

Hot Water Heater Policy

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Effective Date:	10-01-2019
Modified Date:	N/A
Revision:	0
Category:	Building & Grounds Policies
Name:	Hot Water Heater Policy

**RESOLUTION OF RIMFIRE LODGE CONDOMINIUM ASSOCIATION, INC. REGARDING
REPLACEMENT OF HOT WATER HEATERS**

Adopted 07/08/2019

SUBJECT: Adoption of a policy regarding the replacement of Hot Water Heaters

PURPOSE: To adopt a policy regarding the replacement of Hot Water Heaters every twelve years.

AUTHORITY: The Declaration, Bylaws, Articles of Incorporation of the Association, and the Uniform Common Interest Ownership Act of West Virginia.

EFFECTIVE DATE: October 1st, 2019

RESOLUTION: The Association hereby adopts the rule concerning replacement of Hot Water Heaters

WHEREAS, Article 6, Section 6.03 of the Rimfire Lodge Association Bylaws grant the Board of Directors all of the Powers and duties necessary for the administration of the Unit Owners Association; and

WHEREAS 36B-3-102(1) of the West Virginia Code permits the Association to adopt and amend bylaws and rules and regulations; and

WHEREAS Article 9, Section 9.02 of the Rimfire Lodge condominium declaration states that the Unit Owner of any Unit shall keep his or her Unit in good order, condition and repair; and

WHEREAS 36B-3-107(a) of the West Virginia Code shall give the Association and its agents or employees, access through a unit owner's unit reasonably necessary for those purposes; and

WHEREAS, in accordance with the Rimfire Lodge Association Governing Documents, Unit Hot Water Heaters are the maintenance responsibility of the respective Unit Owner; and

WHEREAS, the Board of Directors has determined that a Unit Owner's failure to replace the Unit's hot water heater no longer than every twelve (12) years per se constitutes negligent maintenance of the Unit and exposes other Unit Owners and the Association to high risk of water damage and monetary loss; and

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association and the Unit Owners to adopt a policy requiring each Unit Owner to replace the Unit's hot water heater no later than the twelfth anniversary of the installation of the existing hot water unit;

NOW, THEREFORE, be it resolved that the Board of Directors adopts the following policy.

After notification to the Unit Owner:

Hot Water Heater Policy

Upon request, each Unit Owner in writing shall give to the Association the model, model number, capacity and date of installation of the existing hot water heater in the Unit. If a Unit Owner replaces the Unit's hot water heater, then the Unit Owner must notify the Association or the Association's Service Department thereof.

A Unit Owner, at the Unit Owner's cost, will replace the Unit's existing hot water unit no later than the 90th day following the twelfth anniversary of the date of installation or the expiration of the water heater's warranty whichever is later. Those units that have warranties exceeding twelve years the owner must provide the Association with prove of warranty and installation date.

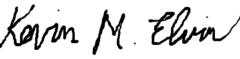
If a Unit Owner fails to replace the Unit's existing hot water heater within the time required in this policy, the Unit Owner will be deemed per se to be negligent if the hot water heater fails for any reason and the Unit Owner will be liable for damages to the common areas and other units and a \$500 penalty. In the event of damage, it is the responsibility of each Unit Owner to pay for any repairs to the Unit and to recover damages from the negligent Unit Owner.

The process shall be the following;

- a) The Association will inventory all units and hot water heaters and determine the anniversary dates of installation. If there is no history of the installation date, the installation date will be deemed to be the manufactured date of that particular model and serial number.
- b) Notification will be sent out to all Unit Owners whose Units need to be replaced. Notification to the Unit Owners whose hot water heaters need to be replaced will be through email or United States post office if no email address is on file.
- c) Unit Owners will replace the hot water heater within ninety (90) days after notification.
- d) All Units' hot water installation dates will be maintained on file with the Association.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Rimfire Lodge Condominium Association, Inc., a West Virginia nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors at a duly called and held meeting of the Board of Directors on the 8th day of July, 2019 and in witness thereof, the undersigned has subscribed his name.

RIMFIRE LODGE CONDOMINIUM ASSOCIATION INC.
A West Virginia nonprofit corporation.

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By: _____
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PRESIDENT