

Return to: **Law Offices of Arnold J. Calabrese**
A Professional Corporation
25B Hanover Road, Suite 120
Florham Park, NJ 07932

VILLAGE MEWS ASSOCIATION, INC.
RESOLUTION RELATING TO THE INSPECTION, CLEANING AND REPAIR
OF DRYER VENTS AND CHIMNEYS

WHEREAS, this Resolution is made this 22 day of March, 2017, by **VILLAGE MEWS ASSOCIATION, INC.**, a New Jersey non-profit corporation, a non-profit corporation located in the Village of South Orange, County of Essex, in the State of New Jersey; and

WHEREAS, by Master Deed recorded on December 23, 1986, in the Office of the Essex County Clerk in Deed Book 4950 at Page 85, et seq., Village Mews Association, Inc., has been established upon certain lands in the Village of South Orange, County of Essex and State of New Jersey, all pursuant to N.J.S.A. 46:8B-1, et seq.; and

WHEREAS, the Board of Trustees believes it in the best interest of the Association to add this Resolution as an **Addendum to its Master Deed and By-Laws**; and

WHEREAS, the Governing Documents empower the Board with all duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of the development and to do or cause to be done all such other lawful acts and things as are not by law, or by the Governing Documents, directed or required to be done or exercised by members of the Association or unit owners, or by others; and

WHEREAS, Article VI, Section 2(e) empowers the Board to adopt and amend rules and regulations covering the operation and use of the Property; and

WHEREAS, the Board believes that the periodic inspection, cleaning and repair of the dryer vents and chimneys associated with each Unit will promote the general health, safety and welfare of its members, residents and their property, including common elements; and

WHEREAS, the Board believes that failure to perform periodic inspections, cleanings and repairs to dryer vents and chimneys poses a fire hazard to the residents, their property and the common elements; and

WHEREAS, this Resolution supersedes and voids all prior resolutions, whether administrative, special, general or policy which may have been adopted regarding dryer vent and/or chimney maintenance;

NOW THEREFORE, be it resolved that the Board approves of and adopts the following Resolution relating to the inspection, cleaning and repair of dryer vents and chimneys:

- I. **Dryer Vents/Chimney**: By no later than 12/31/17, and then every two years thereafter, each Unit Owner must have their dryer vent cleaned and repaired if needed, as well as have their chimney inspected, and if needed, cleaned and/or repaired.

- II. **Proof of Compliance**: The Unit Owner, at their sole cost and expense, shall have the inspection, cleaning and/or repair performed by any person and/or business entity actively engaged in the business of cleaning and/or repairing such dryer vent and/or chimney. The Proof of Compliance shall be an invoice or letter from any such person or business evidencing the findings of the inspection and the completion of any required cleaning or repair. The invoice or letter must include, at a minimum, the name of the person and/or business entity, including their N.J. Contractor Registration No., who performed the inspection, the date the inspection was performed within the inspection year, the nature and extent of the inspection that was performed, the results of the inspection, a description of any maintenance, cleaning, repairs and/or replacements that is required to be performed on the dryer vent and/or chimney, an invoice or letter from the person or business evidencing that the repairs have been completed, and a signature of the person who performed said inspection and work.

- III. **Fines and Penalties**: If a Unit Owner fails to comply with the above requirements, the Association shall send a written notice to the Unit Owner advising the Unit Owner that he/she is in default with the provisions of this Resolution and that the Unit Owner(s) shall have ten (10) business days to comply or a \$25.00 per day fine will be imposed. If the Unit Owner fails to comply within the ten (10) business days, the Unit Owner shall be given a second notice advising that the fine is being levied at \$25.00 fine per day until Proof of Compliance is provided to the Association. If the Unit Owner fails to comply within thirty (30) days of the second notice, the Association shall notify the Unit Owner in writing of a date and time that the Association will enter the Unit to have a qualified contractor perform the inspection/cleaning/repairs, which cost shall be assessed against the Unit in the same manner as common expense assessments. The Unit Owner shall have the right to request in writing, an Alternate Dispute Resolution hearing at any time after receipt of the first notice. In addition, the Unit Owner will be subject to any additional fines or penalties as may be imposed by any governmental agency enforcing the requirements of New Jersey Law. This provision shall not be construed or deemed to waive any rights or causes of action the Association may have against the Unit Owner for failure to comply with these regulations.

