

# GLENCOURSE CLUSTER ASSOCIATION

## Resolution

### Parking and Operation of Motor Vehicles

Resolution # 10-28-09-1

[Replaces Resolution # 2-20-07-1]

WHEREAS, the Board of Directors of Glencourse Cluster Association desires to clarify and make improvements to existing parking restrictions and enforcement procedures governing the townhouse parking areas, and

WHEREAS, the Board of Directors has been granted the authority to adopt such rules and regulations by the Glencourse Cluster Association Cluster Documents, the Reston Association Governing Documents, and the Virginia Property Owners Association Act; and

WHEREAS, in order to assure equitable parking arrangements and safe and attractive parking areas, the Board hereby restates and clarifies its existing policy as previously set forth in Administrative Resolution #2-20-07-1.

NOW THEREFORE BE IT RESOLVED THAT the following policies are hereby adopted by the Board:

#### **I. GENERAL PROVISIONS**

- A. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the Owners, including parking areas, private streets, open spaces, paths and other facilities. "Common Parking Area" shall be the areas used and/or designated for parking, and such other areas as the Board may designate from time to time.
- B. Only approved vehicles may be parked on the Common Parking Areas. An approved vehicle is defined as any conventional passenger vehicle, motorcycle, personal van or pickup truck of three-quarter (3/4) ton or less gross capacity that is owned by a resident or is driven by a resident's visitor.
- C. Residents are responsible for their visitors complying with the parking rules and regulations.
- D. All motor vehicles on the Common Parking Area shall be parked so as not to obstruct or reduce adjacent spaces for other vehicles.

- E. Vehicles operated on the Common Area shall be operated in a safe and prudent manner so as not to endanger the life, limb, or property or another person.
- F. All vehicles operated on the Common Area must be operated by a person holding a valid driver's license or permit.
- G. All parking rules and regulations are enforced in all Common Areas.

## II. RESERVED PARKING SPACES

- A. Parking Privileges: Ownership of a lot shall entitle the owner and or the owner's designee to the use of two parking spaces for approved vehicles. The reservation of parking spaces shall be made by the Board to those owners in good standing. To be considered "in good standing" an owner must be current in the payment of any assessments (or charges) and in compliance with all provisions of the governing documents and rules and regulations. No resident or visitor may park in another resident's reserved parking space without the express consent of that resident.
- B. Additional Parking: Parking spaces not specifically reserved to an individual lot by the Board shall be available on a first-come, first-served basis to all residents and their guests. Under no circumstances, however, are such spaces to be utilized for the "storage" of any vehicle—for parking even approved vehicles continuously, without movement, for more than fourteen (14) days without the express consent of the Board.
- C. Reassignment of Spaces: The Board reserves the right and authority at all times to re-designate previously reserved parking spaces provided written notice is given to the homeowner fourteen (14) days in advance.
- D. Appeals: Any decision made by the Board pursuant to this policy resolution may be appealed upon written petition submitted to the Board of Directors. The Board shall consider and decide all such petitions at regular scheduled Board meetings. Decisions of the Board on petitions submitted for appeal shall be considered final.
- E. Visitor parking is limited to the curbs (parallel parking spaces only) in areas not designated (by yellow paint) as fire lanes.

## III. RESTRICTIONS

- A. No vehicle shall be parked in violation of any posted sign.

- B. No vehicle shall be parked in any area designated for pedestrian use.
- C. No vehicle shall be parked in such a manner and area that obstructs the safe, free-flow of moving vehicular traffic or obstructs the movement of other vehicles into and out of the Common Area. This specifically applies to inhibiting access to sections of streets, marked parking spaces, mailboxes, fire-hydrants, fire lanes, etc.
- D. No vehicles shall be parked on any unpaved Common Area, or in any fire lane.
- E. The parking of recreational vehicles or trailers or any vehicle larger than an approved vehicle is prohibited. (See Reston Association for alternate locations.)
- F. All vehicles must display current state license tags, current state inspection (as required) and required stickers of the local jurisdiction.
- G. The parking of junk or derelict vehicles is prohibited. Any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation, such as but not limited to tire, wheels, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals that are removed, damaged, or destroyed, or otherwise not able to operate shall be deemed to be a junk or derelict vehicle, regardless of the display of valid state license, registration, or inspection sticker.
- H. Vehicles that present a hazard or nuisance by operating noise or exhaust emission are prohibited
- I. Except for minor emergency repairs and ordinary light maintenance (excluding fluid changes and other operations that might soil the Common Area), repairing and/or maintaining vehicles, including the painting thereof, is not permitted at any time in the Common Area. The intentional drainage of any motor vehicle's fluids is prohibited. The dumping of motor oil and other petroleum products into the storm sewers is prohibited. Such action is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs for the responsible person(s).
- J. No signs, initials, numbers, storage containers, or any other additions or alterations to Common Parking Area spaces may be painted, displayed, or erected.

- K. The unnecessary sounding of vehicle horns and playing at excessive volume of radios CD players or other sound producing devices is prohibited.
- L. The screeching of tires and "revving" of vehicle engines is prohibited.
- M. The speed limit is 10 miles per hour throughout the Cluster.
- N. In accordance with the plan approved by the Fairfax County Fire Marshal on 12 June 2009, all traffic flow within the Glencourse Cluster shall be one-way, entering Glencourse Cluster through the middle intersection with Soapstone Ave and exiting via either the Winged Foot intersection or the southernmost Glencourse intersection.

