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Mission Statement: To provide every resident in Chimney Hill with a clean, enjoyable, and desirable place to live.
Vision: To protect and positively influence property values.

ARCHITECTURAL CONTROL COMMITTEE RULES AND REGULATIONS

The following rules have been established by the Architectural Control Committee. These Rules have been developed from the CHCA Declaration of Covenants, Conditions and Restrictions, the Virginia Maintenance Code, City and State Laws, Ordinances and the Property Owner's Association Act, Title 55.1, Subtitle IV, Chapter 18, Operation and Management of Association, § 1819 Adoption and enforcement of rules. Any Changes, additions, or deletions require the Architectural Control Committee's approval.

IMPROVEMENTS/ ALTERATIONS:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (E): No improvements, alterations, repairs, change of paint colors, excavations or other work which in any way alters the exterior appearance of any property within Chimney Hill or the improvements located thereon from its natural or improved state existing on the date such property was first conveyed in fee by Declarant to a Public Purchaser or annexed to Chimney Hill, whichever is later, shall be made or done without **prior approval** of the Architectural Control Committee, except as otherwise expressly provided in this Declaration. No buildings, fence, wall, residence, or other structure shall be commenced, erected, maintained, improved, altered, made, or done without the **prior written approval of the Architectural Control Committee or any committee established by the Architectural Control Committee for this purpose.** Prior to starting any exterior improvements, alterations, repairs, change of paint colors, excavations, or other work which in any way alters the exterior appearance of any property, an ACC Modification Request and all supporting documents/permits would need to be submitted. The review process may take up to thirty (30) days. You will be notified once a decision has been made. Do not begin your project until approval is granted. Any homeowner that violates this declaration could be assessed a penalty by the Architectural Control Committee as allowed under Chimney Hill Community Association Declaration of Covenants, Conditions and Restrictions, **Addendum 12-7-99, BK4181PG1187** and the **Property Owner's Association Act, Title 55.1, Subtitle IV, Chapter Adoption, and enforcement of rules.** This law allows the Architectural Control Committee to assess a one-time fee of \$50.00 or a \$10.00 per day fee for up to 90 days. Any owner who violates this policy may also be required to remove any alterations or improvements that were not pre-approved by the Architectural Control Committee and could be liable for any legal fees incurred because of any actions bought by the Association. **NOTE:** If an alteration that requires a Virginia Beach City Permit is performed without the required Virginia Beach City approval the City will be notified of this alteration. The owner(s) of said property could be issued a complaint Permit and a City Permit Inspector will be dispatched to the property to verify this alteration and take the appropriate action(s) to enforce the City Code governing Alterations.

RIGHT-OF-WAY:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (N): During reasonable daylight hours, Declarant, any member of the Architectural Control Committee, any member of the Board, or any authorized representative of any of them, shall have the right to enter upon and inspect any property within Chimney Hill and the improvements thereon, except for the interior portions of any residence, for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry. However, reasonable written notice of the time of such on-site inspection shall be given to the Owner.

CLEARANCE LETTERS/90 DAY RECHECK:

The Clearance Letter is the exterior inspection performed on a property prior to closing. This will document all issues that need to be corrected regarding the exterior of the property. All Chimney Hill properties are a part of a Homeowner's Association and as such are governed by the Chimney Hill Community Association Declaration of Covenants, Conditions and Restrictions, By-Laws, Architectural Control Committee (ACC) Rules and Regulations Virginia Statutes 2016 Property Owners' Association Act, Section 55-509.6, Virginia Maintenance Code 2021 Chapter 3 General Requirements. It should be negotiated between all parties to address the items listed prior to closing. The Association will perform a 90-day recheck on the property after the closing date. During the initial inspection and again during the 90-day recheck, the Association will need access to the property, and it is your responsibility to make sure that we have access. If a homeowner needs more time to complete the items, then an ACC Extension Request will need to be submitted prior to the 90-day deadline. The Association will send out a 90-day recheck letter to schedule your inspection. If after notice is sent and there hasn't been any communication, then the Association will schedule a mandatory property visit. Failure to complete all items on the Clearance Letter by the 90-day recheck inspection will result in a violation letter giving additional time to complete the items. A date for a reinspection will also be listed in the letter. Failure to complete all items at this time will result in a Notice of Due Process Hearing Letter which means you are invited to the ACC Committee Meeting to hear your case and a penalty could be assessed by the Architectural Control Committee.

ANIMALS:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (B), No animals, birds, fowl, poultry, livestock other than a reasonable number of generally recognized house or yard pets, shall be maintained on any property within Chimney Hill and then only if kept, bred, or raised thereon solely as domestic pets and not for commercial purposes. No animal shall be allowed to make an unreasonable amount of noise, or to become a nuisance. No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from neighboring property. Upon written request of any owner, the Board, which is hereafter defined, shall conclusively determine in its sole and absolute discretion, weather, for the purposes of this paragraph, or a particular animal is a generally recognized house or yard pet, or a nuisance or whether the number of animals on any such property is reasonable. Any decision rendered by the Board shall be enforceable as other restrictions contained herein.

RODENT AND HARBORAGE:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 302.5 Rodent harborage: All structures shall be kept free from rodent harborage and infestation. Structures in which rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. All owners are to keep their property lawns mowed, planter/flower beds weeded, barriers to be maintained in good working order no rotten wood, or broken stones. No storage of any item that would attract any types of rodents or nuisance animal.

PET NUISANCE:

Virginia Beach City Code Chapter 5 article V Sec 5-533: (a) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. **Virginia Beach City Code Chapter 5 article V Sec 5-534:** Allowing dogs or horses to urinate or defecate on public or private property. It shall be unlawful for any owner or person in immediate control of a dog or horse to: (1) Allow his/her dog or horse to urinate or defecate on the private property of other persons without their consent or that of the authorized agent of the one having control of the premises.

(2) Allow his/her dog or horse to defecate on public property, except that defecation by a dog or horse on public property shall not constitute a violation of this section if the owner or person in immediate control of the dog or horse immediately removes the material defecated and disposes of it in a safe and sanitary manner.

ABANDONED OR DISCARDED REFRIGERATOR(S) AND OTHER AIRTIGHT CONTAINER(S):

Virginia Beach City Code of Ordinances Chapter 23 Article 1 Sec. 23-49 & Virginia State Code: Title 18.2 Chapter 7 Article 8 § 18.2-319. It shall be unlawful for any person to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device, or equipment of any kind with an interior storage of more than two (2) cubic feet of clear space which is airtight, without first removing the door or hinges from such icebox, refrigerator, container, device, or equipment. This section shall not apply to any icebox, refrigerator, container, device, or equipment which is being used for what it was originally designed or is being used for display purposes by any retail

or wholesale merchant or is crated, strapped, or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

STORAGE CONTAINERS:

PODS, yard debris containers, construction debris containers are considered to be short term and should not be kept at the property for long periods of time. The containers should be removed as soon as the work is complete, for a reasonable period **(30 Days MAX)** or it will be treated as a nuisance. **If additional time is required, you will need to contact the Association Office to get approval. A City Permit could be required.**

TRASH / RECYCLE CONTAINER(S) IDENTIFICATION:

Clearly label your containers with your address and record your container serial numbers. All trash and recycle containers shall display the street number of their lot, visible on the front face of the container. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) and of a color as to not blend in with the color of the container. Numbers must be visible when in use.

