

**WESTWOOD VILLAGE CONDOMINIUM
UNIT OWNERS ASSOCIATION**

REGULATORY RESOLUTION NO. 17-

**Use of Open-Flame Devices Prohibited on
Condominium Common and Limited Common Elements**

WHEREAS, Westwood Village Condominium Unit Owners Association was duly created by a Declaration executed on November 16, 1998, which Declaration and attached Bylaws for the self-government of the condominium were subsequently recorded on November 30, 1998 in the land records of the Circuit Court of Fairfax County at Deed Book 10676, Page 1203; and,

WHEREAS, Article III, Section 2 (*Board of Directors - Powers and Duties*) of the Bylaws established that the affairs of the Unit Owners Association would be governed by a Board of Directors, and that said Board of Directors were granted all powers and duties necessary for the administration of the affairs of the Unit Owners Association; and,

WHEREAS, Article XX, Section 2 (*Use Restrictions on Units and Common Elements*) of the Declaration states that the units and common elements shall be occupied and used in accordance with rules and regulations adopted by the Board of Directors; and,

WHEREAS, Article III, Section 2 (*Board of Directors - Powers and Duties*) of the Bylaws empowers the Board to "adopt and amend any rules and regulations," provided that same do not conflict with the *Virginia Condominium Act* or the Westwood Village condominium instruments; and,

WHEREAS, the Board of Directors has both observed and received complaints regarding certain activities on the common elements involving some of the Westwood Village residents, specifically, the use of a fire pit, the consumption of alcoholic beverages on the common elements, and the noise and disturbances created by those and similar activities; and,

WHEREAS, the Board of Directors has reviewed the guidance promulgated by the Office of the Fairfax County Fire Marshal regarding open-flame devices, and deems such guidance and recommendations to be suitable for implementation at Westwood Village Condominium common elements;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors, by the *Virginia Condominium Act* ("the Act"), the Declaration, the Bylaws and this Resolution, does hereby adopt, approve, and promulgate the following rules regarding the use of

open-flame devices on the common elements and limited common elements at Westwood Village Condominium, which are intended to supplement the above-referenced Resident's Manual;

AND IT IS FURTHER RESOLVED THAT these rules shall be deemed rules of the Association and enforceable as such pursuant to the remedies and process set forth at Va. Code § 55-79.80:2.

Justification

Westwood Village Condominium is an urban condominium tucked into a quiet corner of the bustling--even frenetic--Tysons Corner metropolis. Because of its location, its real estate values are understandably high. The Board of Directors assumes that every unit owner at Westwood Village appreciates the value of their investment in a Westwood Village Condominium unit. The Board of Directors further assumes that every unit owner desires that the Association act within its authority to prohibit any activity or use of the common elements that may undermine or depreciate the value of the individual units.

RULES

Accordingly, for these reasons and more, the Board of Directors hereby promulgates the following rules:

1. The Board of Directors hereby adopts the recommendation of the Office of the Fairfax County Fire Marshal that no open-flame cooking device (grill, etc.) or recreational fire (such as a fire pit) be operated or used within 15 feet of dwellings, structures or other combustible material. *See* Office of the Fairfax County Fire Marshal Code Compliance Guideline entitled "Open-Flame Cooking Devices" and the Fire Marshal's guidance entitled "Recreational Fires & Open Burning."
2. The Fire Marshal's recommendation effectively precludes the use of open-flame devices of all kinds on limited common element balconies and patios, because the open-flame device cannot be situated so as to comply with the recommended distance from structures or other combustible materials. Accordingly, the use of **all** open-flame devices, including but not limited to gas-operated grills, charcoal grills, charcoal burners, tiki torches, chimineas, fire pits of any type or form, etc., is hereby prohibited on the Westwood Village Condominium limited common elements (balconies and patios) and on **all** common element property. Electrical grills may be used on limited common element balconies and patios.
3. No fire pits, burners, chimineas or any other device the operation of which involves an open-flame shall be placed or used on the common elements of the Condominium.

4. Alcoholic beverages shall not be served or consumed upon the common elements of the Condominium. That activity shall be confined to limited common elements and to the units.

Any resident who is observed violating the foregoing rules shall be subject to the assessment of violation charges, after notice and an opportunity to be heard, pursuant to Va. Code § 55-79.80:2. If such activity results in any damage to the common element or to the landscaping thereof, all costs or expenses incurred by the Association in repairing such damage shall be assessed against the unit and unit owner directly or indirectly responsible therefor, pursuant to Article X, Section 1(b) (*Compliance and Default - Relief - Additional Liability*) of the Bylaws. Unit owners shall be held responsible for the acts of their family members, tenants and guests.

All other rules and regulations governing the maintenance and use of the common elements shall be as set forth in the 1998 Westwood Village Condominium Resident's Manual shall remain in full force and effect.

This resolution shall become effective on _____, 2017.