## **ENFORCEMENT**

### **A. Authority**

The Board of Directors of the Association or its Designee shall enforce all provisions and restrictions of this Resolution, and promulgates the Enforcement Procedures herein to accomplish such enforcement in a manner that is consistent and equitable to all owners, tenants, and guests.

### **B. Indemnity**

If any vehicle owned or operated by an Owner, any member of his or her family, or by such Owner's tenants, guests, invitees, or licensees shall be parked, operated or abandoned in such a manner as to violate the Declaration of Covenants, Conditions, and Restrictions, the Bylaws, or the Rules and Regulations, the Association and its management shall be held harmless by such Owner for any and all damages or losses that may ensue, and any and all rights in connection therewith that the Owner or driver may have under the provisions of state or local laws and ordinances are hereby expressly waived. The Owner shall indemnify the Association and its management against any liability which may be imposed on the Association or its management as a result of such parking, operation, or abandonment and any consequences thereof.

### **C. Scope of Enforcement**

Any vehicle, trailer, semi-trailer, camper, boat truck, personal van, recreational vehicle, or other vehicle of any description that is parked in violation of the General Provisions or Restrictions of the Vehicle Policy shall be deemed to be parked without permission of the Association

and subject to enforcement as provided by the Enforcement Procedures of this Resolution, in accordance with the provisions of Chapter 8, Section 46.1-551 of the Code of Virginia, as amended, which provides for the removal by towing of any motor vehicle or other vehicle that is parked without permission. Any vehicle parked on Common Area without permission is subject to being towed and stored off the property at the vehicle owner's expense and risk.

#### **D. Enforcement Procedures**

1. **Vehicle Removal.** The Board of Directors shall have the authority to have any motor vehicle not in compliance with the provisions of this Resolution removed from the common parking areas. This authority may be delegated to the Managing Agent. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
2. **Violations Subject to Immediate Towing.** Any motor vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane; (b) occupying more than one (1) parking space; (c) parked on a grassy area or sidewalk, (d) of a Member, or owned by the occupants, guests or residents of the Member's Lot, whose parking privileges have been suspended; or (e) constituting a safety hazard or impeding access to other parking areas, shall be subject to immediate removal without notification.
3. **Notice of Violation.** The owner of any motor vehicle not in compliance with any of the other rules and regulations in this Resolution shall be notified of the violation by the posting of a notice on the vehicle. If the motor vehicle is not brought into compliance within seventy-two (72) hours, it shall be subject to removal by towing. A record of such action will be entered into the Managing Agent's or Board's violation records.
4. **Subsequent violations** committed within any consecutive twelve (12) month period shall subject the violating motor vehicle to immediate towing without notification.
5. **Reserved Rights** Association reserves the right to exercise all other power and remedies provided by the Association's governing documents or the laws of Virginia and County of Fairfax
6. The Board shall make provision to retain in its permanent records, copies of all such violations and corrective actions subsequently taken.

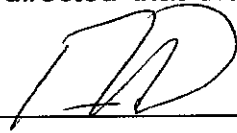
This Resolution was duly adopted at a meeting of the Board of Directors on the 28th day of October, 2009. The effective date shall be November 1, 2009 and shall supersede any previous resolution regarding parking and shall become effective immediately upon adoption as signified by the signature of the Board of Directors below

**GLENCOURSE CLUSTER ASSOCIATION**

  
\_\_\_\_\_  
Joseph Morris, President

**ATTEST:**

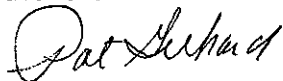
I, Robert J. Wuehler, Secretary of Glencourse Cluster Association, hereby attest that the Board adopted this Resolution at a duly convened meeting on the 28th day of October, 2009, and directed that the same be incorporated into the Book of Resolutions.

  
\_\_\_\_\_  
\_\_\_\_\_, Secretary

**FOR ASSOCIATION RECORDS**

I, Pat Gerhand, Community Manager, hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the Members of

the Glencourse Cluster Association on this 2 day of February, 2009.



# **GLENCOURSE CLUSTER ASSOCIATION**

## **Resolution**

### **Rules and Regulations for Home Owners and Occupants**

**Resolution # 10-28-09-2**

**[Replaces Resolution of Rules and Regulations #2-20-07-2]**

**WHEREAS, Virginia Code Section 55-513A (of the Virginia Property Owners' Association Act) provides that the board of directors of a property owners' association shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to other areas of responsibility assigned to the Association by the declaration; and**

**WHEREAS, Article VII, Section VII.1 (a) of the First Amendment to the Deed of Amendment to the Deeds of Dedication (hereinafter "First Deed of Amendment") of Reston identifies purposes of a cluster association to include providing upkeep for the cluster common area and promoting the peace, comfort, safety, and general welfare of the Owners and Occupants of the cluster; and**

**WHEREAS, Article VII, Section VII.2.(b) (1) of the First Deed of Amendment provides that the right of enjoyment of cluster members is subject to the cluster board of directors, after notice and a hearing, establishing reasonable rules of use including parking rules; and**