TRASH / RECYCLE CONTAINER(S) STORAGE:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (K): No garbage or trash shall be placed or kept on any property within Chimney Hill except in covered containers of a type, size and style which are approved by the Architectural Control Committee. **In no event shall such containers be maintained in the front or side yard of any lot so as to be visible from the neighboring property except to make the same available for collection and then, only the shortest time reasonably necessary to affect such collection.** The Board shall have the right, in its sole discretion, to require all owners to subscribe to a specific location for trash service. All rubbish, trash and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot. **Trash cans or other trash containers, including recycling bins, shall be stored so they are not visible from the street and neighboring properties with the lids closed, no overflow and shall not become a nuisance or cause damage to the adjoining property.** It will be your responsibility to repair and or replace any damage at your total cost. **Townhome trash cans/recycling bins should be neatly placed by the home, with the lids closed and no overflow. Trash and Recycle cans are not to be put out for pick-up until the afternoon before your scheduled pick-up and will be removed from the street and/or curb and properly stored out of site. If your trash and/or recycling container is damaged or missing any parts, including the lid or wheels, must be replaced.** Recycle Cans are free, and your trash container comes with a (10) ten-year warranty. If repair or replacement is needed and is still under warranty, you will need to provide the serial number located on the container when calling the City Public Waste Management department at 385-4650.

TRASH / RUBBISH / LITTER / DEBRIS / OTHER WASTE (NUISANCE):

Trash/ Rubbish/ Litter/ Debris/Other Waste (Nuisance): Items that are not usual to a yard or occupied structure shall not be placed or permitted to accumulate upon or adjacent to the homeowner's lot and/or easement (side or back). Other items such as broken yard tools, discarded furniture, appliances, and hot water heaters must be removed from view until the day of trash collection and put out no earlier than 5:00pm on the day before your scheduled trash pick-up. **Bulk pickup must be notified of such material twenty-four (24) hours in advance. Materials that are to be used for landscaping should be kept out of view until the day they are to be used. Wood for fireplaces or woodstoves shall be stacked neatly and in an orderly manner next to the back of the lot and not visible from the street. Please pick up all trash and debris after your trash and/or recycling cans are emptied and after any bulk waste pick-ups. Do not allow newspapers, phone books, sale ads or any other items to remain on the curb or in your yard. Please pick these up daily and dispose of them.** These items are unsightly and will cause flooding of our streets if they get into the storm drain system. **Virginia Beach City Code 23-50a, Accumulation of Trash and Garbage:** If there exists upon any land or premises and the curb line, any trash, garbage, refuse, litter, or similar substances, except as may be placed thereon for purposes of collection in accordance with **Chapter 31** of this code, notice shall be served on the owner of such land or premises or his agent, or on the occupant thereof, or both, to cause such trash, garbage, refuse, litter or similar substances to be removed from such land or premises within (7) days from the date of such notice. The following Items will not be picked-up by the City Waste Management Department as Bulky Waste: 1) Bags, 2) Cabinets, 3) Carpet, 4) Computer Towers (CPU's), 5) Concrete, 6) Doors, 7) Dirt, 8) Glass, 9) Hazardous Materials, 10) Paint Cans, 11) Propane Tanks, 12) Remodeling or Building Materials, 13) Rocks, 14) Sinks, 15) Tires, 16) Toilets, 17) Vehicle Parts, 18) Wood Pallets. **NOTE:** Some items that are not listed may also not be collected. Please call Waste Management 385-4650 with questions.

BULK WASTE STORAGE AND HANDLING:

Items that are not usual to a yard or occupied structure shall not be placed or permitted to accumulate upon or adjacent to the homeowner's lot and/or easement (side, back or front). Other items such as auto parts, yard tools, limbs, discarded furniture, and appliances, i.e., hot water heaters, stoves, freezers, refrigerators, washers, and dryers, must be removed from view until the day of trash collection and put out no earlier than 5:00pm on the day before the bulk waste pickup date. Bulk pickup must be notified of such material at least **twenty-four (24) hours** in advance of trash pickup day. **Virginia Beach City Code of Ordinances Chapter 23 Article 1 Sec. 23-48: Open Storage of Junk:** It shall be unlawful for any property owner or occupant to store dilapidate furniture, appliances, machinery, building materials or any other item which is rusted, wrecked, junked, dismantled or inoperative on private property. All rubbish, trash, and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot. **Virginia Beach City Code Chapter 23 Article 1 Sec Code 23-50a, Accumulation of Trash and Garbage:** If there exists upon any land or premises including the area between such land or premises and the nearer of the curb line, including a sidewalk if one is present, a sound wall, or the edge of the pavement of any public street abutting such property in the absence of a curb any trash, garbage, refuse, litter, or similar substances, except as may be placed thereon for purposes of collection in accordance with **Chapter 31** of this code, notice shall be served on the owner of such land or premises or his/her agent, or on the occupant thereof, or both, to cause such trash, garbage, refuse, litter or similar substances to be removed from such land or premises within (7) days from the date of such notice. **NOTE:** The following Items will not be picked-up by the City Waste Management Department as Bulky Waste: 1) Bags, 2) Cabinets, 3) Carpet, 4) Computer Towers (CPU's), 5) Concrete, 6) Doors, 7) Dirt, 8) Glass, 9) Hazardous Materials, 10) Paint Cans, 11) Propane Tanks, 12) Remodeling or Building Materials, 13) Rocks, 14) Sinks, 15) Tires, 16) Toilets, 17) Vehicle Parts, 18) Wood Pallets. NOTE: Some items that are not listed may also not be collected. Please call the City Waste Management office at 385-4650 with questions.

INOPERABLE VEHICLE:

Virginia Beach City Code of Ordinances Chapter 16 Article VII Sec. 16-40: Open Storage of inoperable vehicles on residential property: (a) It shall be unlawful whether as owner, tenant, occupant, lessee or otherwise, for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial, or agricultural purposes, any vehicle, which is inoperable. As used in this Section, notwithstanding any other provisions of the law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located. **The placing, draping, or securing of a tarpaulin or other nonrigid cover, over and around an inoperable vehicle shall not be sufficient to comply with the requirements of this section.** (b). As used in this Section, an "inoperable vehicle," shall mean any motor vehicle, trailer, or semitrailer, as defined in **Code of Virginia, section 46.2- 100:** "Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion. (1) Which is not in operating condition; or (2) Which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or (3) On which there are displayed neither valid license plates nor a valid inspection decal.

