawings for an installation of an electric vehicle charging station prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of an electric vehicle charging station.

The Applicant has received a copy of the Policy for the Installation of Electric Vehicle Charging Stations and has read and understands this Policy and accepts all provisions, conditions and responsibilities contained herein in its entirety.

Printed Name of Applicant (1)

Signature

Printed Name of Applicant (2)

Signature

For Board of Directors/Site Manager Use Only

Date Application Received: _____

Approved: _____ Disapproved: _____

Date of Approval/Disapproval: _____

Reason for Disapproval: _____

WINTERPORT CLUSTER ASSOCIATION

RESOLUTION ACTION RECORDED

Resolution Type: Policy

No. 2024-1

Pertaining to: Electric Vehicle Charging Stations

Duly adopted at a meeting of the Board of Directors held: 11-14-24

Motion by: Janet Hren

Seconded by: Angie Baugus

VOTE:	YES	NO	ABSTAIN	ABSENT
Director <u>Janet Hren</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director <u>Michelle Hamilton</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director <u>Tommy</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director <u>Angie Baugus</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director <u>Dan Schwelbent</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Tommy
Secretary

14 November 2024
Date

Resolution effective: Nov. 14, 2024