**WHEREAS, Article 2 (b) of the Articles of Incorporation of Glencourse Cluster Association (hereinafter "Association") provides for the Association to do any and all lawful acts which may be deemed for the benefit of the property constituting Glencourse Cluster; and**

**WHEREAS, Article 4 of the Association's Articles of Incorporation and Article IV, Section 1 of the Bylaws vest management of the affairs of the Association with the directors;**

**NOW THEREFORE BE IT RESOLVED THAT the following rules and regulations shall be applicable to all owners and residents of Glencourse Cluster, and to visitors or anyone present at Glencourse Cluster or using its common area.**

#### **A. PETS**

**1.. Dogs, when outside a town home shall at all times be leashed or carried by a person capable of controlling the dog, consistent with Fairfax County ordinances and requirements.**

2. Animals are to be walked in areas that are away from private yards and common areas whenever reasonably possible.

3. Residents with pets are required to clean up animal waste from their pets immediately, consistent with Fairfax County ordinances and requirements.

4. Residents shall take all reasonable measures to prevent their pet(s) from being a nuisance by (without limitation): running loose, getting into garbage, disturbing lawns or flower beds, or barking or making noise regularly or unreasonably.

5. Residents are to have their pet(s) licensed and vaccinated consistent with Fairfax County ordinances and requirements.

6. Residents are encouraged to report to Fairfax County Animal Control persons who fail to comply with the foregoing rules on pets.

#### **B. VEHICLES**

1. Residents are referred to Glencourse Cluster Administrative Resolution #10-28-09-1 on *Parking and Operation of Motor Vehicles* for all rules and regulations pertaining to parking and operating motor vehicles at Glencourse Cluster. Residents are to make their visitors to Glencourse Cluster aware of parking and motor vehicle requirements that may be applicable to those persons.

#### **C. NOISE**

1. Music volume, as well as other kinds of noise, shall be kept at a reasonable level that does not disturb neighbors.

#### **D. OUTDOOR COOKING**

1. Outdoor cooking shall be undertaken in the back yard of a town home. Outdoor cooking in the front yard or side yard of a Lot is prohibited. Residents are to comply with all Fairfax County ordinances and requirements regarding the use of open-flame grills.

#### **E. WASTE DISPOSAL**

1. Garbage, recyclables, and yard debris are to be placed on the curb no earlier than dusk the night before regularly scheduled collection days.
2. Residents shall *not* dispose of yard debris in any cluster common areas or wooded areas.



3. Garbage is to be placed in plastic bags and stored in closed containers.
4. Garbage cans and recycling bins are to be taken in as soon as possible after trash is collected, and no later than 11:00 p.m. the day of collection.
5. Garbage cans and recycling bins are to be stored out of sight from the street, either in a properly concealed area or in the rear yard; they are not to be stored on a front porch or stoop.
6. Residents who miss the regularly scheduled collection must properly store garbage until the next collection day. In such instances, uncollected garbage or recyclables are *not* to be left on or at the street.

#### **F. TOWN HOME APPEARANCE AND MAINTENANCE**

1. Town home owners shall maintain the exterior of their town home in good repair and a reasonable condition, including without limitation roofs, siding, windows, doors, decks, balconies, sheds, window boxes, patios, and fences which border the perimeter of the yard.
2. Town homes in Glencourse Cluster shall be painted only in the approved paint colors for the specific unit being painted. Information concerning approved paint colors can be obtained from Reston Association or the Glencourse Cluster Association's property manager.
3. Outdoor light fixtures are to be replaced with a similar type fixture, as approved by Reston Association.
4. When replacing bulbs in outdoor fixtures, white or clear bulbs are to be used.
5. Any furniture or accessory placed near the front entrance to a town home is to be in keeping with the existing outdoor materials of the town home.
6. Toys, play sets, bicycles, etc., shall *not* be stored in the front yard of a town home, but should be stored in a concealed area when not in use. Such items shall *not* be stored or left on common property.
7. Bicycles and play sets shall *not* be used on landscaped or mulched areas of the common property.
8. Newspapers shall be promptly removed from walkways and stoops.

#### **G. LAWN CARE**

1. Grass shall not exceed a height of four (4) inches.

2. Vegetation, whether inside or outside a perimeter fence, shall be well groomed and maintained so that it is not unsightly or intrusive.
3. Sickly or dead vegetation on the property shall be promptly removed and replaced.