MOTOR VEHICLE RULES WITHIN THE ASSOCIATION PROPERTIES:

CHCA Declaration of Covenants, Conditions and Regulations Article IV, Section 2, PARA (G): Trailers and Motor Vehicles: Except with approval of the Architectural Control Committee, no mobile home, trailer of any kind, truck, camper, boat, or permanent tent or similar structure shall be kept or placed for a period of more than forty-eight (48) hours, or maintained, constructed, reconstructed, or repaired, upon any property or street (public or private) within Chimney Hill in such a manner as will be visible from neighboring property; provided, however that the provisions of the paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during, and used exclusively in connection with the construction of any improvements approved by the Architectural Control Committee. Vehicles shall park in designated paved areas. **Parking on the grass is prohibited. Parked vehicles shall not obstruct sidewalks, driveways, mailboxes or be covered without prior approval and inspection by the CHCA property inspector and approved by the Architectural Control Committee.**

A Covered Vehicle Request would need to be submitted with supporting documents prior to covering the vehicle(s). Once the request is approved, the covered vehicle must be stored on the property-in the driveway- not parked on the street while covered.

Major recreational equipment shall not be parked, stored, or used except in approved locations and under restrictions and limitations set by the Architectural Control Committee. Inoperative vehicles are not permitted

in the Chimney Hill residential area. An inoperative vehicle is as described in **Virginia Beach City Code Chapter 16 Housing and Building Maintenance Code, Article VII, Storage of Vehicles (16-40)** (a) It shall be unlawful whether as owner, tenant, occupant, lessee or otherwise, for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial or agricultural purposes, any vehicle, which is inoperable. As used in this Section, notwithstanding any other provisions of the law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located. The placing, draping, or securing of a tarpaulin or other nonrigid cover, over and around an inoperable vehicle shall not be sufficient to comply with the requirements of this section. (b) As used in this Section, an "inoperable vehicle," shall mean any motor vehicle, trailer, or semitrailer, as defined in **Code of Virginia, section (46.2-100)** "Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle. (1) Which is not in operating condition; or (2) Which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or (3) On which there are displayed neither valid license plates nor a valid inspection decal. **City Code 16-41.1 – A** "Commercial Vehicle" is defined as a loaded or empty motor vehicle, trailer, or semitrailer designed or regularly used for carrying freight, merchandise, or more than 10 passengers, including buses, but not school buses. Parking of a commercial vehicle in residential or apartment zoning districts shall be prohibited. **City Code 21-303(c):** No person shall on any street or highway, or on any city parking lot, any vehicle which fails to display valid and current license plates. **At the discretion of the Architectural Control Committee-** (1) **One commercial vehicle will be allowed on the property when the property is owned or occupied by a resident of the premises.** (2) **Approved commercial vehicle must be parked in the driveway only and if other vehicles are also parked in the driveway, no vehicle will be allowed to extend into the street. If the driveway is not long or wide enough, additional vehicles must be moved to the street and parked parallel to the curb facing the direction of traffic.** (3) **Parking of semitrailers and/or dump trucks for commercial or industrial storage is permitted on bona fide construction sites only. They are not permitted to park or be stored on any street within the Chimney Hill Community Association. Tow trucks and flatbed tow trucks are not permitted to park or be stored in Chimney Hill Community Association.**

CUL-DE-SAC PARKING:

City Code 21-303(b-11): At any place, angle parked or perpendicular to a curb, unless street markings permit. **City Code 21-303(b-12):** In a cul-de-sac other than close to and parallel to the edge of the curb or roadway, except in parking spaces approved and marked by the City or where a lawfully erected sign otherwise permits. It is important to park your passenger tires within 18 inches of the curb. Parking illegally (nose in or backed in) on a cul-de-sac is incorrect because emergency vehicles and school buses may have difficulty completing the U-turn if cars are parked in this manner. It is also hard on homeowners to pull out of their driveway if cars are protruding into the street. Be courteous and make sure you do not block driveways and mailboxes. **City Code 21-303 (a-5):** On the roadway side of any vehicle parked at the edge or curb of a street (double parking).

VEHICLE PARKING RULES, COMMON AREAS, AND ASSOCIATION PARKING LOTS:

Chimney Hill parking lots are only allowed to be used by Residents and/or Guests of Residents using the common area amenities. The parking lot next to the townhomes is the only one to have vehicles parked if the basketball courts are being used. If a vehicle is parked in the lot and both amenities are empty of patrons, then the vehicle will be towed at the owner's expense. You may only park your vehicle at the main office parking lot if the tennis and/or Pickle Ball courts, pool, clubhouse, or playground are being used or you have business in the office. If a vehicle is parked and none of the above-listed amenities are being used, the vehicle will be towed at your expense. Overnight parking of pleasure or commercial vehicles in either of the Chimney Hill parking lots is not allowed. Vehicles are subject to be towed at the owner's expense. If additional parking is required for a social function, you are required to get permission from the office in writing to park in either of the lots prior to the date of the event. **NOTE:** No vehicles are to be parked overnight in any of the Common Area Parking lots without prior approval from the office staff. Those vehicles left overnight without approval will be towed at the owner's expense.

FENCE(S)/GATE(S)/POST(S):

Virginia Maintenance Code 2021 Chapter 3 General Requirements Article 302.7 Accessory structures: All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in

good repair. **Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article**

304.2 Protective Treatment: All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods shall be protected from the elements and decay by painting or other protective coverings or treatment. **Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.** All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. All metal surfaces subject to rust and corrosion shall be coated to inhibit such rust or corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. **Oxidation stains shall be removed from exterior surfaces.** Surfaces designed for stabilization by oxidation are exempt from this requirement. **Privacy fence:** solid fence from four (4) to six (6) feet in height or as approved by ACC. Any alterations to fence height, color & style **require ACC approval** and are required to meet city guidelines found in Virginia Beach City **Form No. PC8 Rev. 2/13. ACC Rules and Regulations**
Open fence: round split, finished wood rails and pickets or vinyl are allowed with **ACC Approval.**

- 1) Privacy fences shall not be over six (6) feet in height or as approved by the ACC.
- 2) Privacy fences shall not extend beyond the front foundation line of the house.
- 3) Fences constructed from treated wood or vinyl need not be painted. All others must be painted/stained "natural" or to match existing house color or trim within thirty (30) days of the erection of the fence. Townhome fences, if painted, to match color of home (not trim); if vinyl fence is used it may be white or beige in color.
- 4) Chain link fences are **not** permitted on residential property within Chimney Hill Community Association.
- 5) Wire and/or metal fences **require ACC approval.**

Fences shall not impede the use of sidewalks or the use of streets for parking. Fences should be maintained, free of mold, no broken/missing slats (pickets), and must stand erect and be securely fastened to the post. **Replacement fence slats (pickets) should be of the same type and style of the existing fence.** All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. Zoning ordinance will be strictly followed and enforced when considering requests. **NOTE:** Fences are not required. If there is an existing fence and one owner wants to remove it, they are required to notify the adjoining property owner and get their written permission (**ensure that a copy of the agreement has been provided to the Office Staff**). To determine if you require a City of Virginia Beach Building Permit for the modification or installation of a fence, you can contact the Zoning Division at (757) 385-8074. You may also contact the Permits and Inspection Department at (757) 385-4211 for further guidance.

