

**WESTWOOD VILLAGE CONDOMINIUM
UNIT OWNERS ASSOCIATION**

REGULATORY RESOLUTION NO. 18 - _____

**Storage of Bicycles on Limited Common Element
Patios and Balconies**

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, Article XX, Section 2 (*Use Restrictions on Units and Common Elements - Rules and Regulations*) 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, pursuant to Va. Code § 55-79.50(e) and the Declaration of Westwood Village Condominium, the patios and balconies appurtenant to the units are limited common elements of the Condominium; and,

WHEREAS, the Board of Directors has considered the subject of storage of residents’ bicycles on the Condominium property, and has further considered various alternatives or options regarding same; and,

WHEREAS, the Board of Directors has decided that unit patios and balconies offer the best option for storage of bicycles, but that such storage must be regulated so as to maintain and preserve the exterior appearance aesthetic of the Condominium, and hence the market value of the units comprising same;

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 storage of bicycles on unit patios and balconies at Westwood Village Condominium, which rules are intended to supersede any relevant restrictions to the contrary set forth in the 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 as set forth at Va. Code § 55-79.80:2, Article X, Section 1(j) of the Bylaws, and the Association’s Due Process Resolution.

RULES

1. No more than four (4) bicycles per unit may be stored on any patio or balcony appurtenant (attached) to that unit.
2. It is preferred that any bicycles so stored be covered by a fabric material cover of some sort, but such a cover is not mandatory. If such a cover is used, however, it **must be** either dark green, dark brown or black in color. Fabric covers (if used) must be adequately secured so as to avoid being blown off the patio or balcony by wind. "Hard" shelters are prohibited.
3. If more than one (1) bicycle is stored on a patio or balcony, the bicycles should be parked/stored together so as to minimize the visual effect of same.
4. The **only** acceptable form of storage for a bicycle is with both tires/wheels on the horizontal surface of the patio/balcony floor. No hanging rack, hook, or any other similar type of device is permitted. No drilling, nails, screws, bolts or any other type of penetration of the building structure, the balcony, or any other improvement on the Condominium property is permitted.
5. By storing a bicycle on a limited common element (exclusive use) patio or balcony subject to this Resolution, the bicycle owner acknowledges and agrees that the Association is in no way responsible for the physical security of the bicycle(s). Pursuant to Article XX, Section 5 of the Declaration, the Association is not a bailee of any bicycle stored on a patio or balcony and disclaims any bailee liability for same. Nor is the Association liable in any manner for any long-term wear and tear or damage to the bicycle(s) caused by exposure to the elements. Each resident who chooses to store one or more bicycles on a patio or balcony does so at his/her own risk.

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 elements or limited common elements, all costs or expenses incurred by the Association in repairing such damage shall be assessed against the unit owner responsible for such damage, or against the unit to which the damaged limited common element is appurtenant at the time the damage is discovered, 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 use restrictions and covenants governing the maintenance and use of the common elements (including limited common elements) shall be as set forth in the Declaration, Bylaws and rules/regulations of Westwood Village Condominium (as may be amended from time to time) and shall remain in full force and effect.

This resolution shall become effective on November 01, 2018.

RESOLUTION ACTION RECORD

Resolution Type: Regulatory No. 18 -
Pertaining to: Storage of Bicycles on Limited Common Element Patios and Balconies

Duly adopted at a meeting of the Board of Directors held October 16, 2018.

Motion by: Jennifer Murphy Seconded by:
Art Stenz

VOTE:
YES NO ABSTAIN ABSENT

Director _____

Director Jennifer Murphy

Director Erin

Director _____

Director _____

ATTEST:
Jennifer Murphy
Secretary

16 OCT 2018
Date

FILE:
Book of Minutes - 2018
Book of Resolutions:

	Book No.	Page No.
Policy	_____	_____
Regulatory	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: _____