- IV. **Compliance with State and Local Laws:** All inspections, cleaning and/or repairs required by this Resolution shall be made in accordance with all federal, state or local laws and/or regulations. If required by law, each Unit Owner shall obtain a permit for any repairs and/or replacements which need to be made in accordance with this Resolution. If the Unit Owner is required to obtain a permit for the repairs and/or replacements which are to be made in accordance with the inspection report, then each Unit Owner shall, at least ten (10) business days prior to making the requisite repairs and/or replacements, provide the Association with a copy of all documents, including but not limited to the contract, plans and/or specifications, for the repairs and/or replacements which are to be made in accordance with the inspection report. These documents shall be sent to the Association, care of the Property Manager, via regular and certified mail. When the repairs and/or replacements are completed and the Unit Owner has obtained final approval of the repairs and/or replacements from the local governing body, the Unit Owner shall send a copy of the final approval, certificate of approval or other approval from the local governing body to the Association via certified mail, return receipt requested. Any Unit Owner who is in violation of this Resolution may also be subject to any other fines, penalties, loss of privileges, suspension of privileges or rights and otherwise as set forth in the Association's Governing Documents and any Resolutions enacted clarifying same.
- V. **Self-help:** If the Unit Owner fails to comply with this Resolution, or any portion thereof, the Association may elect to perform the inspections and required cleaning and/or repairs by hiring a person and/or business actively engaged in the business of performing such dryer vent and chimney inspection, cleaning and repair. If the Unit Owner refuses to allow the Association and/or its authorized agent access and/or entry into the respective Unit, the Association may hire a locksmith to obtain access and/or entry into the respective Unit for the purposes of performing an inspection and performing any required cleaning and/or repairs. All costs incurred by the Association to exercise self-help, including the hiring of a locksmith, and/or person or business to perform such dryer vent and chimney inspection, cleaning and repair, shall be assessed against the affected Unit in the same manner as common expense assessments.
- VI. **Definitions:** Definitions shall be as set forth in the Association's Master Deed and By-Laws, and shall also include the following:
- The term “**dryer vent**” as used in this Resolution shall include vents, ducts and flues that service a clothes dryer.
- The term “**chimney**” as used in this Resolution shall include all fireplaces, chimneys, chimney caps, fireboxes, dampers and other related parts, subparts and/or components of same.
- All references herein to any particular gender is intended to include the appropriate gender as the text of this Resolution may require.


Any word(s) in the singular is to include the plural. Any word(s) in the plural is to include the singular.

CERTIFICATION


I HEREBY certify that the foregoing Resolution was duly approved and authorized at a meeting of the Board of Trustees of **VILLAGE MEWS ASSOCIATION, INC.** held on the 22 day of MARCH, 2017

ATTEST:

VILLAGE MEWS ASSOCIATION, INC.



Greg H. Oboe Secretary

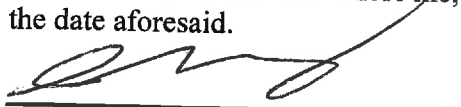


DIANA ULLMAN, President

{STATE OF NEW JERSEY }
{COUNTY OF ESSEX } ss:

BE IT REMEMBERED, that on this 22 day of March, 2017, before me, the subscriber, Attorney at Law of the State of New Jersey, personally appeared Diana Ullman, who being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the Secretary of the Corporation named in the within instrument; that Diana Ullman is the President of said Association; that the execution as well as the making of this Instrument, has been duly authorized by a proper resolution of the governing board of the said Corporation; and that said Instrument was signed and delivered by said President as and for the voluntary act and deed of said Corporation, in the presence of deponent, who thereupon subscribed his/her name thereto as attesting witness.

Sworn to and Subscribed before me,
the date aforesaid.



Attorney at Law of the State of New Jersey