PARTY WALL/PARTY FENCE:

CHCA DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS: ARTICLE IV, Section 2,

Paragraph (T): The rights and duties of owners with respect to Party Walls or Party Fences shall be as follows:

- (1) Each wall which is built as a part of the original construction of the homes upon the "properties" and placed on the dividing line between lots shall constitute a Party Wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damages due to negligence or willful acts or omissions shall apply thereto.
- (2) The Owners of contiguous lots who have a Party Wall or Party Fence shall both equally have the right to use such wall or fence, provided that such use by one Owner does not interfere with the use and enjoyment of same by the other Owner.
- (3) **In the event that any Party Wall or Party Fence is damaged or destroyed through the intentional or negligent act of an Owner or any person for whom he is legally responsible, it shall be the obligation of such Owner to rebuild and repair the Party Wall or Fence without cost to the other adjoining Lot Owner or Owners.**
- (4) **In the event any such Party Wall or Party Fence is destroyed (including deterioration from ordinary wear and tear and lapse of time), other than by the act of an adjoining Owner, his agents, guest or family, it shall be the obligation of all Owners whose Lots adjoin such wall or fence to rebuild and repair such wall or fence at their joint and equal expense, unless otherwise provided for in the Tract Declarations or Master Deed.**
- (5) Notwithstanding anything to the contrary herein contained, there shall be no impairment of the structural integrity of any Party Wall without the prior consent of all Owners of any interest therein, whether by way of easement or in fee.
- (6) In the event of a dispute between Owners with the respect to the construction, repair or rebuilding of a party Wall or Party fence, or respect to the sharing of the cost thereof, such adjoining owners shall submit the dispute to the Architectural Control Committee of the Association. The Association will help with fence disputes provided that all parties agree and provide a current survey of their properties. Also, all parties agree that

the ACC's decision is binding. Legal remedies are at the expense of the property owners and the Association will not get involved in this process. **NOTE: No double fencing is allowed within Chimney Hill. When repairing or replacing party wall fencing you would need to submit an ACC Modification Request and a Party Wall Agreement Form with all homeowners involved prior to installation.**

HALF-WALL (TOWNHOMES):

Half-walls in the townhome area may only be taken down, providing that the neighboring half-wall owner has been notified and has given written permission, **(ensure that a copy of the agreement has been provided to the Office Staff)**. Taking the Half-Wall down **does require prior ACC Approval**. Replacement of half-wall should be like in style of the home and **requires prior ACC approval**. If the home is upgraded with new siding and trim the existing half-Wall must also be upgraded to match the new home siding and trim. If you remove the half-wall and have a deck behind it, you must ensure that the deck does not distract from the aesthetics of the property.

NOTE: If there is not a Half-Wall on the property you must have prior ACC Approval before beginning any installation of a new deck or modification of an existing deck or landscaping.

FIRE PITS, CHIMINEAS & SIMILAR ITEMS (RECREATIONAL USE):

Recreational fires are allowed within the City of Virginia Beach, however, there is a strict set of regulations that must be followed. **Virginia Beach City Code of Ordinances Chapter 12 Article 1 Sec. 4: Open Burning: (a)**. Open burning, where permitted by the Virginia Statewide Fire Prevention Code, shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. **(b)**. The fire chief shall prohibit open burning, otherwise lawful, when smoke may cause reduced visibility on any highway, or when emissions or odors may constitute a hazard or nuisance. The fire chief shall order the extinguishing by the permit holder or other responsible person, or by the fire department, of any fire which creates such a hazard or nuisance, or if adjacent property is considered to be endangered.

- 1) Open burning of smoke emissions or when atmospheric conditions or circumstances make such fire hazardous shall be prohibited.
- 2) The Fire Department has the authority to extinguish any fire, permitted or not, that creates, or adds to a hazardous or objectionable situation. Any repeated calls for service to a location may require that the fire be extinguished.
- 3) Permits are required for Pit burns and Bonfires.
- 4) Bonfires must be at least 50ft from any structure and provisions shall be made to prevent the fire from spreading within 50ft of any structure. Bonfires can be no larger than 5ft x 5ft x 5ft.
- 5) Recreational fire must be at least 25ft from any structure or combustible material. These fires can be no larger than 3ft wide by 2ft tall. Anything larger will be considered a bonfire.
- 6) Portable outdoor fire fireplaces (commercially sold units) must be at least 15ft from any structure or anything combustible.
- 7) Fires must always be attended to and the means to extinguish a fire must be readily available for instant use. An extinguisher with the minimum rating of 4-A and/or other approved equipment such as dirt, sand, water barrels, garden hoses, or water trucks shall be available for instant use.
- 8) Hot Embers and ashes shall be thoroughly extinguished when the fire will no longer be attended and prior to disposal in a non-combustible container.

FIRE PREVENTION AND PROTECTION:

The Fire Protection Code of Virginia, Title 27: Gives Authority to the City to make regulations for purpose of guarding against danger of fire. **Virginia Statewide Fire Prevention Code (SFPC):** The fire code addresses open-flame cooking devices and liquefied-petroleum-gas-fuel cooking devices. Open flame-cooking devices shall not be **operated** on combustible balconies or within ten (10) feet of combustible construction. There are two exceptions; the first is for one and two-family dwellings. The second is for buildings and decks protected by an automatic fire sprinkler system. This code pertains to all cooking devices that use an open flame. This section includes LP gas grills. Liquefied-petroleum-gas-fueled cooking devices shall not be **located** on combustible balconies or within (10) ten feet of combustible construction. This section pertains to gas grills fueled by a tank greater than 2.5 pounds water capacity. The inverse of the previous sentence would allow an LP gas grill with a cylinder less than 2.5 pounds water capacity. Excluded from this regulation are one and two-family dwellings. The use (operation) of an open flame cooking device on or near combustible materials can lead to a fire that rapidly spreads to the attic space via the exterior. The code recognizes the increased probability of careless use and the higher loss of life and property in multi-family structures.

