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ARCHITECTURAL CONTROL COMMITTEE RULES AND REGULATIONS
REVISED 7/5/16

The following rules have been established by the Architectural Control Committee and approved by the Board of Directors. These Rules have been developed from the CHCA Declaration of Covenants, Conditions and Restrictions, the Virginia Maintenance Code, City and State Laws and Ordinances and the Property Owner's Association Act, Chapter 26, Article 3, Operation and Management of Association, § 55-513 Adoption and enforcement of rules. Any Changes, additions, or deletions require the Board of Directors approval.

ALTERATIONS / IMPROVEMENTS:

IN ACCORDANCE WITH CHIMNEY HILL COMMUNITY ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS and RESTRICTIONS, Article IV, SECTION 2, Paragraph 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 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. Any homeowner that violates this declaration will be assessed a penalty by the Board of Directors as allowed under the **Property Owner's Association Act, Chapter 26, Article 3, Operation and Management of Association, § 55-513 Adoption and enforcement of rules.** This law allows the Board of Directors 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 preapproved by the Association and be liable for any legal fees as a result of any actions bought by the association.

ANIMALS:

No animals, birds, fowl, poultry, or 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. Any decision rendered by the Board shall be enforceable as other restrictions contained herein.

ANTENNAE:

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 at all times. Any non-operational dish type antennae shall be removed, along with all cables.

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.

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 for the bulk waste pickup. Bulk pickup must be notified of such material at least **twenty-four (24) hours** in advance. Open Storage of Junk (City Code 23-48)- It is 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 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 385-4650 with questions.

CHIMNEY ENCLOSURES:

Installation of a woodstove 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 which matches existing masonry. No pipe or cover shall extend above the enclosure more than twelve (12) inches.

CLOTHESLINES:

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 of said side street.

CURB APPEAL-MAINTENANCE:

Virginia Beach City Ordinance 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 any and all other foreign matter that can be washed down the Waste Water Storm Drain System.

DECKS / BALCONIES / RAILINGS:

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. Applicant is responsible for checking 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 alterations/additions require Prior ACC approval before any changes are 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 building permit for construction of deck prior to ACC approval.

DECORATIVE SYMBOLS AND OBJECTS:

The attachment of decorative symbols and objects to the house is discouraged. However, if used, they should be small and unobtrusive and compatible with the design and color of the house. 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.

DOORS, WINDOWS AND SKYLIGHTS:

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 at all times be kept in good condition and repair and adequately painted or otherwise. Virginia Maintenance Code 2009 (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. 304-13.1 openable Windows; every window, other than a fixed window, shall be easily openable and capable of being held open by window hardware. **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, r 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.

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.

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.

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

Virginia Maintenance Code 2009 (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 2009 (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 covering 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 water tight. All metal surfaces subject to rust or corrosion shall be 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. 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 need ACC approval and should meet city guidelines. Open fence: round split, finished wood rails and pickets or vinyl.

- 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, must be white vinyl.
- 4) Chain link fences are **not** permitted on residential property within Chimney Hill Community Association.
- 5) Wire and/or metal fences are subject to 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 connected 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. Regulations concerning fences contained in the City of Virginia Beach Comprehensive Zoning ordinance will be strictly followed and enforced when considering requests.

Note: 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, Monday through Friday-8:00am to 5:00pm. You may also contact the Permits and Inspection Department at (757)385-4211 for further guidance.

FIRE PREVENTION AND PROTECTION:

The Fire Protection, Code of Virginia, Title 27; gives Authority to 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 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 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 a 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.

GUTTERS/DOWNSPOUTS:

Gutters and Downspouts shall match the color of the house or trim. Shall be maintained in good repair, free from obstructions and securely fastened to the home. All gutters must drain freely away from the home, yet not be drained to create a public nuisance. Virginia Maintenance Code 2009 Chapter 3 General Requirements, Article 304.7; Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions, mold, mildew, vegetation and/or dirt. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. Total roof replacement requires prior approval by the ACC approval before work begins to ensure that the color to be used is compatible with the homes in the general area.

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 no objection, (ensure that a copy of the agreement has been provided to the Office Staff). Taking the Half-Wall down does not 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 no 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.

HOUSE PAINT/STAIN/SIDING – SINGLE FAMILY HOMES:

Exterior paint/stain colors and changes of exterior house paint and stain or siding will be approved only if the proposed color is in harmony with other existing homes of the same style and construction within the community. Fence color may remain neutral (treated wood only) or must be painted/stained to match the house siding or trim in color. Color sample or color chart must accompany all requests for painting. The ACC will make on-site inspections of all proposed paint, stain or siding changes before approval in order to insure the owner has complied with these rules.

