

# **WATER'S EDGE CONDOMINIUM**

**POLICY RESOLUTION NO 2011-01**

## **GUIDELINES FOR FIREPLACE AND CHIMNEY INSPECTION REQUIREMENTS FOR WATER'S EDGE**

**WHEREAS**, the fireplaces and chimneys in Water's Edge are in excess of 22 years old:

**WHEREAS**, the condition of said fireplaces and chimneys deteriorate over time and present a potential fire hazard:

**WHEREAS**, Article III, Section 5 of the Bylaws states: The Board of Directors shall have all the powers and duties necessary for the administration of the affairs of the Condominium and may do all acts and things as are by the Condominium Act, the Declaration or these Bylaws directed to be done by the Unit Owners' Association. In addition to the duties imposed on the Board of Directors by these Bylaws or by any resolution of the Unit Owners' Association, the Board of Directors shall have the power to, and shall be responsible for, the following:..... (f) making and amending Rules and Regulations respecting use and enjoyment of the Condominium in accordance with the provisions of these Bylaws...:

**NOW THEREFORE, BE IT RESOLVED** that all Water's Edge units having a fireplace and chimney shall have said fireplace and chimney interior and exterior thoroughly inspected by a licensed professional as to the safe operating condition of same, and that periodically re-inspections shall be accomplished, as set forth below.

### **SECTION I: UNITS WITH FIREPLACES/CHIMNEYS**

A. All Water's Edge units are therefore required to have their fireplace and chimneys initially inspected by a duly licensed professional and have corrective maintenance performed as required. Unit Owners who do not use their fireplace are required to place on file with the Association a notarized statement (Attachment A to this Resolution) to that effect on or before the initial inspection date as outlined in Section II A (4) below.

### **SECTION II: INITIAL INSPECTION**

#### **A. Procedures for Initial Inspection**

1. An initial letter shall be sent to all unit owners advising them of the situation and requiring that an inspection by a licensed professional be performed on the interior of all units with a fireplace and chimney.

2. The cost of the interior inspection shall be borne by the unit owner since common elements are not involved.

3. The initial inspection of fireplaces and chimneys shall be completed by September 30, 2011.

**B. Enforcement Procedures (Initial Inspection)**

1. The owners of any units not inspected by September 30, 2011, based on inspection reports received by the Management Agent, shall be contacted in writing by the Management Agent. The Management Agent shall inform the unit owner of the following:

- (a) The requirements set forth by this resolution;
- (b) The lack of response to date from the unit owner concerned;
- (c) The necessity of responding to this request and the consequences of not responding.

2. If, after 25 days from date of mailing, the unit owner has not forwarded an initial inspection report to the Management Agent, the Management Agent shall forward a follow-up letter advising the unit owner that his/her unit has been scheduled for an inspection by the Management Agent on a specific date and time. This date shall be no earlier than 20 days from the date of the follow-up letter. The follow-up letter shall be sent by certified mail, return receipt requested. The homeowner concerned will be advised to confirm the date/time with the Management Agent and make arrangements to provide entry into the unit. The homeowner may propose another date and time for the inspection, but no more than 30 days from the date of the follow-up letter. The Management Agent shall make every reasonable effort to accommodate the unit owner's request.

3. If the homeowner does not cooperate in providing entry into the unit for such inspection, the Management Agent is hereby directed to proceed with the inspection on the scheduled date and time. A locksmith will be utilized to gain entry into the unit concerned. If the homeowner has so secured his/her unit to make a locksmith unable to gain entry, the Management Agent shall use whatever means are available to gain entry. Every reasonable effort will be made to cause no damage to the unit inspected under this authority, however, the Association, Board of Directors, and the Management Agent do not assume any liability for any damages resulting from the inspection.

4. The homeowner concerned shall be responsible for all costs of the inspection, including the cost of mailing the required notices, in accordance with Article VI, Section 1.b (3) of the Bylaws.

**SECTION III: REINSPECTIONS**

A. Each unit shall have the fireplace and chimney re-inspected every two (2) years. These re-inspections will be accomplished in 2013, 2015, 2017, and every two years subsequently.

**B. Procedures for Re-inspections**

1. The Management Agent shall notify each homeowner, whose unit has a fireplace and chimney, of the re-inspection requirements set forth in this policy resolution and require the inspection to be done by September 30 of the given year. The re-inspection must be conducted by a licensed professional who shall sign an inspection report. The report shall be forwarded to the Management Agent.

2. The re-inspection letter shall be forwarded to each homeowner, as required, during the first quarter of the calendar year the inspections are required.