GRADING AND DRAINAGE:

Virginia Maintenance Code 2021 Chapter 3 General Requirements Article 302.2 Grading and Drainage: All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the Virginia Maintenance Code. Ensure that all water is directed away from the nearest easement or street. Do not direct the flow of water to the neighboring property as to be a nuisance.

GUTTERS/DOWNSPOUTS:

Gutters and Downspouts shall match the color of the house or trim. All gutters must drain freely away from the home yet not be drained to create a public nuisance. Drains, gutters, and downspouts shall be securely fastened to the home, maintained in good repair and free from obstructions, mold, mildew, vegetation and/or dirt. **Virginia Maintenance Code 2021 Chapter 3 General Requirements Article 304.7 Roofs and Drainage:** The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. Ensure that all water is directed away to the nearest easement or street. Do not direct the flow of water to the neighboring property as to be a nuisance. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions.

EXTERIOR LIGHTING:

Exterior lighting shall not be erected or directed in a manner or be so bright as to create a nuisance to neighbors. Such lights also shall not be so erected or directed to interfere with residential traffic in and out of the Community. **Virginia Beach Code of Ordinances Appendix A, Article 2. E. Lighting requirements Sec 250 Sec. 252. - General lighting requirements.** Outdoor site lighting must primarily be used to provide safety. All lighting fixtures designed or placed to illuminate any portion of a site **must** meet the following requirements: (a) prevent light trespass (light trespass occurs when light from one property shines onto or into another property), nuisance glare, (b) protect pedestrians and drivers from glare from non-vehicular light sources (c) all outdoor lights must be shielded to prevent direct light and glare onto neighboring properties. The Board of Directors has the sole discretion to determine if a light installation or placement is deemed disruptive.

HOLIDAY DECORATIONS/LIGHTING:

Exterior Holiday lighting shall not be directed in a manner or be so bright as to create a nuisance to your neighbors. Seasonal lighting and decorations shall be permitted in Chimney Hill; however, all lights and decorations must be removed after the associated holiday has passed. Christmas lights, displays and decorations must be removed by the last day of January. Other temporary lights and displays must be removed within ten (10) days after the function or holiday that they were erected for.

DECORATIVE SYMBOLS AND SIMILAR OBJECTS:

The attachment of decorative symbols and objects to the house is discouraged, i.e., ropes, ladders, scaffolding, etc. If an object is being attached to an exterior structure for use during construction or maintenance, it should be cleared through the Association Office to ensure that you do not get a violation notice for a foreign object that is attached or on your property that does not normally belong. Such objects or attachments should then be removed immediately after such construction or maintenance has been completed. Other decorative objects if used, should be small and unobtrusive and compatible with the design and color of the house. Any and all Decorative Symbols and/or Similar Objects being added to a structure **require approval of the ACC. Seasonal decorations are allowed during specific seasons.** Keep in mind that your neighbor may be offended by your decoration and has the right to address the article with the association. **Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.8:** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

SIGNS:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (Q): No signs whatsoever (including, but not limited to, commercial, political, and similar signs) which are visible from neighboring property shall be erected or maintained on any Lot or parcel of Property within Chimney Hill except as approved by the Architectural Control Committee. Notwithstanding the foregoing, the following shall be allowed on any such Lot or parcel.

CHIMNEY ENCLOSURES/EXHAUST VENTS:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.11: Chimneys and Towers: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment. Installation of a wood stove or fireplace **requires approval of the ACC** as the chimney constitutes an external modification. Metal chimney pipes must be enclosed with either a wooden enclosure matching the house in materials and color, or with a masonry enclosure which matches the existing home masonry. No pipe or cover shall extend above the enclosure more than twelve (12) inches.

ROOFS-SINGLE FAMILY HOMES:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.7 Roofs, and Drainage: The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions, i.e., mold, mildew, vegetation, dirt, or similar items. Should be maintained and/or replaced, if required. Loose or missing shingles must be replaced with shingles of the same style and color as the existing roof shingles. All roofs shall be free from stains and/or discoloration. **NOTE: Total roof replacement requires prior approval by the ACC for shingle color and style.** We strive to approve what the owners would like to do so long as the colors and/or style of shingles chosen harmonize with the structure and surrounding homes. There are multiple colors and styles of roofs installed on homes throughout the community.

ROOFS-TOWNHOMES:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.7 Roofs and Drainage: the roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions, mold, mildew, vegetation dirt or similar items. Should be maintained and/or replaced, if required. Loose or missing shingles must be replaced with shingles of the same style and color as the existing roof. All roofs shall be free from stains and/or discoloration. **NOTE: Total roof replacement requires prior approval by the ACC for shingle color and style.** A city Permit may be required before any work begins. A Townhouse owner can choose between the original roof color used for the block of homes or the Owner can choose to use the new authorized roof color for that block (if there is one) or the Owner may choose a new color for the block of homes if there hasn't been one chosen/authorized yet.

ANTENNAE:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (C): Antennae or other devices for the transmission or reception of radio signals or other forms of electromagnetic radiation shall be erected not to extend above the highest point of addressed structure. **Antennae should be placed in the least obtrusive location, preferably in the back of the house. All cables need to be hidden from sight always.** Any non-operational dish type antennae shall be removed, along with all cables.

SOLAR PANELS:

All panels must be attached directly to the roof and not protrude above the upper roof line. All cables shall be hidden from sight and securely attached to the structure. **Must submit an ACC Modification Request and all supporting documents/permits prior to installation.**

MAINTENANCE OF EXTERIOR STRUCTURE:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Section 304 Exterior Structure Articles 304.1, 304.2, 304.5 & 304.6 and Chimney Hill Community Association Declaration of Covenants, Conditions and Regulations: Article IV Section 2 Paragraph J, Repair of Buildings. **Article 304.1 General:** The exterior of a structure shall be maintained in good repair, structurally sound. **Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.2 Protective Treatment:** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods shall be protected from the elements and decay by painting

or other protective coverings or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. All metal surfaces subject to rust and corrosion shall be coated with rust or corrosion shall be stabilized and coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **Article 304.5 Foundation Walls:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior Walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials; maintained weatherproof and properly surface coated where required to prevent deterioration. **CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (J):** No building or structure upon any property within Chimney Hill shall be permitted to fall into disrepair, and each such building and structure shall always be kept in good condition and repair and adequately painted or otherwise finished. When required all structures shall be cleaned in a manner that will remove all foreign matter to include algae, mold, mildew, dirt, rust stains, vines and any other items or matter that are normally found on such structures.

