

SAMPLE ASSOCIATION WATER HEATER RESOLUTION

WHEREAS, Section ____ of the By-Laws states that “the Board of Trustees shall have and exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and its operation and maintenance and may do or cause to be done all such other lawful acts and things as are required by law, by these By-laws or otherwise directed or required to be done or exercised by members of the Association or Owners of Units, or by others”; and

WHEREAS, Section ____ of the By-Laws empowers the Board to “make and enforce compliance, by the levying of fines or otherwise, with such Rules and Regulations relative to the operation, use and occupancy of the Units, Common Elements and Association facilities, and to amend the same from time to time as the Board shall deem necessary or appropriate, which Rules and Regulations, when approved by appropriate resolutions shall be binding on the owner and occupants of dwelling units, their successors in title and assign.”; and

WHEREAS, Section ____ of the By-Laws directs “Each member shall comply strictly with these By-Laws and with the Administrative Rules and Regulations adopted pursuant thereto...” “Failure to comply with any of the same shall be grounds for a civil action to recover sums due, for damages or injunctive relief, for levying a fine for violation of the Rules and Regulations, plus court costs and reasonable attorney’s fees...”; and

WHEREAS, the Association and individual unit owners have experienced, and continue to experience substantial damage due to the failure of water heaters; and

WHEREAS, the Association deems it necessary to: periodically inspect said water heaters to determine their suitability for continued service; and, upon the determination that any said water heater is unsuitable for continued service, to require the unit owner to purchase and install a suitable replacement water heater.

NOW THEREFORE, BE IT RESOLVED, that the following requirements are hereby adopted regarding all domestic and residential water heaters:

1. Annually, upon ten (10) business days notice, each owner shall allow the inspector selected by the Association to inspect any water heater that serves the unit in order to determine said water heater’s suitability for further service.
2. Within thirty (30) days of a determination, by the inspector referred to in the preceding paragraph, that any water heater is unsuitable for further service, the affected owner shall purchase and shall have installed a replacement water heater. The owner shall send the association proof of purchase and installation of the water heater.
3. The replacement water heater must be: equivalent in capacity to the water heater it replaces; installed by a qualified person; guaranteed against failure for a period of not less than eight (8) years.
4. Failure to comply with the terms of this Resolution will result in a fine of <Amount> Dollars (\$##.##) per month assessed against the Unit Owner for each full, calendar month of noncompliance from the date referred to in either paragraph 1. or 2., immediately above, as either may apply.

Resolution Type: _____

Regarding: Water Heaters

Duly adopted at a meeting of the Board of Trustees of Association held on this ____ day of _____, 20____.