HOUSE PAINT/STAIN SCHEMES – TOWNHOUSES:

Townhouse 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 sections. 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:

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 (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

LANDSCAPING:

Landscaping and planting do not require approval of 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. Planters, whether defined by landscape timbers or concrete articles, shall be securely fastened or set in the ground so as 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 during the growing season so as to look neat and tended. At the end of the growing season, these areas must be kept neat and orderly and not detract from the property. From the first day of winter (December 21) to the first day of spring (March 21), planters and beds may be allowed to “Winter-Over” and lay fallow. Tall weeds and un-kept plants will not be allowed and must conform to a reasonable person rule that is “a reasonable person must look at the area in question, and be able to say that it is unsightly”. If there is a question by the Homeowner as to whether it should constitute a violation, they may petition the CHCA Board of Directors at a scheduled ACC Meeting, (Held the 1st Tuesday of the month).

MAILBOXES:

U.S. Postal Service regulations require the approach to curbside mail receptacles to be unobstructed so the carrier can serve the box without leaving the vehicle, i.e. Trash & Recycle Containers, lawn waste, bulk waste pick-up items and automobiles. Regulations also stipulate mail receptacles and support systems shall be maintained in good condition at all times.

MAINTENANCE OF EXTERIOR STRUCTURES: FENCES/SHEDS/SIDING/FASCIA/TRIM/GUTTERS AND CHIMNEY STACKS:

Virginia Maintenance Code 2009 (Chapter 3 General Requirements), Section 304 Exterior Structure, Articles 304.1 & 304.2, and Chimney Hill Community Association Declaration of Covenants, Conditions and Regulations: Repair of Buildings. Virginia Maintenance Code 2009 (Chapter 3 General Requirements) Section 4 Exterior Structure, Article 304.1 General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. 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 otherwise protective coverings or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repaired. 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 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 304.6 Exterior Walls: 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. Chimney Hill Community Association Declaration of Covenants, Conditions and Regulations: Repair of Buildings. No building or structure upon any property within Chimney Hill shall be permitted to fall into disrepair, and each such building and structure shall at all times 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 any and all foreign matter to include, algae, mold, mildew, dirt, rust stains and any other items or matter that are normally found on such structures.

OBJECTS ATTACHED AND/OR USED ON EXTERIOR STRUCTURES:

The attachment and/or hanging of any objects to any exterior structure are 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 Property Inspector to ensure that you do not get a violation notice for a foreign object that is attached or on your property that does not belong. Such objects or attachments should then be removed immediately after such construction or maintenance has been completed.

PARTY WALL/PARTY FENCE: CHCA Declaration of Covenants, Conditions and Restrictions: ARTICLE IV, Section 2, Paragraph T

(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.

(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.

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 need ACC approval and should meet city guidelines. Open fence: round split, finished wood rails and pickets or vinyl.

6) Privacy fences shall not be over six (6) feet in height or as approved by ACC.

7) Privacy fences shall not extend beyond the front foundation line of the house.

8) 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, must be white vinyl.

9) Chain link fences are **not** permitted on residential property.

10) Wire and/or metal fences are subject to ACC approval.

11) 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), stand erect and connected to the post. Replacement fence slats (Pickets) should be of the same type and style of the existing fence. Gates should be in good working condition.

Regulations concerning fences contained in the City of Virginia Beach Comprehensive Zoning ordinance will be strictly followed when considering requests.

PARTY WALL DISPUTES: CHCA Declaration of Covenants, Conditions and Restrictions: ARTICLE IV, Section 2, Paragraph T

(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 Board Of Directors of the Association. The association will help with fence arbitration provided that all parties agree and provide a current survey of their properties. Also, all parties agree that the board's decision is binding. Legal remedies are at the expense of the property owners and the association will not get involved in this process.

PATIO COVERS / AWNINGS:

Patio covers and awnings must match or be compatible with materials, design, and compliment the 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 compatible with the existing structure. Bright colors will not be permitted. These are considered major changes and must be approved by the ACC prior to installation.

