

WENTWORTH PLACE CONDOMINIUM UNIT OWNERS ASSOCIATION

POLICY RESOLUTION No. _____

(Noise Policy)

WHEREAS, Article III, Section 3.1(a) of the Bylaws provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Association;

WHEREAS, Article III, Section 3.1(f) of the Bylaws provides the Board of Directors with the power to make and amend rules and regulations;

WHEREAS, Article V, Section 5.3 of the Bylaws prohibits offensive or unlawful uses of the Property and requires that all valid laws, zoning ordinances and regulations of all governmental agencies be observed;

WHEREAS, the Board of Directors desires to create a Noise Policy which is in line with Arlington County Code which prohibits amplified sound creating a noise disturbance within any nearby dwelling unit;

WHEREAS, the Declaration obligates each member of the Association to comply with the rules and regulations promulgated by the Board; and

WHEREAS, the Board has determined that it is in the Association's best interest to promulgate rules and regulations regarding Noise control on the Association's property.

THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following rules with respect to noise control on all areas of the Association's Property.

I. RULES

- A. No unit owner/resident shall make or permit any disturbing noises in the building or do or permit anything which will interfere with the rights, comforts or convenience of other unit residents. All unit owners/residents shall keep the volume of any radio, television, or musical instrument in their units sufficiently reduced at all times so as not to disturb other unit residents. Audible noise that may be heard from another unit or the common elements shall be prohibited from 9:00 p.m. to 7:00 a.m. on weekdays and from 9:00 p.m. to 10:00 a.m. on Saturdays, Sundays and holidays. Audible noise includes, but is not limited to, amplified radio, television, stereo or musical instrument noise, shouting and yelling above normal conversational levels, loud dog barking, banging on walls, heavy footsteps, and slamming of doors.

- B. Furthermore unit owners/residents must ensure that sufficient carpeting or rugs shall be maintained on a minimum of 80 percent of the floor surfaces (except kitchens, closets, and bathrooms) in units located over other units, to adequately reduce transmission of sound between units.

II. ENFORCEMENT

- A. In order for the Board of Directors to accept a complaint that audible noise constitutes a nuisance, the complaint must be in writing and signed by the residents of two (2) separate dwellings. The complaint must be reasonably specific with respect to the details and dates of the alleged violations and must, to the extent reasonable possible, identify the parties in question by name and address. It is permissible for complaints to be submitted separately by two or more residents.
- B. If the management agent reasonably concludes that the complaint alleges a valid complaint, he or she will begin the process of enforcement through the issuance of a notice of complaint to the alleged offender, with a copy of the complaints (if requested by the complainants).
- C. The Management agent will be responsible to handle the Association's notice of complaint which will be in writing and delivered by hand or by certified mail, return receipt requested, to the alleged offender at his or her address listed in the Association's records, as well as to the resident of the unit, as applicable.
- D. In the notice of complaint, Association shall generally advise the alleged offender of the nature of the offence listed in the complaint and request him/her/they to either refrain from the alleged activity or provide the Board with a written response which explains the situation or denies the allegation. If the Board receives such a response, it will provide a copy to the complainants.
- E. As these situations are generally not subject to any form of reasonable monitoring by the Board or management, neither the Board nor management will take any further action in the matter after it issues its notice of complaint, unless the complainants submit a second written complaint which alleges a new violation (after the alleged offender receives the notice of complaint) and request a formal hearing.
- F. If the Board receives a second complaint as provided in paragraph II(E) above, the Board will schedule and conduct a hearing in accordance with its existing policies.

BE IT FINALLY RESOLVED THAT: this Resolution cancels and supersedes wording as laid out in the By-laws under paragraph 13 of the Rules and Regulations.

This Resolution was approved by the Board of Directors of the Wentworth Place Condominium Unit Owners Association on this 27th day of October, 2010.

WENTWORTH PLACE CONDOMINIUM
UNIT OWNERS ASSOCIATION



President

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on ...*Dec. 1, 2010*...

Motion by: *Sean Griffin*...

Seconded by: *Dave Anderson*

VOTE:	YES	NO	ABSTAIN	ABSENT
<i>[Signature]</i> President	✓
<i>[Signature]</i> Vice President	✓
<i>[Signature]</i> Treasurer	✓
<i>[Signature]</i> Secretary	✓
<i>[Signature]</i> Director	✓
<i>[Signature]</i> Director	✓
<i>[Signature]</i> Director	✓
<i>[Signature]</i> Director	✓
<i>[Signature]</i> Director	✓

ATTEST:
[Signature]

Resolution effective *January 15, 2011*.....