

**Westbriar Condominium Unit Owners Association and
Westbriar Plaza Condominium Unit Owners Association**

Policy Resolution No.____

Establishing Rules and Regulations for Use of the Clubhouse Spa

WHEREAS, Article III, Section 2 of Bylaws of the Westbriar Condominium Unit Owners Association (the “Westbriar Condominium”) and Article III, Section 2 of the Bylaws of the Westbriar Plaza Condominium Unit Owners Association (“Westbriar Plaza”) provide that the Board of Directors of the respective associations shall have all of the powers and duties necessary for the administration of the affairs of the Association; and further provides that the Board of Directors shall have the power to adopt any rules and regulations, provided, however, that such rules and regulations shall not be in conflict with the Condominium Act or the Condominium Instruments; and,

WHEREAS, the Westbriar Condominium and Westbriar Plaza are parties to a Declaration of Easement and Shared Maintenance Agreement (“Maintenance Agreement”) dated May 15, 2000 and recorded in the Fairfax County Land Records at Book 11356 Page 1855. According to the Maintenance Agreement, Westbriar Condominium has a non-exclusive easement for the use and enjoyment of the Recreational Facilities including the spa and community center located within Westbriar Plaza; and,

WHEREAS, Article VI, Section B(1) of the Maintenance Agreement provides that the Facilities Committee shall be responsible for overseeing the use and operation of the Recreational Facilities and shall have the authority to promulgate rules and regulations for use and operation; and,

WHEREAS, The Boards of Directors of the Westbriar Plaza and the Westbriar Condominium (together further referenced as “the Board” and the “the Association”) and the Facilities Committee deem it necessary and desirable to establish certain rules for use of the spa in the Association Clubhouse (further referenced as the “Clubhouse”).

NOW, THEREFORE, be it resolved that the following Rules and Regulations for use of the spa be adopted:

I. GENERAL

1. All unit owners (or their designated tenants) are entitled to use the spa. This privilege may be suspended by the Board of Directors for owners who are delinquent in their assessment payments for a period in excess of sixty (60) days. And all unit owners who wish to use the spa must complete a “waiver of liability” which is attached hereto as **Exhibit A** and submit it to the Association’s managing agent prior to use.
2. No one under fourteen (14) years of age is permitted in the spa unless accompanied by an adult. Spa users who are between fourteen (14) and eighteen (18) years of age must provide a signed affidavit from a parent or guardian that the person is permitted to use the facility, see **Exhibit A**.
3. The spa hours of operation will be 8:30 a.m. to 9:00 p.m., except when clubhouse is rented for a private event. The Board of Directors reserves the right to change the hours of operation for the spa by posting the hours outside the area.
4. Guests must be escorted by a resident who is eighteen (18) years of age or older. No resident under the age of eighteen (18) is permitted to bring guests to the spa. The conduct of guests is the responsibility of the escort. Any guests must complete a “waiver of liability” form and submit to the Association prior to use of the spa. Submit waivers to Association’s management company prior to use of the facility.
5. No lifeguard is on duty; all persons using the spa do so at their own risk.
6. The maximum number of people permitted in the spa at any given time when the jets are on is two (2).
7. No Jumping or diving is permitted in the spa.
8. Running, pushing, wrestling, dunking, standing or sitting on another’s shoulders is prohibited. No screaming, profanity, or other boisterous behavior will be permitted in the spa or spa area.
9. Breakable objects (glass bottles or any glass objects) are not permitted in the spa area. Plastic or paper items are acceptable.
10. No food, alcohol, drugs, or tobacco is allowed in the spa area. Beverages in unbreakable, spill-proof containers are allowed. Smoking is forbidden anywhere in the Clubhouse and spa area.
11. No animals or pets (except service animals) are permitted in the spa area.
12. Swimmers must wear proper bathing attire. No cut-offs, thongs, dungarees or similar attire will be permitted.
13. Persons who have obvious infections (colds, lesions, open sores, etc.) nasal or ear discharge, inflamed eyes or any communicable disease are not allowed in the spa.

14. Persons using the spa must shower before entering the spa. No oils, body lotions or mineral oils are permitted in the water.
15. Any problems with the spa equipment or violations of the rules must be reported to the Association's management staff, Advantage Community Management Corp. (703-279-6556).
16. All persons using the spa should enter and exit the spa slowly.
17. While users are waiting, the time limit in the spa is thirty (30) minutes.
18. Do not use the spa while under the influence of alcohol, tranquilizers or other drugs that cause drowsiness or that raise or lower blood pressure.
19. Locker use is limited to the time the user is at the facility. Association reserves the right to remove locks and items left in lockers when owner is not present.
20. A first aid kit and emergency phone is located at the clubhouse.

II. ENFORCEMENT

All Owners shall be subject to their respective Association's enforcement policy for violations of the governing documents if the Owner, or their tenants, guests or invitees violate these Rules. The Association shall be permitted to take all actions authorized by its respective governing documents and Virginia law, including, but not limited to, the imposition of monetary charges and the suspension of membership privileges following all due process procedures.

III. LIABILITY

1. The Association, its directors, officers, agents, employees and other designees shall not be responsible for any claims, liabilities or damage to or loss of any personal property for any reason whatsoever (including theft), direct or indirect, arising from or relating to the use of the spa.
2. All users of the spa assume all responsibility, risks, liabilities, and hazards incident to the use of the spa and hereby release and forever discharge the Association and its officers, directors, employees and agents from liability for personal injury, death and damage to or destruction of property arising from the use of the spa. Users of the spa shall indemnify and hold harmless the Association, its officers, directors, employees, agents and members from any and all claims, costs, causes of action, liability and/or damages (including but not limited to attorneys' fees and costs) resulting from or related to the use of the spa.

These Rules and Regulations supersede and replace any previously adopted policies relating to the same subject.

The effective date of this Resolution shall be _____, 2013.

Westbriar Condominium Unit Owners Association

By: _____
Josh Coder, President

Westbriar Plaza Condominium Unit Owners Association

By: _____
Ina Nenninger, President

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