PATIOS / SIDEWALKS / DRIVEWAYS:

All property patios, sidewalks and driveways shall at all times be kept in good condition and free of weeds, grass, oil stains and other imperfections. **NOTE: Grass and weeds must be removed from cracks in the driveways, sidewalks, patios and parking spaces and the cracks must be sealed.** 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. Replacement or extension of a driveway or sidewalk requires a City Building Permit. Any and all Driveway or Sidewalk modifications require prior approval of the ACC before beginning any modifications or alterations.

PET NUISANCE:

Allowing dogs or any other animals to urinate or defecate on public or private property is unlawful and is considered a nuisance to the public and will not be tolerated. Under the Virginia Beach City Code 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. Virginia Beach City Code (Sec. 5-16) Declares that dog owners must pick up after their pets on both private and public property.

PLAY EQUIPMENT/SWING SETS:

All play equipment i.e. swing sets 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 rotted, deteriorated, rusted or broken materials.

REPAIR OF BUILDING, DOORS AND WINDOWS:

No building or structure upon any property within Chimney Hill shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished. Virginia Maintenance Code 2009 (Chapter 3 General Requirements, Article 304.2 Protective Treatment and 304.6 Exterior Walls: 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 otherwise protective coverings or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repaired. 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 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. 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.

REPEAT OF ACC CCRS:

Once an owner is provided notice of a violation and is given their due process IAW the Property Owner's Association Act, Chapter 26, Article 3, Operation and Management of Association, § 55-513 Adoption and enforcement of rules. From this date forward, all owners whom are sited for the same violation over and over will be considered a Repeat Violator and will be assessed an immediate penalty of \$50.00 for each and every occurrence of the same violation. Some of the most common of the repeat violations are; Parking on the grass, blocking of driveways, impeding use of a sidewalk, repairing of vehicles (sometimes called restoring) of autos in plain sight, blocking mailboxes, (cluster and private), truck parking in residential area, boats on trailers, utility trailers, disabled vehicles, inoperative vehicles (wrecked or junk: vehicle partially disassembled, invalid license plates or decal), commercial vehicles, (previously defined), Trash & Recycle cans left out, Trash & other Debris left on the Street curb or other areas of the property. Once you are notified that you have been identified as a repeat violator of the ACC rules by the Board of Directors, you will go on the Repeat Violators list for a period of one year from the date of the last violation notice.

ROOFS-SINGLE FAMILY HOMES:

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. Virginia Maintenance Code 2009 Chapter 3 General Requirements, Article 304.7; 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 drains, gutters and downspouts shall be maintained in good repair and free from obstructions, mold, mildew, vegetation and/or dirt. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. **NOTE: Total roof replacement requires prior approval by the ACC for shingle color and style. A city Permit is required before any work begins. 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. If it is within the established guidelines it will be approved. Stop by the office or email the Property Inspector when you start your plan to replace your roof. Get things worked out up front to make your upgrade go as smooth as possible. There are a wide range of colors on hand at the office to use or you can bring in your own sample for consideration. We strive to turn roof replacement request around within 24 hours or less if all paperwork is in order and you have verified the shingle color with the Association. Getting prior approval on the color will save all involved time and money.**

ROOFS-TOWNHOMES:

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. Virginia Maintenance Code 2009 Chapter 3 General Requirements, Article 304.7; 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 drains, gutters and downspouts shall be maintained in good repair and free from obstructions, mold, mildew, vegetation and/or dirt. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation

of roof drainage. **NOTE: Total roof replacement requires prior approval by the ACC for shingle color and style. A city Permit is required before any work begins. 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 homes in your block of homes. The first home in the Block of homes that installs an authorized new roof will set the precedence for all other homes in that block. There are multiple colors and styles of roofs installed on homes throughout the Community. If it is within the established guidelines it will be approved. Stop by the office or email the Property Inspector when you start your plan to replace your roof. Get things worked out up front to make your upgrade go as smooth as possible. There are a wide range colors on hand at the office to use or you can bring in your own sample for consideration. We strive to turn roof replacement request around within 24 hours or less if all paperwork is in order and you have verified the shingle color with the Association. Getting prior approval on the color will save all involved time and money.**

SHEDS:

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. Platforms shall be no more than six (6) inches in height with a total shed height not to exceed ten (10) feet above ground. 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 City of Virginia Beach Zoning and Buildings & Permits requirements prior to installation, anything over 250 square feet will require a permit. Single family home sheds are required to be placed 5 feet from side and back of property line. Sheds greater than 100 square feet should be placed 10 feet from rear and 5 feet from side of property line. Sheds must be maintained at all times, i.e. roofs properly covered with shingles and or painted, damaged areas repaired.