#### H. ALTERATIONS

1. All requests for additions, alterations and improvements to the exterior of a town home or a Lot shall be in writing and shall comply with the Reston Association covenants and related Reston Association rules and regulations, and the Reston Association Design Guidelines. A copy of the request shall be provided to the Glencourse Cluster Board of Directors or a duly established Architectural Review Committee thereof.
2. The Board of Directors retains the exclusive right to consider and establish alternative or new Cluster standards and guidelines or to modify existing standards and guidelines. Such actions, however, do not become final until submitted to, reviewed and approved by Reston Association. The Board will consider solicitations from homeowners in establishing such new or alternative standards and shall consult with Members of the Association prior to acting.
3. Approval of any project by the Glencourse Cluster Association does not waive the necessity of obtaining the required governmental permits from Fairfax County, Virginia or approvals from Reston Association. Approval of a project by Reston Association does not waive the necessity of obtaining the required governmental permits from Fairfax County, Virginia or approvals from the Glencourse Cluster Association. Finally, the approval of any project by Fairfax County does not waive the necessity of obtaining the required approvals from Glencourse Cluster Association or Reston Association.
4. Any addition, alteration or improvement of the common area, ***including common area immediately bordering, adjacent to, or in close proximity to, a town home*** shall be undertaken only after obtaining written approval from the Glencourse Cluster Board of Directors. In no case shall any such addition, alteration or improvement of the common area, with or without the Board's consent, be considered to grant a leasehold, easement or ownership interest in the common area. The Board of Directors retains the right at all times to remove without notice any such additions, alterations or improvements to and encroachments upon common areas. The Board of Directors also retains the right at all times to establish more detailed guidelines involving such use of the commons areas by individual homeowners or other residents.

5. The Board shall make provision to retain in its permanent records, copies of all such proposals, decisions, and implementations, including decisions of Reston Association and/or Fairfax County.

**I. SIGNS**

1. One temporary sign advertising the sale or rental of a town home at which the sign is located is permitted, provided that the sign conforms to Fairfax County requirements concerning the display of real estate signs. Such temporary real estate signs shall be removed within three (3) days after ratification of a sales contract or lease. Other temporary signs (e.g., yard sale) may be installed on a lot but must be less than one square foot in size. Such signs must be removed immediately after completion of their purpose. All other signage must be approved by Reston Association's Design Review Board.

**J. GENERAL**

1. These rules and regulations are intended to supplement and not to supersede existing covenants of Reston Association and Glencourse Cluster Association affecting Glencourse Cluster. Should any of these rules and regulations conflict with covenants of Glencourse Cluster Association or Reston Association affecting Glencourse Cluster, the covenants shall be controlling and shall prevail.

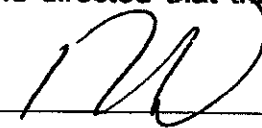
This Resolution was duly adopted at a meeting of the Board of Directors on the 28th day of October, 2009. The effective date shall be November 1, 2009 and shall supersede any previous resolution regarding rules and regulations for Home Owners and Occupants and shall become effective immediately upon adoption as signified by the signature of the Board of Directors below

**GLENCOURSE CLUSTER ASSOCIATION**

  
\_\_\_\_\_  
Joseph V. Morris, President

**ATTEST:**

I, Robert J. Weathman, Secretary of Glencourse Cluster Association, hereby attest that the Board adopted this Resolution at a duly convened meeting on the 28th day of October, 2009, and directed that the same be incorporated into the Book of Resolutions.

  
\_\_\_\_\_  
, Secretary

**FOR ASSOCIATION RECORDS**

I, Pat Derhand, TWC Community Manager for Glencourse Cluster Association, hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the Members of the Glencourse Cluster

Association on this 2 day of February, 2010.

*Pat Derhand February 3, 2010*

# **GLENCOURSE CLUSTER ASSOCIATION**

## **Resolution**

### **Investment Policy**

**Resolution # 11-21-09-2**

**[Replaces Resolution #2-20-07-5.]**

**WHEREAS, the Board of Directors of Glencourse Cluster Association ("the Board"), pursuant to the provisions of the Virginia Property Owners' Association Act, the Reston Association Governing Documents, and the Glencourse Cluster Association Cluster Documents has authority to manage the affairs of the Association; and**

**WHEREAS, the Board desires to establish as its objective that the principal value of all Association funds be maintained and that principal preservation is the primary objective of any investment activity involving Association funds; and**

**WHEREAS, the Board's goal, on behalf of the members of the Association, is to invest Association reserve funds in fixed income investment instruments and/or accounts that will realize full face value at maturity, understanding that such instruments may have a fluctuating market value prior to maturity and that the Board's goal is also to maintain maximum safety for Association funds with the investments selected;**

**NOW THEREFORE BE IT RESOLVED THAT Association funds will be invested within the following guidelines:**

- A. All potential investment accounts or instruments shall be evaluated by the Board as to how well they achieve a prudent balance among the factors of safety, liquidity as it relates to the Association's cash flow needs, and rate of return, and investment accounts or instruments shall be approved on the basis of such an appropriate balance.**
- B. The Board shall make available to the unit owners listing on an itemized basis (but without identifying account numbers or other information that would risk the security of the funds) as to amount, type and rate of return of the investments, funds and accounts in which Association funds are deposited or invested. The purpose of this disclosure is to provide the unit owners with an opportunity to see that the Association's funds are being properly and prudently administered, or to be informed if that is not the case.**

