

Chimney Hill Owners Association Inc.

Rules and Regulations

In accordance with our governing documents and in furtherance of our goal to provide a desirable place to own, vacation, and socialize, and also to promote the common benefit and enjoyment of the residents as well as to protect our property values, the attached rules and regulations have been adopted.

These rules and regulations are meant to provide the Association and its members with guidelines and information related to conduct on Chimney Hill which is in the best interest of all.

The Chimney Hill Board of Directors will enforce these rules and regulations and administer fines fairly and equitably.

The Chimney Hill Board of Directors reserves the right to change and/or modify these rules and regulations in the best interest of the Association and its members.

*Approved and adopted by vote of the Chimney Hill Owners Association, Inc. Membership,
May 27, 2006*

*Amended by vote of the Chimney Hill Owners Association, Inc. Board of Directors,
June 24, 2017*

*Amended by vote of the Chimney Hill Owners Association, Inc. Board of Directors,
October 17, 2020*

*Amended by vote of the Chimney Hill Owners Association, Inc. Board of Directors,
June 19, 2025*

Definitions:

All references to Owner shall include the Owner, the Owner's family, any guests of the Owner and any tenants staying at the Owner's property.

All references to Chimney Hill property shall include all land and buildings under the ownership or control of the Association. All references to Chimney Hill shall include the entire Chimney Hill community.

Fines/Penalties:

Any violation of these Rules may result in the imposition of a fine as set forth in Appendix A and the ACC Rules and Guidelines. In addition, the Association shall be entitled to recover all of its costs incurred in enforcing these rules, against an owner or a tenant, including its legal fees.

The Association reserves the right to inspect a property with prior written notice, including but not limited to the interior of homes, if conditions exist that suggest a home or property is being used in violation of these Rules. The Association may assess a continuing fine against an Owner who denies the Association access to their property for such an inspection.

A. Right to Peaceful Enjoyment

1. No person shall make, continue or permit any loud, unnecessary or unusual noise anywhere within Chimney Hill which disturbs the peace, quiet, and comfort of neighboring inhabitants. This includes excessive volume from sound reproduction equipment, musical instruments, etc.
2. No excessive noise or annoyance which results in the disturbance of the peace and privacy of fellow Owners such as power tools, chainsaws, lawnmowers, etc. shall be permitted between the hours of 8:00 pm and 8:00 am. At all times, however, please be considerate of your fellow residents. Owners are responsible for communicating this rule to contractors.
3. Snowmobiles may only operate on Chimney Hill property between the hours of 8:00 AM and 9:00 PM.
4. All posted rules and regulations at common facilities (included but not limited to Chimney Hill Clubhouse, Tennis Courts, Birchwood and Duck Pond Recreation Areas, common/emergency parking areas) shall be adhered to.
5. Children at play shall be supervised at all times such that they do not disturb neighbors, endanger themselves or others, or otherwise interfere with the rights of residents to peaceful enjoyment of residences and the common areas.
6. Children's toys and playthings shall not be left at common areas when not being used.

7. No household trash, garbage, or debris shall be deposited in parking areas or anywhere in common areas.
8. No planting, gardening or clearing is permitted anywhere in the common areas without prior written approval of the Board of Directors
9. No hunting or the discharge of any dangerous weapon is allowed in Chimney Hill.

B. New Construction/Exterior Alterations/Additions/Painting/Repairs/Signs

1. All new construction, exterior alterations, maintenance, repairs, and additions must be approved by the Architectural Control Committee (ACC) and be built in accordance with the [Chimney Hill Owners Association, Inc. Architectural Rules and Guidelines for Building](#). Water service to any new home property shall not commence until the work is completed in accordance with the approved plans and a Certificate of Compliance is issued.
2. Occupancy of a new home is not permitted until a Certificate of Compliance is issued by the Architectural Control Committee.
3. Repainting the exterior of your property or other exterior repairs must be approved by the ACC or its designee. Requests for approval can be mailed or emailed to the administration office. No work may commence until written approval is given. Not sure if your project requires approval? Call the administration office before beginning work.
4. The addition of a bedroom must be approved by the ACC and comply with the property's wastewater permit.
5. Fines and penalties may be imposed by the Architectural Control Committee for ACC rule violations including but not limited to fines for failure to apply and/or receive ACC approval for construction/alterations and additions, and failure to obtain a Certificate of Compliance prior to occupying a home.
6. No "For Rent", "For Sale" or other signs or notices, except signs identifying the land and/or owner thereof shall be allowed. Signs may not exceed 18" x 18" and it is required that the sign contain the Chimney Hill property number and Wilmington 911 address number.
7. The complete Chimney Hill Owners Association, Inc. Architectural Rules and Guidelines for Building are available at the Chimney Hill administration office or can be found online on the Association's website, chimneyhill.com.

