

RESOLUTION OF THE
AVILA PARK CONDOMINIUM ASSOCIATION, INC.
FIREPLACE USE AND SAFETY POLICY

SUBJECT: Adoption of policy and procedures for fireplace use and safety.

PURPOSE: To protect resident health and safety, the policy for addressing use of fireplaces inside condominium units, is being communicated.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

EFFECTIVE DATE: November 13, 2019

RESOLUTION: The Avila Park Condominium Association hereby adopts the following procedures for addressing fireplace use and safety:

1. **Fireplace Minimum Performance:** Unit fireplaces consist of an outer hearth, ash pit, inner hearth and firebox, chimney damper, and chimney flue which are the unit Owner's property. Minimum performance includes inspection (see below), proof of performance of necessary repairs, sweeping of the chimney and cleaning out of the firebox/ashes. Additionally this includes observance of all "No Burning" days as dictated by local officials.
2. **Responsibility:** Owners and Occupants are prohibited from lighting a fire in the unit's fireplace without first receiving an inspection by a certified chimney sweep that results in a determination that the fireplace meets the minimum standards to continue operating within its listed use. The unit Owner must furnish to the Avila Park Property Manager, within a reasonable time, any information which the Property Manager may request to determine compliance with this Fireplace Use and Safety Policy. The unit Owner must also furnish to the Avila Park Property Manager, upon request, copies of inspection documents and documentation demonstrating performance of corrective actions recommended in the inspection report.
3. **Inspection Schedule:** Many of the chimney flues in the Avila Park appear to be damaged which results in smoke from one unit entering that of another unit. Therefore **prior to any further use of any unit fireplace subsequent to the effective date of this policy**, an inspection must be conducted according to the current National Fire Protection Association Code. A copy of this inspection conducted by a licensed and insured contractor must be submitted to the Association. This is a **Tier I inspection**, as defined by the National Fire Protection Association ("NFPA") Standard 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances, **must be conducted within one year of fireplace use and during routine cleaning of the flue by a certified chimney sweep**. A **Tier II inspection**, as defined by the NFPA Standard 211, **must be conducted within five years** of fireplace use, upon addition or removal of one or more appliances to the fireplace (unless removal of the appliance means fireplace use is discontinued), upon replacement or repair to the flue lining, upon sale or transfer of the unit, or following, as soon as practicable, an event likely to damage the chimney.
4. **Enforcement:**
 - a. The Avila Park Property Manager will be responsible for the enforcement of the Fireplace Use and Safety Policy. The Board may also choose to take enforcement action.
 - b. Any Owner or Occupant found in violation of this Fireplace Use and Safety Policy will be subject to the following fees at the expense of the unit Owner.
 - i. Fine - Tier Four per the Enforcement Policy.
 - ii. Damages – Violation of this Fireplace Use and Safety Policy may subject the responsible unit Owner to payment of costs required to restore, repair, or replace property damaged as a result of the violation.

President's Certification: The undersigned, being the President of the Avila Park Condominium Association, Inc., a Colorado nonprofit corporation, certifies data foregoing resolution was adopted by the Board of Managers of the Association, at a duly called and held meeting of the Board of Managers on 11/13/2019 and in witness thereof, the underside has subscribed his/her name.

AVILA PARK CONDOMINIUM ASSOCIATION, INC.

A Colorado nonprofit corporation By:  President