- C. No funds shall be deposited or invested except in Authorized Investments. Authorized Investments are:**
- 1. Obligations of, or fully guaranteed as to principal by, the United States of America;**
  - 2. Obligations of the Federal National Mortgage Association, banks for Cooperatives, Federal Home Loan Banks, the Federal Land Bank, and Federal Intermediate Credit Bank;**
  - 3. Certificates of Deposit issued by banks and savings and loan associations within the limits of insurance provided by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation for each such Certificate;**
  - 4. Federally insured money funds within the limits of insurance coverage; and**
  - 5. Other such accounts or instruments as may be created or available where the principal is fully protected, guaranteed or insured by the Federal Government.**
- D. The average daily balance in a money market account shall not exceed \$10,000 though the balance at any one time may exceed this during the transfer of funds.**
- E. No investment may be sold, withdrawn, redeemed or otherwise converted to cash prior to maturity without Board approval. Generally, such investments are intended to be held to maturity. However, any investment may be sold, withdrawn, or redeemed for an amount less than earnings at maturity in reinvested in an Authorized Investment the par value of which is equal to or greater than the par value of the investment sold, withdrawn or redeemed early, if the yield upon the latter is greater than the original yield would have been, and if the cost of the transaction does not negate the difference in earnings. Additionally, any investment may be sold, withdrawn, or redeemed prior to maturity if funds are required to pay obligations of the Association not anticipated by cash flow projections.**
- F. Authorized signatories for all accounts or instruments other than the disbursing account above shall be the President, the Treasurer, and one alternate Board member appointed by the Board. The signatures of the President and Treasurer shall be required to invest, reinvest, withdraw, redeem or sell Association funds or**

instruments unless one or the other is unavailable, in which case the alternate Board member shall be authorized as a substitute for either.

- G. The amount of any investment shall not exceed the amount of insurance than being provided.


This Resolution was duly adopted at a meeting of the Board of Directors on the 21<sup>st</sup> day of November, 2009. The effective date shall be December 1, 2009 and shall supersede any previous resolution regarding investment policy and shall become effective immediately upon adoption as signified by the signature of the Board of Directors below

**GLENCOURSE CLUSTER ASSOCIATION**

  
\_\_\_\_\_  
Joseph Morris, President

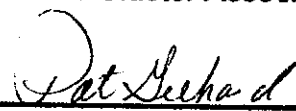
**ATTEST:**

I, Robert J. Werthman, Secretary of Glencourse Cluster Association, hereby attest that the Board adopted this Resolution at a duly convened meeting on the 21st day of November, 2009, and directed that the same be incorporated into the Book of Resolutions.

  
\_\_\_\_\_  
Secretary

**FOR ASSOCIATION RECORDS**

I, Pat Gerhand, Community Manager, hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the Member of the Glencourse Cluster Association on this 3rd day of January, 2010.

  
\_\_\_\_\_  
\_\_\_\_\_

# **GLENCOURSE CLUSTER ASSOCIATION**

## **Resolution**

### **Policy Regarding Due Process**

**Resolution # 11-21-09-1**

**[Replaces Resolution # 2-20-07-3]**

**WHEREAS, Section 55-513(A) of the Virginia Property Owners' Association Act provides that a Board of Directors shall have the power to establish, adopt, and enforce rules and regulations with respect to such areas of responsibility assigned to an Association by its Declaration, except where expressly reserved by the Declaration to members; and**

**WHEREAS, Article VII, Section VII.1 (d) (2) of the First Amendment to the Deed of Amendment to the Deeds of Dedication (hereinafter "First Deed of Amendment") of Reston states that a cluster Board of Directors "shall have all powers needed to carry out the purposes of the Cluster Association which are enabled by law or this article and which are not specifically reserved to the members;" and**

**WHEREAS, it is the intent of the Glencourse Cluster Association Board of Directors (hereinafter "the Board") to provide due process procedures pursuant to the requirements of the Virginia Property Owners' Association Act for the resolution of complaints and rules violations in order to protect and benefit the members of the Association and ensure consistent and just enforcement;**

**NOW THEREFORE BE IT RESOLVED THAT the following due process procedures are adopted and shall be applicable to the resolution of complaints and rules violations.**

#### **I. COMPLAINT**

**A. Any owner or resident, including members of the Board or an Architectural Review Committee duly constituted by the Board, may request that the Board take action to enforce the governing documents of the Association and shall:**

- 1. Complete as fully as possible a "Complaint Form" containing:**
  - a. Name of the person in violation.**
  - b. Street address of the person in violation.**
  - c. Date(s) when violation occurred.**



- d. Where violation was observed.
  - e. Detailed description of nature of violation.
  - f. Any personal action(s) taken to attempt to resolve the violation and the dates taken.
  - g. Printed name(s) and address(es) of person(s) making complaint.
  - h. Signature(s) of person(s) making complaint.
  - i. Date complaint is made.
2. Submit the complaint directly to a member of the Board who will, as appropriate, promptly bring it to the attention of the entire Board for a determination as to whether it appears a provision of the governing documents has been violated.

## **II. INVESTIGATION AND GOOD-WILL EFFORT.**

A. The Board, or the Architectural Review Committee at the request of, and on behalf of, the Board, will investigate the alleged violation.

B. If a violation of the Glencourse Cluster and Reston Association governing documents is deemed to exist, then the Board shall make an effort to resolve the dispute without resorting to further procedures by:

a. Attempting to contact all parties involved in the dispute to determine their concerns and to clarify and notify the parties of possible violation(s) of the governing documents.

b. Allowing the party alleged to be in violation to remedy the cause of the dispute immediately upon contact.