DECK / BALCONY / PATIO RAILINGS:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.12: Handrails and Guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. All decks and railings must be of treated wood construction. **Second story decks must be compatible in color and design of the existing structure. All decks & balconies shall meet City of Virginia Beach Zoning and Building codes.** The applicant is responsible for checking with the City of Virginia Beach Zoning and Building Permits requirements prior to installation. Decks are not allowed in the Chimney Hill Community over the height of 16" from ground level (exception second story decks). **All improvements/alterations/additions/modifications require prior ACC approval prior to any changes being made.**

DECK EXTENTIONS (CREST TOWNHOUSES - 3 Story):

Deck extensions must meet the following specifications:

- 1.) Must not be more than ten (10) feet from the back of the dwelling.
- 2.) Must be of salt treated wood or Composite material.
- 3.) Must be painted/stained the same color as the present deck.
- 4.) Must be level with the second-floor dwelling. Second deck multilevel or third level decks will not be allowed.
- 5.) Must maintain uniform railings of the type presently in existence.
- 6.) Must have variance issued by the City of Virginia Beach for a rear yard setback.
- 7.) Must show evidence that the homeowner on either side of requestor has been notified in writing.
- 8.) Must have a City of Virginia Beach Building Permit for construction of deck **prior to ACC approval.**

DOORS, WINDOWS, AND SKYLIGHTS:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (J): No building or structure, window, skylight, door, and frame upon any property within Chimney Hill shall be permitted to fall into disrepair, and each such window, skylight, door, and frame shall always be kept in good condition and repair and adequately painted or otherwise. **Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.2 Protective Treatment:** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods shall be protected from the elements and decay by painting or other protective coverings or treatment. **Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.** All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. All metal surfaces subject to rust and corrosion shall be coated to inhibit such rust or corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. **Oxidation stains shall be removed from exterior surfaces.** Surfaces designed for stabilization by oxidation are exempt from this requirement. **Virginia Maintenance Code 2021 Chapter 3 General Requirements Article 304.13 Window, Skylight, and door Frames:** Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight, **304-13.1 Glazing:** All glazing materials shall be maintained free from cracks and holes. **Virginia Maintenance Code 2021 Chapter 3 General 304-13.2 Openable Windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window

hardware. **Virginia Maintenance Code 2021 Chapter 3 General 304-14 Insect screens:** During the period from April 1 to December 1, every door, window and other outside opening required for ventilating of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition. **Exception:** Screens shall not be required where other approved means, such as mechanical ventilation, air curtains or insect repellent fans, are used. **Maintenance Code 2021 Chapter 7 Fire Safety Requirements Section 702.3 Doors:** All means of egress doors shall be maintained and to the extent required by code in effect at the time of construction, shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort.

HOUSE PAINT/STAIN/SIDING – SINGLE FAMILY HOMES:

Exterior paint/stain colors and changes of exterior house paint and stain or siding **requires ACC Approval** and will only be approved if the proposed color is in harmony with other existing homes of the same style and construction within the immediate vicinity of your home and does not distract from other homes in the Community. **Immediate vicinity: Within 10 homes in either direction (left and right) on either side of your street.** Fence color may remain neutral (treated wood only), except for vinyl, all other fences must be painted/stained to match the new house siding color. A color sample or color chart must accompany all requests for painting.

HOUSE PAINT/STAIN SCHEMES – TOWNHOUSES:

Exterior paint/stain colors and changes of exterior paint and stain or siding **requires ACC Approval.** Townhouses must be stained to match the stains and paints selected by the builder/developer. Variations from the original color will only be made upon written approval by the ACC. The ACC will consider approval of changes in exterior paint and stain only if all homeowners of the subject block have agreed in writing to comply with the proposed color scheme change. All structures and/or additions to the unit must also match the colors used in the block of townhomes. Fences shall be stained to match the house siding (not trim) or remain unstained (or changes approved by the ACC). The ACC has compiled a listing of the stain substitutes for those used by the original developer/builder and owners should confirm the selections before purchasing stains/paints.

HOUSE NUMBERS/PREMISES IDENTIFICATION:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.3 Premises Identification: Address numbers of buildings shall be maintained when required by the applicable Building Code or when required by ordinance. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with the background colors of the home. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

MAILBOXES:

U.S. Postal Service regulations require the approach to curbside mail receptacles to be unobstructed to allow full and easy access for the postal carrier to put mail in the mailbox without leaving the vehicle, i.e., Trash & Recycle Containers, lawn waste, bulk waste pick-up items and automobiles. Mail receptacles and support systems shall always be maintained in good condition.

PATIO COVERS / AWNINGS:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 304.9 Overhang extensions: All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and properly be anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment. Patio covers and awnings must match the material and color of the existing structure or be complimentary in materials, design, and color of the existing structure. Aluminum patio covers, or awnings are permitted only on houses constructed with aluminum siding. The color of the panel must be complimentary to the existing structure. Bright colors will not be permitted. **Must get prior ACC Approval prior to installation.**

SHED REQUIREMENTS:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (J): No building or structure upon any property within Chimney Hill shall be permitted to fall into disrepair, and each such building and

structure shall always be kept in good condition and repair and adequately painted or otherwise finished. When required all structures shall be cleaned in a manner that will remove all foreign matter to include algae, mold, mildew, dirt, rust stains, vines and any other items or matter that are normally found on such structures. **All sheds shall be similar in color of the house or of natural, treated wood - other materials or colors may or may not be permitted by the ACC.** Platforms shall be no more than **six (6)** inches in height with a total shed height not to exceed **ten (10)** feet. Sheds not of commercial construction must be neat in appearance. Sheds are a permanent structure and, therefore, **must have written approval from the ACC prior to installation.** Applicant is responsible for checking with the City of Virginia Beach Zoning and Buildings & Permits for requirements prior to installation. The current requirements are: Single family home sheds that are one hundred and fifty (150) square feet in design and eight (8) foot in height from the ground to the eve of the shed are required to be placed five (5) feet from the side property line and five (5) feet from the back-property line. Single family home sheds greater than one hundred and fifty (150) square feet in design and ten (10) foot in height from the ground to the eve of the shed are required to be placed eight (8) feet from the side property line and ten (10) feet from the back-property line. Anything over two hundred fifty (250) square feet will require a City Permit. **Sheds must always be maintained, i.e., roofs properly covered with shingles and or painted, damaged areas repaired.**

SIDING/TRIM REPLACEMENT (SINGLE FAMILY HOMES):