C. Owner/Rental/Guest Compliance

1. Any violation by a renter, guest or invitee of any Owner will result in enforcement being brought against the Owner and the Owner's property.
2. The Association may abate a nuisance created by a tenant and enforce any rights against a tenant which the Owner could have lawfully exercised against said tenant.
3. Any lease by an Owner, whether short term or long term must include and incorporate by reference a set of these Rules and Regulations.

4. Owners must comply with all State and Town wastewater laws and Vermont Fire & Safety regulations as they pertain to rental properties.
5. Owners shall not rent their properties to more than two persons per bedroom. The number of bedrooms is established by the home's wastewater permit. An Owner shall provide a copy of the property's wastewater permit to the Association upon request.
6. Owners must supply, to the CHOA office, a copy of the Town STR permit application, when submitted to the Town for review.

D. Business Use of Residence and Home Occupations

Chimney Hill is a single-family residential community, and as such our Protective Covenants prohibit the use of homes for business, trade and commercial activity. Home occupations, by definition, are not considered a business, trade or commercial activity. Any such use must comply with relevant State Law and Town Zoning ordinances. For reference, please see [Vermont Planning and Development Act \(24 V.S.A. § 4412\(4\)\)](#) and the Town of Wilmington Zoning ordinance, Section 462, concerning Home Occupations.

- Businesses drawing customers, clients, or deliveries in excess of one (1) visit per day to the home are not considered Home Occupations under these rules.

E. Parking/Motor Vehicles

1. Motor vehicles must be parked in the Owner's driveway, in approved emergency parking or common parking areas. Motor vehicles cannot be parked in the emergency or common parking areas for longer than 48 hours unless an extension is approved in writing by the Executive Director. Vehicles at no time shall be parked in such a manner as to impede access to common areas or neighbors' driveways. Trailer, snowmobile, or boat parking is not allowed at the Clubhouse parking lot.
2. Vehicles shall not be stored anywhere on the common areas. A vehicle is "in storage" if it has been in the same location for a continuous period of more than 48 hours without prior written approval of the Executive Director.
3. Abandoned, unregistered or inoperable vehicles of any kind shall not be stored on any portion of the common areas or on the Owner's property, unless in an enclosed garage. An "abandoned" or "inoperable" vehicle shall be defined as any vehicle that cannot be driven under its own propulsion, does not contain a propulsion system or is not currently registered and inspected.
4. Owners of abandoned, inoperable, or prohibited vehicles as described above will be notified of such by the administrative office. If the named vehicle is not removed within 30 days of said notice, the Owner will be assessed a daily \$50.00 fine until the vehicle is removed.
5. Non-emergency engine maintenance or mechanical repairs to vehicles are prohibited on common areas.

6. Owners shall be liable for damage to common driveways, landscaping or other common areas caused by their vehicles or by vehicles operated by their guests, invitees, employees, or contractors.
7. Owners and guests shall operate their vehicles at a safe speed at all times.
8. Motor homes, campers, 5th wheels, etc. are not allowed to be used as housing at any time and when temporarily on site, every reasonable effort should be made to keep them out of the sight of the street and neighbors' view.
9. A report of a parking violation must include the location, date, and time of the violation as well as the license plate number, make, model and color of the offending vehicle and should be submitted to the Chimney Hill administration office.

F. Recreation trail use and Vehicles.

1. Use of all-terrain vehicles (other than those used for trail and common land maintenance) and motorcycles/dirt bikes are prohibited from all common areas and recreational trails.
2. All motorized vehicles, including snowmobiles (other than those vehicles used for maintenance) are prohibited from all designated wilderness trails/areas.
3. Snowmobiles are allowed to operate on designated snowmobile trails. Snowmobiles must have a Vermont VAST registration and adhere to Vermont State regulations. (the Chimney Hill office has a complete list of snowmobile rules and regulations concerning the use of snowmobiles in Vermont).
4. Use of all-terrain vehicles, non-registered motorcycles/dirt bikes and snowmobiles is prohibited. Note: Specific roads are designated for snowmobile access to the snowmobile trail system. This information is available at the Chimney Hill office.