## **III. DEMAND.**

A. If the Board's good-will effort in Section II does not result in abatement of the violation or there are further violations of the a similar nature to prior violations, the Board shall:

1. Execute a written demand letter to cease and desist from the alleged violation and deliver it by first-class mail or hand to the residence of the person violating and to the owner of the lot; if the owner resides at a different address, at the address that the owner has provided to the Association or to the lot address if no other address has been provided.

**2. The demand letter shall contain:**

- a. Name of the person in violation.
- b. Street address of the person in violation.
- c. Date(s) when violation occurred.
- d. Where violation was observed.
- e. Detailed description of the nature of the violation and the applicable provision of the Glencourse Cluster Documents, Rules and Regulations and/or the Reston Association Documents
- f. The action required to abate the violation and the date by which the alleged violation, if applicable, may be remedied without sanction.

3. The alleged violator shall be given at least ten (10) days from delivery of the demand letter to remedy the violation (provided, however, that matters determined by the Board to be of a serious safety, health, or detrimental nature must be abated within twenty-four (24) hours upon written notice) or to appeal the Board's determination.

**IV. NOTICE OF HEARING.**

A. If the violation continues past the abatement period specified in the demand letter or additional violations occur, as indicated in Section III, or if the Board's determination is appealed, or if the same rule is subsequently violated, the Board shall hold a hearing within three (3) months of the date of the abatement deadline set forth in the demand letter or the re-occurrence of the violation to render a final determination on the existence of a violation and the possible imposition of sanctions including the assessment of charges against the lot owner for said violation(s).

B. A notice of hearing shall be mailed at least fourteen (14) days prior to the hearing, by registered or certified United States mail, return receipt requested, to the lot owner(s) of record at the address of their lot and to any such other address as they may have designated. A copy shall be sent to any resident person at the lot address, if named in the complaint. Notice will be deemed effective three (e) days after mailing.

**1. The notice of hearing shall specify:**

- a. Time, date, and place of the hearing.

b. That the owner is invited to attend the hearing and shall be given a reasonable opportunity to present any evidence, statements, or witnesses.

c. That the owner may be represented by the owner's counsel, at the owner's expense. .

d. The alleged violation referencing the provision of Rules or Documents violated.

e. Possible sanctions or penalties which could be imposed for the alleged violation.

## **V. HEARING.**

A. The hearing shall be scheduled at a reasonable and convenient time and place, at the discretion of the Board.

B. The Board, within its discretion, may grant a continuance if requested at least forty-eight (48) hours before the scheduled hearing, provided, however, that in case of an emergency a continuance may be granted within that period. No further notice of hearing shall be required in case a continuance is granted.

C. The hearing shall be conducted in open session and shall provide the Complainant, the Respondent, and the Board, or their respective counsel, the right and opportunity to:

1. Call, examine, and cross-examine witnesses.
2. Introduce testimony and evidence.
3. Rebut testimony and evidence.
4. Share equal and reasonable time limits for the presentation of Testimony and evidence to be determined by the Board.
5. Obtain a recording of the minutes of the hearing, if the hearing is recorded.

D. A hearing shall continue as scheduled, even if any of the parties to the complaint are absent, provided notice of the hearing was given.

E. The hearing shall be informal with respect to legal formalities. Any relevant evidence or testimony, which is not privileged, may be considered by the Board of Directors without regard to whether such evidence or testimony may

be considered hearsay or otherwise inadmissible in a court of law. The Board, at its discretion, may exclude irrelevant, immaterial, or unduly repetitious evidence.

F. Complainant, Respondent, or the Board may cause the hearing to be transcribed at their/its own expense.

G. The Board may make a finding, based on substantial evidence, that a violation has occurred. Other findings shall be reflected in a written statement.

H. The Board may administer an oath or affirmation to any person upon request of either party.

I. The Board may expel any party, attorney, witness, or spectator from any hearing for improper, disorderly, or contemptuous conduct.

#### **VI. NOTICE OF DECISION.**

A. The Board will notify the alleged violator of its decision within seven (7) days, or such other period as may be required under Virginia law, after the hearing by hand-delivery or registered or certified mail, return receipt requested, to the member at the address of record with the Association.

1. The notice of decision will contain:

- a. Whether the person has been found to be in violation.
- b. The provision or document violated.
- c. The sanctions including charges imposed or other remedies.
- d. The date on which those sanctions including charges begin.
- e. Where decision and minutes of meeting may be obtained.

#### **VII. ASSESSMENT AND OTHER REMEDIES.**

1. Following the hearing, the Board of Directors may convene in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for any offense of a continuing nature, up to a maximum of ninety (90) days; although the Board reserves the power to increase these maximum sanctions if the Virginia General Assembly enacts legislation in the future that permits the Board to do so. The Association shall treat monetary charges as an

Cluster Documents, Resolutions, Rules and Regulations and Reston Association Documents. Privileges involving the non-payments of assessment shall be suspended until the assessment arrearage is paid in full, including reasonable attorney's fees and courts costs.

2. This resolution is intended to expressly provide that the Board is empowered to seek any remedies including, without limitation, those described in Section 55-513 of the Virginia Property Owners' Association Act. and Virginia law. Act.
3. The procedures outlined in this Resolution may be applied to all violations of the Glencourse Cluster Documents, Resolutions, Rules and Regulations, and Reston Association Documents, but does not preclude the Board of Directors from exercising other enforcement procedures and remedies authorized by the Glencourse Cluster Documents, Resolutions, Rules and Regulations, Reston Association Document, and Virginia law. The Board of Directors reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to management.