Replacement siding and/or trim will be approved only when it can be ascertained by the ACC that the siding and/or trim chosen will be truly compatible in color and style and of such quality that the home will be harmonious with other homes of the same type and style in the immediate vicinity of the home to be upgraded. **Immediate vicinity: Within 10 homes in either direction (left and right) on either side of your street. Samples of siding and/or trim must be submitted with the Modification Request. Siding and or trim repairs should match existing siding and trim. When upgrading a single-family home to vinyl siding and metal trim the Homeowner must get prior approval from the ACC prior to the start of any work.**

SIDING/TRIM REPLACEMENT (TOWNHOMES):

Replacement siding and/or trim will be approved only when it can be ascertained by the ACC that the siding and/or trim chosen will be truly compatible in color and style and of such quality that the home will be harmonious with other homes in your block of homes. Samples of siding and/or trim must be submitted with the request. Siding and or trim repairs should match existing siding and trim. **NOTE: When upgrading a Townhome to vinyl siding and metal trim the Homeowner must get prior approval from the ACC prior to the start of any work.** When vinyl siding is approved for a home, the trim and fascia must be wrapped in an approved vinyl or metal trim at the same time the siding is installed. The Half-Wall also must be sided and wrapped at the same time or can be removed. This is required to ensure that all homes in that block are using the same color patterns. The first home in the block of homes that upgrades to vinyl siding and metal trim will set the precedence for all other homes in that block.

SIDEWALKS, DRIVEWAYS, PATIOS, STAIRS, PORCHES, DECKS OR OTHER WALKING SURFACES:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Section 302.3 Sidewalks and Driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of **Virginia Maintenance Code 2021 Chapter 3 General Requirements Section 305.4 Stairs and walking surfaces:** Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair, **Virginia Maintenance Code 2021 (Chapter 3 General Requirements, Article 304.10 Stairways, decks, porches, and balconies:** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the public way. **Virginia Maintenance Code 2021 Chapter 7 Section 702.1 General:** Means of egress shall comply with the International Fire Code and Chapter 10 of the SFPC to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way. All property sidewalks, driveways and patios shall be kept in good condition and free of trip hazards (elevation differences), weeds, grass, oil stains and other imperfections. Any raised or uneven areas must be repaired. **NOTE:** Grass and weeds must be removed from all cracks in the driveways, sidewalks, patios, and parking spaces. All cracks are then to be sealed with an approved material. **NOTE:** Use self-leveling polyurethane sealant that matches the color of your driveway concrete. Seal the cracks only. Do not seal the expansion joints, but grass/weeds must be removed from expansion joints as well up to and including driveway apron. Materials used must be similar in color to the existing structure so as not to contrast with other properties. If you desire to use any other color, you are to get prior approval from the ACC before beginning any work and/or repairs. Any raised or uneven areas must be repaired.

All planned changes to patios, sidewalks or driveways must be submitted and approved by the ACC prior to the start of the project. **All planned changes to any of these items require prior ACC approval and may require a City Permit, THE PERMIT MUST BE SUBMITTED WITH THE MODIFICATION REQUEST).**

LANDSCAPING/MAINTENANCE OF LAWNS AND PLANTINGS:

Landscaping and planting do not require prior approval from the ACC. Trees, hedges, or shrubs which restrict sight lines for vehicular traffic must be cut back or removed in accordance with the City of Virginia Beach Zoning Codes (**Sight Distance**) **3.13.2 and 3.13.3.** It is the responsibility of the homeowner to establish and maintain the yard, to include all front, rear, and side easements. **Any grass or weeds that exceed ten (10) inches in height will be considered a violation of the CHCA Architectural Rules.** Articles specifically designed for landscaping purposes, shall be securely fastened or set in the ground to not create a hazard to people. These planters or borders shall define the area that is to receive special plants or shrubs and shall be maintained to enhance the property. Items contained within these areas must be maintained to look neat and tended. At the end of the growing season, these areas must be maintained.

GARDENS:

- Gardens that are dedicated to growing food, whether vegetables, fruits, or herbs can be erected within Chimney Hill, however, their location and placement must be restricted to the rear of the property, behind fencing and not be visible from the street.
- Gardens also cannot become a nuisance to neighboring properties.
- All gardens must be maintained and will not be permitted to become overgrown and/or create vines on fencing, grow over fencing that is shared with a neighboring property or fencing that is facing the street or public thoroughway.
- Gardening planters or borders shall define the area that is to receive special plants or shrubs and shall be maintained to enhance the property.

CURB APPEAL-MAINTENANCE:

Virginia Beach City Ordinance Chapter 33 Article 1 Sec. 33-13: Duty of property owners and occupants to keep abutting streets and sidewalks free of litter. All owners or occupants of real property shall maintain the sidewalks and curbs and the right-of-way up to the edge of the pavement of any public street abutting such property and one-half of abutting alleys in a clean and litter-free condition. All owners or occupants of real property adjacent to a sound wall or similar noise attenuation structure shall maintain the area between the property line and the sound wall or similar noise attenuation structure in a clean and litter-free condition. **This is to include yard waste, trash, mud or sludge, newspapers, phone books and all other foreign matter that can be washed down the Wastewater Storm Drain System. Keep the area grass edge and neatly trimmed and remove from the sidewalks.** **Virginia Beach City Ordinance Chapter 33 Article 1 Sec. Section 33-14:** Duty of property owners and occupants to remove snow and ice from sidewalks, The Owner or occupant of any lot of parcels of land in the city shall remove snow and ice from the sidewalks in front of such lot or parcel within six (6) hours after such time such as removal can first be reasonable effected. State Law reference— Authority for above section, **Code of Virginia, § 15.1-867.**

EASEMENTS:

Open Storage of Junk Virginia Beach City Code of Ordinances Chapter 23 Article 1 Sec. 23-48: Virginia Beach City Code of Ordinances Chapter 23 Article 1 Sec. 23-48: Open Storage of Junk: It shall be unlawful for any property owner or occupant to store dilapidate furniture, appliances, machinery, building materials or any other item which is rusted, wrecked, junked, dismantled or inoperative on private property. All rubbish, trash, and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot. **Virginia Beach City Code Chapter 23 Article 1 Sec Code 23-50a, Accumulation of Trash and Garbage:** If there exists upon any land or premises including the area between such land or premises and the nearer of the curb line, including a sidewalk if one is present, a sound wall, or the edge of the pavement of any public street abutting such property in the absence of a curb any trash, garbage, refuse, litter, or similar substances, except as may be placed thereon for purposes of collection in accordance with **Chapter 31** of this code, notice shall be served on the owner of such land or premises or his/her agent, or on the occupant thereof, or both, to cause such trash, garbage, refuse, litter or similar substances to be removed from such land or premises within (7) days from the date of such notice. **NOTE:** The following Items will not be picked-up by the City Waste Management Department as Bulky Waste: 1) Bags, 2) Cabinets, 3) Carpet, 4) Computer Towers (CPU's), 5) Concrete, 6) Doors, 7) Dirt, 8) Glass, 9) Hazardous Materials, 10) Paint Cans, 11) Propane Tanks, 12) Remodeling or Building Materials, 13) Rocks, 14) Sinks,