G. Pets

1. Allowable pets on Chimney Hill are limited to common household pets such as dogs and cats. No other animals, livestock or poultry of any nature may be raised, bred or kept in Chimney Hill.
2. Pet owners must comply with both the Town Pet ordinances and CHOA Rules and Regulations, including leash laws. When on common areas, CHOA roads or Town roads, pets shall be under direct control by voice, signal, or physically, and a leash must be present for emergent situations.
3. Pets shall not be tethered to any fence, tree, shrub, stake, post, building, etc. in such a way as to permit the pet access to any common area or to any neighboring property or road.
4. Pets shall not be left outside when no one is home, and they shall not be kept outside overnight or for extended periods of time.

5. The pet owner shall prevent the pet from making loud noises or otherwise behaving in such a manner as to disturb the neighbors' rest or peaceful enjoyment of their residences or the common areas.
6. The pet owner shall prevent the pet from urinating such that common areas of lawn, shrubs or other landscaping are damaged. Solid waste deposited on the lawn or other landscaping, driveways, or other common areas must be removed immediately by the pet owner.
7. Pet owners shall be liable for any damage caused by the pet to the property of another Owner or to the common areas.
8. Any Owner who keeps or maintains a pet within Chimney Hill or allows one to be kept upon any portion of Chimney Hill, shall be deemed to have agreed to indemnify and defend the Association and its members from any loss, claim or liability of any kind or character whatsoever related to the pet's presence on Chimney Hill property.

H. External Storage

1. Owners shall not place trash outside residences at any time unless it is placed in an Association approved trash bin. Trash shall not be allowed to accumulate in, on or next to trash containers. All Owners utilizing a trash collection service must use an Association approved wildlife trash bin. A CHOA approved wildlife-proof trash bin is a pre-condition to renting a home. Trash containers (other than Association common area trash containers), trash and refuse are not allowed anywhere on the common areas at any time. Trash strewn about an Owners' property, or common lands, by dogs and/or wild animals is the responsibility of the Owners. If not picked up and removed within 24 hours of notice, Chimney Hill will pick up and remove the trash and assess the owner for the reasonable cost of removal and transport. It is not the duty of the Executive Director or CHOA staff to determine where the trash comes from. If trash is found on a lot, it shall be presumed that it is the Owners' responsibility.
2. Clothes lines, equipment or other stored articles shall be kept within the confines of the Owner's property and every reasonable effort should be made to conceal them from the view of neighboring residences and streets.
3. Non-seasonal storage of boats, snowmobiles, and lawn equipment shall be concealed from the view of neighboring residences and streets as much as possible.

I. Water

1. All homes in Chimney Hill are required to have a Chimney Hill approved water RF meter properly installed in the home. Meters must be operational at all times, and must not be bypassed, except with the written consent of the Association. RF meters must be installed by 12/31/2029 in all CHOA homes. All Owners must replace any non-RF meter with an RF meter when a Chimney Hill property is sold.
2. The Owner is responsible for the installation and repair of the water connection pipe from their home to the CHOA main water line. More detailed information is written in the CHOA ACC Rules and Regulations document.

Abuse of Chimney Hill water usage shall result in fines and penalties being assessed. Abuse of Chimney Hill water is any wasteful use of water by the Owner. This may include, but is not

limited to, overuse by running toilets, sinks or leaks, filling of hot tubs during peak holiday weeks, excessive draining and filling of hot tubs, failure to turn off the water supply when vacating home for an extended period of time, broken pipes as a result of freezing due to inadequate heating, watering of lawns and gardens for extended periods of time and/or during CHOA - announced drought conditions and for any other abuse of this resource not considered normal usage.

3. Owners will be billed a reasonable rate for locating water line breaks or leaks located on or in the Owner's property and home. Owners shall also be billed for estimated water losses as determined by the Association.

J. Clubhouse and Recreation Facilities

The Chimney Hill Clubhouse and other recreational facilities are for the enjoyment of Chimney Hill Owners. Rules and regulations are posted in numerous areas throughout the Clubhouse and other Recreational facilities. These rules and regulations are required to ensure the safety and peaceful enjoyment of those using the Clubhouse and facilities. Violation of any rules or regulations should be reported to the Clubhouse staff or administrative office.

