

EMERY BAY VILLAGE HOMEOWNERS ASSOCIATION

FIREPLACE POLICY

This document sets forth the Emery Bay Village Homeowners Association's policy for maintenance and use of fireplaces pursuant to the Association's First Amended and Restated Declaration of Covenants, Conditions and Restrictions ("CC&Rs"), recorded May 16, 2002 as Document No. 2002220120 and the First Amendment thereto recorded July 31, 2014 as Document No. 2014190227. Capitalized terms in this Policy shall have the same meaning as set forth in the CC&Rs.

1. Responsibility for Maintenance of Fireplace. Pursuant to section 7.1 of the CC&Rs, each Owner is responsible for the maintenance, repair, and replacement of the interior of his or her Unit, keeping the Unit in good repair and condition, including the fireplace (firebox and flu damper). Pursuant to section 3.3 of the CC&Rs, the Association is responsible for the maintenance, repair, and replacement of the Common Area, including the chimney flue and cap, except for periodic cleaning of the fireplace and chimney flue, which is the maintenance responsibility of the Owner.
2. Responsibility for Periodic Cleaning. Owners are responsible for periodic cleaning of the fireplace and chimney flue. Cleaning should be done at least annually, even if the fireplace is rarely or never used. If the fireplace is used year-round, a minimum of two cleanings per year are required. Cleaning should be scheduled commensurate with frequency of use of the fireplace and in accordance with the recommended schedule of cleaning suggested by professional chimney cleaners. Proof of cleaning of the fireplace and chimney flue shall be provided to the Association upon the Association's request.
3. Use of Fireplace. Only manufactured logs (such as "Duraflame" logs) may be burned in the fireplace. Burning of unseasoned firewood, wood (including wood and twigs taken from the Common Area), twigs and other kindling, newspaper, paper, cardboard, and other flammable items except for manufactured logs is expressly prohibited as burning these items constitutes a fire hazard and causes excessive smoke, noxious odors, and air pollution. Use of the fireplace such that excessive smoke, vapor, odors, ash, and other contaminants drifts or migrates from one Unit to another Unit or the Common Area constitutes a nuisance and is prohibited.
4. Spare the Air Days. Fireplaces may not be used on Spare the Air Days.
5. Dispute Resolution. Many disputes regarding fireplace use involve only separate interest Units and do not significantly affect the Common Area. These "neighbor to neighbor" disputes should be resolved through informal meet and confer, mediation, or other alternative dispute resolution options between Owners. The Association's Annual Policy Statement contains a description of its internal and alternative dispute resolution procedures.

Adopted by resolution of the Board of Directors

_____, 2016