15) Tires, 16) Toilets, 17) Vehicle Parts, 18) Wood Pallets. NOTE: Some items that are not listed may also not be collected. Please call the City Waste Management office at 385-4650 with questions. **All owners of property within the Chimney Hill Community Association are required to keep all easements that abut their property clean from trash, furniture, building materials and such other items. All owners are responsible for keeping the area mowed and all trees, vines, shrubs plants are to be maintained in accordance with the Association's Controlling Documents and City code.**

TREES/SHRUBS DEAD, DISEASED, DAMAGED REMOVAL REQUIREMENT

Virginia Beach City Code Chapter 23 article 1 Sec 23-50: (a). Upon determination by the code enforcement administrator or the city arborist, or the officers or employees of their respective departments, that there exists upon any land or premises within the City any tree which, by reason of disease, death, injury, infirmity or other condition, presents a danger to property or to the health and safety of persons or other trees or vegetation, notice shall be served upon the owner of such land or premises or his or her agent or upon the occupant thereof to cause such tree to be removed within a reasonable period of time, not less than seven (7) days nor more than thirty (30) days, specified in such notice. If the danger presented by such tree may be eliminated by the removal of a portion of such tree, the notice shall specify the portion or portions of the tree to be removed. For purposes of this section, the term "tree" shall be construed to include the plural of the term. Keep trees and shrubs trimmed back to prevent them from intruding on your neighbor's property. Any damage caused to the Party Wall (Fence) shared with your neighbor will be your responsibility to repair and/or replace at your total cost.

PLAY EQUIPMENT/SWING SETS:

All play equipment, i.e., swings, or other such structures are to be located both behind the home's rear foundation and within a fenced area. Wood equipment should be left unpainted and allowed to weather. All equipment must be kept free of rot, deterioration, rust, and/or broken materials.

BASKETBALL BACKBOARD OR HOOP:

When not in play, basketball backboard or hoop must be removed from view of the street and stored out of site and shall not become a nuisance or cause damage to the adjoining property.

SWIMMING POOLS/ SPAS / HOT TUBS:

Virginia Maintenance Code 2021 Chapter 3 General Requirements, Article 303.1 Swimming Pools, Spas and Hot Tubs: Swimming Pools shall be maintained in a clean and sanitary condition, and in good repair. **Virginia Maintenance Code 2021 Chapter 3 General Requirements Article 303.2 Enclosures:** Swimming pools, hot tubs and spas, barriers shall be maintained in accordance with the applicable building code or ordinance under which such barriers were constructed. **2021 International Swimming Pool and Spa Code Chapter 3 section 305.2.1: Barrier heights and clearance shall be in accordance with all of the following:** 1. The top of the barrier shall be not less than 48 inches above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet measured horizontally from the outside of the required barrier. 2. The vertical clearance between the grade and the bottom of the barrier shall not exceed 2 inches for grade surfaces that are not solid, such as grass or gravel, where measured on the dies of the barriers that face away from the pool or spa. 3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches where measured on the required barrier that faces away from the pool or spa. 4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches. **305.2.9 clear zones:** There shall be a clear zone of not less than 36 inches between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier. A pool or spa containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 (1219 mm) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gate shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. **Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section. ACC Rules and Regulations Swimming Pools, over the height of

two (2) feet are considered permanent major structures and, therefore, **must submit an ACC Modification Request and all supporting documents/permits prior to installation. Spas and hot tubs are also considered permanent major structures. The applicant is responsible for checking with the City of Virginia Beach Zoning and Building & Permits requirements prior to installation.**

MACHINERY AND EQUIPMENT:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA (O): No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any property within Chimney Hill except such machinery or equipment as is usual and customary in connection with the use, maintenance or construction of a residence, appurtenant structures, or other improvements, and except that which Declarant or the Association may require for the operation and maintenance of Chimney Hill or its Common Area.

CLOTHES DRYING FACILITIES:

CHCA Declaration of Covenants, Conditions and Restrictions, Article IV, Section 2, PARA L: Outside clotheslines, or other outside facilities for drying or airing clothes shall not be erected, placed, or maintained in front of the rear foundation line on any property within Chimney Hill unless they are erected, placed, or maintained exclusively within a fenced service yard or otherwise concealed and shall not be visible from neighboring property or street. On corner lots, they shall not be located closer to the side street than the line of the foundation facing said side street.

Title 55.1. Property and Conveyances » Subtitle IV. Common Interest Communities » Chapter 18. Property Owners' Association Act » Article 3. Operation and Management of Association § 55.1-1819. Adoption and enforcement of rules:

A. Except as otherwise provided in this chapter, the board of directors shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members. Rules and regulations may be adopted by resolution and shall be reasonably published or distributed throughout the development. At a special meeting of the association convened in accordance with the provisions of the association's bylaws, a majority of votes cast at such meeting may repeal or amend any rule or regulation adopted by the board of directors. Rules and regulations may be enforced by any method normally available to the owner of private property in Virginia, including application for injunctive relief or actual damages, during which the court shall award to the prevailing party court costs and reasonable attorney fees.

B. The board of directors shall also have the power, to the extent the declaration or rules and regulations duly adopted pursuant to such declaration expressly so provide, to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments that are more than 60 days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant, and (ii) assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

C. Before any action authorized in this section is taken, the member shall be given a reasonable opportunity to correct the alleged violation after written notice of the alleged violation to the member at the address required for notices of meetings pursuant to § 55.1-1815. If the violation remains uncorrected, the member shall be given an opportunity to be heard and to be represented by counsel before the board of directors or other tribunal specified in the documents. Notice of a hearing, including the actions that may be taken by the association in accordance with this section, shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association at least 14 days prior to the hearing.

Within seven days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association.

D. The amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed \$50 for a single offense or \$10 per day for any offense of a continuing nature, and shall be treated as an assessment against the member's lot for the purposes of § 55.1-1833. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days.

E. The board of directors may file or defend legal action in general district or circuit court that seeks relief, including injunctive relief arising from any violation of the declaration or duly adopted rules and regulations.

F. After the date an action is filed in the general district or circuit court by (i) the association, by and through its counsel, to collect the charges or obtain injunctive relief and correct the violation or (ii) the lot owner challenging any such charges, no additional charges shall accrue. If the court rules in favor of the association, the association shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action. In addition, if the court finds that the violation remains uncorrected, the court may order the lot owner to abate or remedy the violation.

In any action filed in general district court pursuant to this section, the court may enter default judgment against the lot owner on the association's sworn affidavit.