SIDING/TRIM (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 Boards 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. A city Permit is required for all siding replacement.**

SIDING/TRIM (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 general area of the home to be upgraded. Samples of siding and/or trim must be submitted with the request. Siding and or trim repairs should match existing siding and trim. **A city Permit is required for all siding replacement.**

SOLAR PANELS:

All panels must be attached directly to the roof and not protrude above the upper roof line.

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, during a reasonable period of time, (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 is required.**

SWIMMING POOLS/ SPAS / HOT TUBS:

Spas and hot tubs are considered permanent major structures and, therefore, must have the written approval of the ACC prior to installation. Pools over the height of two (2) feet are considered permanent major structures and, therefore, must have the written approval of the ACC prior to installation. Applicant is responsible for checking City of Virginia Beach Zoning and Building & Permits requirements prior to installation. Virginia Maintenance Code 2009 Chapter 3 General Requirements, Article 303; 303.1 & 303.2 Swimming Pools, Spas and Hot Tubs. Swimming Pools, Spas, Hot Tubs and related equipment shall be maintained in a clean and sanitary condition, and in good repair. Private swimming pools, hot tubs and spas, 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. It shall be unlawful for any person to own or control any outdoor swimming pool without having a fence surrounding such swimming pool, irrespective of the date on which such swimming pool was constructed.

TREES/SHRUBS DEAD, DISEASED, DAMAGED REMOVAL REQUIREMENT

(Virginia Beach City Code 23-50-1); Trees; Dead, Diseased, ETC: That 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 so removed. 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.

TRASH / RECYCLE CONTAINERS 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 CONTAINERS STORAGE:

Trash cans or other trash containers, including recycling bins, shall be stored so they are not visible from the street and neighboring properties, if possible 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 house, 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 year warranty, if the warranty has expired the replacement cost is \$75.00 for the 95 gallon container. 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. **NOTE: Only those containers approved by the City of Virginia Beach and the Chimney Hill Community Association Board of Directors shall be used.**

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 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 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 drains.

VEHICLE PARKING:

Vehicles shall park in designated paved areas. Parking on the grass, easements, sidewalk, and porch is prohibited. Parked vehicles shall not obstruct sidewalks, driveways, mailboxes. Inoperative vehicles are not permitted in the Chimney Hill residential area. An inoperative vehicle is as described in Virginia Beach, Virginia Code of Ordinances, Chapter 16, Housing and Building Maintenance Code, Article VII: Storage of Vehicles Section 16-40: "(A) Vehicle not in operative condition (wrecked or junk); (B) Vehicle partially or totally dissembled by removal or essential parts required for operation; (C) Vehicle has neither valid license plates nor a valid inspection decal displayed; (D) Placing a cover over an inoperative vehicle for which a notice of violation has been issued is prohibited". Large commercial vehicles are not permitted to be parked in the Chimney Hill residential area for more than three (3) hours. Exception: moving vans while being utilized. Commercial vehicles are considered to be 7 feet tall or

20 feet long or more than one ton capacity. Other commercial vehicles, including step vans, delivery vans, commercial trailers and/or equipment shall not be parked in the Chimney Hill residential or recreational area. Major recreational equipment shall not be parked, stored or used except in approved locations and under restrictions and limitations set forth below:

- A) Such equipment shall not be parked on any public street or public right of way for more than three (3) hours.
- B) Such equipment shall not be used for living, sleeping, or housekeeping purposes.
- C) Such equipment shall not be parked or stored on any lot except within a building or fenced yard and not visible by neighboring properties or public streets except for twelve (12) hours during loading or unloading, or unless otherwise approved by the ACC.

NOTE: Major recreational equipment is defined as travel trailers, pick-up campers, or coaches, motorized dwellings, tents, trailers, boats and boat trailers, amphibious houseboats, jet skis, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

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 only to have vehicles parked if the tennis courts and/or playground 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 basketball 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. In the event that 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.

CURRENT FINE SCHEDULE

A) All penalties assessed for ACC violations are dictated by the Property Owner's Association Act, Chapter 26, Article 3, Operation and Management of Association, § 55-513 Adoption and enforcement of rules, as enacted by the Virginia General Assembly. Penalties can vary from a stated dollar amount, e.g. \$10.00 per day for an amount of time such as 30, 60 or 90 days, not to exceed 90 days max. Some penalties can be for a fixed dollar amount, not to exceed \$50 per occurrence. This is the present process of handling various codes and building violations.