

**COUNCIL OF UNIT OWNERS OF HABITAT I, SECTION A, A MARYLAND
HORIZONTAL PROPERTY REGIME**

POLICY RESOLUTION NO:2011-01

FIREPLACES & RELATED PARTS

WHEREAS, Article III. Sections 1. 2 and 8. and Article V, Section 4 of the By-Laws of Council of Unit Owners of Habitat I, Section A, A **Maryland Horizontal Property Regime** ("the Association") provides that the Board of Directors of the Association shall have the power and authority to prescribe regulations for the health, safety and welfare of the residents and upkeep of the property; and

WHEREAS, Section 11-109 (d) (2) of the Maryland Condominium Act (Md. Real Prop. Code Ann.) provides that the council of unit owner has the power to adopt and amend reasonable rules and regulations; and

WHEREAS, the Board deems it advisable, for the benefit of the community, to establish a specific policy regarding fireplaces and their related parts within the property governed by the Council of Unit Owners of I habitat I. Section A, A Maryland Horizontal Property Regime; and

WHEREAS, the policy as hereinafter set forth is intended to be in furtherance of, and not in derogation of any governmental provisions; and

WHEREAS, to provide for the preservation and enhancement of the property values, amenities, and opportunities contributing to the personal and general health, safety, and welfare of residents, the Board wishes to establish a policy regarding fireplace installation, grandfathering of three existing fireplace installations, and use and maintenance of same;

NOW THEREFORE. BE IT RESOLVED THAT the following rules be adopted by the Board:

I. RULE

(1) The installation of fireplaces and related parts thereof is prohibited.

(2) Notwithstanding item (1) above, it is recognized that three units within the Condominium have installed fireplaces and related parts thereto prior to adoption of this rule. Those three fireplaces, located at the following three unit addresses within the Condominium may remain and are subject to the rules and regulations for maintenance and inspection as noted herein:

1. 1729 Leisure Way
2. 2062 Aberdeen Drive
3. 1725 Aberdeen Court

(3) Fireplaces, flues, chimney stacks and all parts of the fireplace installation shall be kept in good order, condition and repair. Annually, the owner of each unit where a fireplace is installed, shall provide written proof, satisfactory to the Board of Directors that the fireplace, chimney and flue have been cleaned that year and are in good working order. In lieu of such written proof, in the event the fireplace has not been used, an affidavit signed by the unit owner and the resident, if the resident is not the unit owner, stating the fireplace has not been used since the last inspection and cleaning shall be submitted.

(4) Condominium unit owner insurance (commonly referred to as an HO6 policy) shall be obtained and maintained by the unit owner sufficient to cover not less than the amount of the Condominium's Master Policy Insurance, or the deductible amount provided in Section 11-114(g)(2)(iii)(1) of the Maryland Condominium Act (Title 11 Md. Real Prop. Code Ann.) as amended from time to time whichever is less. Proof of such insurance shall be provided to the Board of Directors within 30 days of the date of adoption of this rule, and shall be provided annually to the Board thereafter.

(5) Failure to comply with this rule may result in fines and/or legal action against the violating owner at the owner's expense.

THIS RULE WAS ADOPTED UNDER THE PROVISIONS OF SECTION 11-111 OF THE MARYLAND CONDOMINIUM ACT (title 11, Md. Real Prop. Code Ann.)

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>Larry Thomas</u>	Board Member
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>Mark Schutt</u>	Board Member
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>[Signature]</u>	Board Member
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>J. Andre' Harris</u>	Board Member
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>Harvey J. Meyoni</u>	Board Member
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<u>[Signature]</u>	Board Member
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	_____	Board Member

Duly approved at a September meeting of the Board on

9/14/11

"EXHIBIT A"

**Council of Unit Owners of Habitat I, Section A, A Maryland Horizontal Property Regime
Fireplace Cleaning and Inspection Report**

Unit Address _____

Name of Unit Owner _____

Name of Tenant (or write NONE) _____

Address of Owner (if other than Unit) _____

On or about _____, 2_____, I/we caused our fireplace, flue and chimney to be cleaned and inspected by _____, having contact information as follows: _____; A copy of the bill/report is attached as Exhibit _____ (written proof required).

OR

I, _____ (print name), being the owner /tenant of the above referenced unit, SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that I, nor anyone, has used the fireplace located in my condominium unit since it was last cleaned and inspected, and that such fireplace and related parts are in good working order and repair.

_____	_____
Owner Affiant	Date
_____	_____
Owner Affiant	Date
_____	_____
Tenant Affiant	Date
_____	_____
Tenant Affiant	Date