This Resolution was duly adopted at a meeting of the Board of Directors on the 21<sup>st</sup> day of November 2009. The effective date shall be December 1, 2009 and shall supersede any previous resolution regarding due process policy and shall become effective immediately upon adoption as signified by the signature of the Board of Directors below

**GLENCOURSE CLUSTER ASSOCIATION**

  
\_\_\_\_\_  
Joseph Morris, President


**ATTEST:**

I, Robert J. Weabley, Secretary of Glencourse Cluster Association, hereby attest that the Board adopted this Resolution at a duly convened meeting on the 21st day of November 2009, and directed that the same be incorporated into the Book of Resolutions.

  
\_\_\_\_\_  
\_\_\_\_\_, Secretary

**FOR ASSOCIATION RECORDS**

I, Pat Gerhand, Community Manager, hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the Member of the Glencourse Cluster Association on this 3rd day of February, 2010.



---

---

# **GLENCOURSE CLUSTER ASSOCIATION**

## **Resolution**

### **Rules and Regulations for Home Owners and Occupants**

**Resolution # 10-28-09-2**

**[Replaces Resolution of Rules and Regulations #2-20-07-2]**

**WHEREAS, Virginia Code Section 55-513A (of the Virginia Property Owners' Association Act) provides that the board of directors of a property owners' association shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to other areas of responsibility assigned to the Association by the declaration; and**

**WHEREAS, Article VII, Section VII.1 (a) of the First Amendment to the Deed of Amendment to the Deeds of Dedication (hereinafter "First Deed of Amendment") of Reston identifies purposes of a cluster association to include providing upkeep for the cluster common area and promoting the peace, comfort, safety, and general welfare of the Owners and Occupants of the cluster; and**

**WHEREAS, Article VII, Section VII.2.(b) (1) of the First Deed of Amendment provides that the right of enjoyment of cluster members is subject to the cluster board of directors, after notice and a hearing, establishing reasonable rules of use including parking rules; and**

**WHEREAS, Article 2 (b) of the Articles of Incorporation of Glencourse Cluster Association (hereinafter "Association") provides for the Association to do any and all lawful acts which may be deemed for the benefit of the property constituting Glencourse Cluster; and**

**WHEREAS, Article 4 of the Association's Articles of Incorporation and Article IV, Section 1 of the Bylaws vest management of the affairs of the Association with the directors;**

**NOW THEREFORE BE IT RESOLVED THAT the following rules and regulations shall be applicable to all owners and residents of Glencourse Cluster, and to visitors or anyone present at Glencourse Cluster or using its common area.**

#### **A. PETS**

**1.. Dogs, when outside a town home shall at all times be leashed or carried by a person capable of controlling the dog, consistent with Fairfax County ordinances and requirements.**

2. Animals are to be walked in areas that are away from private yards and common areas whenever reasonably possible.

3. Residents with pets are required to clean up animal waste from their pets immediately, consistent with Fairfax County ordinances and requirements.

4. Residents shall take all reasonable measures to prevent their pet(s) from being a nuisance by (without limitation): running loose, getting into garbage, disturbing lawns or flower beds, or barking or making noise regularly or unreasonably.

5. Residents are to have their pet(s) licensed and vaccinated consistent with Fairfax County ordinances and requirements.

6. Residents are encouraged to report to Fairfax County Animal Control persons who fail to comply with the foregoing rules on pets.

#### **B. VEHICLES**

1. Residents are referred to Glencourse Cluster Administrative Resolution #10-28-09-1 on *Parking and Operation of Motor Vehicles* for all rules and regulations pertaining to parking and operating motor vehicles at Glencourse Cluster. Residents are to make their visitors to Glencourse Cluster aware of parking and motor vehicle requirements that may be applicable to those persons.

#### **C. NOISE**

1. Music volume, as well as other kinds of noise, shall be kept at a reasonable level that does not disturb neighbors.

#### **D. OUTDOOR COOKING**

1. Outdoor cooking shall be undertaken in the back yard of a town home. Outdoor cooking in the front yard or side yard of a Lot is prohibited. Residents are to comply with all Fairfax County ordinances and requirements regarding the use of open-flame grills.

#### **E. WASTE DISPOSAL**

1. Garbage, recyclables, and yard debris are to be placed on the curb no earlier than dusk the night before regularly scheduled collection days.
2. Residents shall *not* dispose of yard debris in any cluster common areas or wooded areas.



3. Garbage is to be placed in plastic bags and stored in closed containers.
4. Garbage cans and recycling bins are to be taken in as soon as possible after trash is collected, and no later than 11:00 p.m. the day of collection.
5. Garbage cans and recycling bins are to be stored out of sight from the street, either in a properly concealed area or in the rear yard; they are not to be stored on a front porch or stoop.
6. Residents who miss the regularly scheduled collection must properly store garbage until the next collection day. In such instances, uncollected garbage or recyclables are **not** to be left on or at the street.