Owners, their spouses, children, grandchildren and parents may use the Clubhouse and other common recreational facilities without paying the Renter/Guest fee, provided they have paid their annual assessment. A guest of an Owner may use the Clubhouse and other recreational facilities only if accompanied by the Owner, in good standing, or his/her lineal descendants. Renters and non-accompanied guests are prohibited from using the Clubhouse and Recreational facilities if the Renter/Guest fee has not been paid. This rule is strictly enforced.

If any Owner violates the Clubhouse or other recreational facility posted rules, the Owner's Clubhouse and recreational facility privileges may be revoked for a time period to be determined by the Executive Director and/or the Board of Directors.

K. Upkeep of Property

1. Owners must maintain their property in a reasonable manner. This includes the mowing of lawns, removal of downed trees and debris, as well as other items described in H. External Storage. Homes must be identified with a sign, visible from the street, indicating the 911 number, Chimney Hill number and street name. Property identification signs are mandatory in the Town to assist police, fire and rescue services. Signs can be ordered through the Chimney Hill administration office for a small fee.

2. The Owner is responsible for regular upkeep and pumping of the home's septic system. Pumping must happen every one to five years with written proof submitted to the CHOA Administrative Office.

L. Enforcement

1. Any violation of these Rules and Regulations, the Declaration of Protective Covenants, Restrictions and Reservations or the Bylaws, shall be reported to the Executive Director in writing and shall be signed by the reporting party. The Executive Director shall, after confirming said violation exists, issue a Notice of Violation to the Owner which shall specify the offense committed, the date by which it must cease, and the fine that will be imposed in the event that compliance is not obtained.

2. In the event that voluntary compliance is not obtained on or before the date set forth in the Executive Director's Notice of Violation, then a date for a hearing before the Board of Directors shall be set to grant the Owner the opportunity to contest the violation or seek modification of the fine. Notice of the hearing date shall be mailed to the Owner no later than 10 days prior to the hearing date. In the event that the Owner fails to attend the hearing or unsuccessfully contests the violation, a fine shall be assessed by the Board of Directors against the Owner's property and a lien shall be placed upon the said property and may be foreclosed upon by the Association.
3. Any non-enforcement by the Association, or delay in enforcement shall not be construed as a waiver of enforcement, or consent to delay enforcement.
4. The Chimney Hill Board of Directors may also take such other legal action as it deems appropriate, including actions for injunctive relief.
5. In any action by the Association for injunctive relief, to place a lien or to foreclose a lien pursuant to this section, the Association may collect reasonable attorney's fees and costs.
6. It is the responsibility of the Owner to stay current on all yearly assessments, special assessments, service fees, and Fines & Penalties. During any period that such charges remain unpaid the Board of Directors may:
 - a. Suspend an Owner's right to use the common areas including but not limited to the Clubhouse and other recreational facilities.
 - b. Deny an Owner the issuance of building permits, Certificates of Occupancy, ancillary services, etc.
 - c. Deny an Owner guest privileges.

M. APPEAL PROCEDURES

1. Appeal. If an Owner is Warned, Penalized or Fined, Notice shall be made by email or mail. The Owner has 14 days to file a written appeal . The Owner may present a statement, evidence and witnesses at the appeal hearing. Failure to timely file an appeal in writing shall be deemed to be a waiver of the right to an appeal. In the event the hearing is requested as outlined herein, the Board of Directors shall schedule such hearing within 14 days of receipt of the notice, and shall notify the Owner of the time and place of the hearing by email or certified mail depending on how the Owner's appeal was received. The Board shall review the decision of the Executive Director. The Board of Directors shall issue a determination within 14 days of the hearing. The decision shall be sent to the Owner by email or certified mail depending on how the Owner's appeal was received

Appendix A

Fines and Penalties

1. First Offense - Letter from the Executive Director or a letter from the Executive Director and a fine up to \$100.
2. Second Offense - up to \$250. Fine
3. Third and Subsequent Offenses - up to \$500 Fine.
4. \$100 per staff hour for locating water break, leak, negligence or abuse of the CHOA water system.
5. \$00.02 per gallon of estimated CHOA water losses.
6. CHOA Clubhouse and amenities privileges may be withheld.
7. The Board has the discretion to impose a larger fine if justified by the circumstances, which would include the severity of the violation, the harm caused, a lack of remorse, and/or a reason to believe that the fine described above is not sufficient to bring an end to the non-compliant behavior.