3. A form for recording the re-inspection report shall be included with the letter.

4. The Management Agent shall maintain records of the re-inspection results.

5. The cost of this re-inspection shall be borne by the unit owner since common elements are not involved.

**C. Enforcement Procedures (Re-inspections)**

1. The owners of any units not re-inspected by September 30, based on re-inspection reports received by the Management Agent, shall be contacted in writing by the Management Agent. The Management Agent shall inform the unit owner of the following:

- (a) The requirements set forth by this resolution.
- (b) The lack of response to date from the unit owner concerned.
- (c) The necessity of responding to this request and the consequences of not responding.

2. If, after 25 days from the date of mailing, the unit owner has forwarded a re-inspection report to the Management Agent, the Management Agent shall forward a follow-up letter advising the unit owner that his/her unit has been scheduled for an inspection by the Management Agent on a specific date and time. This date shall be no earlier than 20 days from the date of the follow-up letter. The follow-up letter shall be sent by certified mail, return receipt requested. The homeowner concerned will be advised to confirm the date/time with the Management Agent and make arrangements to provide entry into the unit. The homeowner may propose another date and time for the inspection. The Management Agent shall make every reasonable effort to accommodate the unit owner's request.

3. If the homeowner does not cooperate in providing entry into the unit for such inspection, the Management Agent is hereby directed to proceed with the inspection on the scheduled date and time. A locksmith will be utilized to gain entry into the unit concerned. If the homeowner has so secured his/her unit to make a locksmith unable to gain entry, the

Management Agent shall use whatever means are available to gain entry. Every reasonable effort will be made to cause no damage to the unit inspected under this authority, however, the Association, Board of Directors, and the Management Agent do not assume any liability for any damages resulting from the inspection.

4. The homeowner concerned shall be responsible for all costs of the initial inspection, including the cost of mailing the required notices, in accordance with Article VI, Section 1.b (3) of the Bylaws.

**SECTION IV: ENFORCEMENT**

A. If the initial inspection, or a re-inspection discloses that repair or maintenance work is necessary for the safe operation of the fireplace/chimney in the homeowner's unit, the homeowner shall promptly cease using the fireplace/chimney until the repair or maintenance has been performed. The homeowner shall forward an updated inspection or re-inspection report to the Management Agent detailing the repair or maintenance work performed and stating that the fireplace/chimney is now in proper working order. The Management Agent shall have the right, upon notice to the homeowner, to enter a unit and perform such work if the homeowner has not performed the same within 21 days of the Management Agent's receipt of the report indicating the work needs to be done. Any homeowner whose unit contains a fireplace or chimney in need of repair or maintenance work, as indicated by an inspection or re-inspection report, and who does not cause the same to be completed promptly, will be liable for any damage to the common elements or other units caused by the unsafe fireplace/chimney in his/her unit. The cost of such damage shall be an assessment levied on such homeowner pursuant to Article VI, Section 1.b (3) of the Bylaws.

This Resolution was duly adopted by the Board of Directors on this 8 day of March, 2011.

**WATER'S EDGE CONDOMINIUM ASSOCIATION,**

By: \_\_\_\_\_

President

WATER'S EDGE CONDOMINIUM UNIT OWNERS ASSOCIATION

POLICY RESOLUTION NO. Q1-11

Duly adopted at a meeting of the Board of Directors held \_\_\_\_\_

8 MAR 11

Motion by: Vice President Seconded by: Secretary

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Herbert Wolfe</u>	<u>X</u>	_____	_____	_____

President

<u>[Signature]</u>	<u>X</u>	_____	_____	_____
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Vice President

<u>[Signature]</u>	<u>X</u>	_____	_____	_____
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Secretary

<u>[Signature]</u>	<u>X</u>	_____	_____	_____
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Treasurer

Director

Resolution effective: 9 MAR, 2011.

**Water's Edge Condominium**  
**Fireplace Use Statement**

**Certification of non-use of fireplace:**

I, \_\_\_\_\_, certify and attest that the fireplace in my unit located at \_\_\_\_\_ Lakeside View Drive, Falls Church, VA 22041 is not currently in use at any time, nor is use contemplated in the future. I further attest that should I determine that I wish to place my fireplace in use, in accordance with Policy Resolution No. 2011-01, I must first have my fireplace and chimney inspected by an appropriately licensed professional, at my expense. A copy of the satisfactory inspection report must be filed with the Association, via the management agent, prior to use of the fireplace. If corrective action(s) is/are required by the inspection report, document of cure/remedy for those actions but be filed with the Association, via the management agent, prior to use of the fireplace.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Before me, personally appeared, \_\_\_\_\_, who, being first duly sworn on oath, did subscribe and state he/she is the authorized Owner of this Water's Edge Condominium.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public