#### **F. TOWN HOME APPEARANCE AND MAINTENANCE**

1. Town home owners shall maintain the exterior of their town home in good repair and a reasonable condition, including without limitation roofs, siding, windows, doors, decks, balconies, sheds, window boxes, patios, and fences which border the perimeter of the yard.
2. Town homes in Glencourse Cluster shall be painted only in the approved paint colors for the specific unit being painted. Information concerning approved paint colors can be obtained from Reston Association or the Glencourse Cluster Association's property manager.
3. Outdoor light fixtures are to be replaced with a similar type fixture, as approved by Reston Association.
4. When replacing bulbs in outdoor fixtures, white or clear bulbs are to be used.
5. Any furniture or accessory placed near the front entrance to a town home is to be in keeping with the existing outdoor materials of the town home.
6. Toys, play sets, bicycles, etc., shall **not** be stored in the front yard of a town home, but should be stored in a concealed area when not in use. Such items shall **not** be stored or left on common property.
7. Bicycles and play sets shall **not** be used on landscaped or mulched areas of the common property.
8. Newspapers shall be promptly removed from walkways and stoops.

#### **G. LAWN CARE**

1. Grass shall not exceed a height of four (4) inches.

2. Vegetation, whether inside or outside a perimeter fence, shall be well groomed and maintained so that it is not unsightly or intrusive.
3. Sickly or dead vegetation on the property shall be promptly removed and replaced.

#### H. ALTERATIONS

1. All requests for additions, alterations and improvements to the exterior of a town home or a Lot shall be in writing and shall comply with the Reston Association covenants and related Reston Association rules and regulations, and the Reston Association Design Guidelines. A copy of the request shall be provided to the Glencourse Cluster Board of Directors or a duly established Architectural Review Committee thereof.
2. The Board of Directors retains the exclusive right to consider and establish alternative or new Cluster standards and guidelines or to modify existing standards and guidelines. Such actions, however, do not become final until submitted to, reviewed and approved by Reston Association. The Board will consider solicitations from homeowners in establishing such new or alternative standards and shall consult with Members of the Association prior to acting.
3. Approval of any project by the Glencourse Cluster Association does not waive the necessity of obtaining the required governmental permits from Fairfax County, Virginia or approvals from Reston Association. Approval of a project by Reston Association does not waive the necessity of obtaining the required governmental permits from Fairfax County, Virginia or approvals from the Glencourse Cluster Association. Finally, the approval of any project by Fairfax County does not waive the necessity of obtaining the required approvals from Glencourse Cluster Association or Reston Association.
4. Any addition, alteration or improvement of the common area, ***including common area immediately bordering, adjacent to, or in close proximity to, a town home*** shall be undertaken only after obtaining written approval from the Glencourse Cluster Board of Directors. In no case shall any such addition, alteration or improvement of the common area, with or without the Board's consent, be considered to grant a leasehold, easement or ownership interest in the common area. The Board of Directors retains the right at all times to remove without notice any such additions, alterations or improvements to and encroachments upon common areas. The Board of Directors also retains the right at all times to establish more detailed guidelines involving such use of the commons areas by individual homeowners or other residents.

5. The Board shall make provision to retain in its permanent records, copies of all such proposals, decisions, and implementations, including decisions of Reston Association and/or Fairfax County.

#### I. SIGNS

1. One temporary sign advertising the sale or rental of a town home at which the sign is located is permitted, provided that the sign conforms to Fairfax County requirements concerning the display of real estate signs. Such temporary real estate signs shall be removed within three (3) days after ratification of a sales contract or lease. Other temporary signs (e.g., yard sale) may be installed on a lot but must be less than one square foot in size. Such signs must be removed immediately after completion of their purpose. All other signage must be approved by Reston Association's Design Review Board.

#### J. GENERAL

1. These rules and regulations are intended to supplement and not to supersede existing covenants of Reston Association and Glencourse Cluster Association affecting Glencourse Cluster. Should any of these rules and regulations conflict with covenants of Glencourse Cluster Association or Reston Association affecting Glencourse Cluster, the covenants shall be controlling and shall prevail.

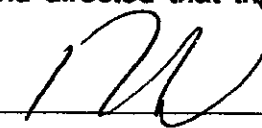
This Resolution was duly adopted at a meeting of the Board of Directors on the 28th day of October, 2009. The effective date shall be November 1, 2009 and shall supersede any previous resolution regarding rules and regulations for Home Owners and Occupants and shall become effective immediately upon adoption as signified by the signature of the Board of Directors below

#### GLENCOURSE CLUSTER ASSOCIATION

  
\_\_\_\_\_  
Joseph V. Morris, President

#### ATTEST:

I, Robert J. Weatherman, Secretary of Glencourse Cluster Association, hereby attest that the Board adopted this Resolution at a duly convened meeting on the 28th day of October, 2009, and directed that the same be incorporated into the Book of Resolutions.

  
\_\_\_\_\_  
, Secretary

**FOR ASSOCIATION RECORDS**

I, Pat Derhand, TWC Community Manager for Glencourse Cluster Association, hereby attest that this Resolution was mailed and/or delivered to the addresses of record of the Members of the Glencourse Cluster

Association on this 2 day of February, 2010.

*Pat Derhand February 3, 2010*