

## ENFORCEMENT OF RULES

### FINE SCHEDULE:

- a. First Violation: This is a warning with no fine unless a fine is specified in the rules for the violation.
- b. Second Violation: The fine is \$50.00 (unless a higher amount is specified for the violation).
- c. Third Violation: The fine is \$100.00 (unless a higher amount is specified for the violation) with option of legal action and eviction. The Board may take action to prevent or eliminate violations in the most reasonable method for remedy and compliance. Unit owners are responsible for the full costs associated with enforcement and remedying violations including legal costs. For violations that are unresolved after 60 days and are of an ongoing nature, such as but not limited to architectural control violations, residents residing in a unit who are banned from the property, the Board has authority to assess a daily fine of up to \$15.00 per day for each day that the violation remains unresolved. Prior to this daily fine, the association must provide the owner with a ten-day warning.
- d. Subsequent Violations: The fine is \$250.00 plus costs to bring about compliance.
- e. Egregious Violations that have the potential to cause or have caused costly damage to property or threaten a person's well-being are finable up to a maximum \$500 for violations such as, but not limited to, setting part of a building on fire, battery, threatening someone with a real or imitation weapon, being warned about a violation in process and continuing to proceed with the violation, graffiti, committing perjury during a hearing appealing a violation, police action for violence, narcotics, theft, vandalism, etc.
- f. Egregious violations, fines or late fees that are unpaid for over four months, may cause the owner and resident loss of services, privileges, pool use and parking vehicles on common elements (the parking lot). The revocation of services or eviction requires consent from 80% of the full board.
- g. If any rule is violated by anyone from the same unit within 365 days of the last violation being fully resolved, the subsequent violations are fined at the next higher amount listed. The same goes for rule violations that are not promptly resolved. If none of the rules have been violated for one year (365 days) then the next violation will be fined at the amount of a first violation.
- h. For repeat and egregious violations, the board may require the offender(s) and unit owner(s) to attend a rule orientation meeting.

If any unit owner charged, with a violation, believes either no violation has occurred or that he/she has been wrongfully or unjustly charged, the unit owner must appeal as follows:

- a. Within ten (10) days after the notice of violation has been sent to the unit owner pursuant to the provisions herein, the unit owner must request a hearing in writing by mail to the Managing Agent.

b. If a request for a hearing is filed within ten days, a hearing on the complaint shall be held before the Board Members. A notice of the hearing date will be sent to the unit owner as well as the person who filed the witness statement.

c. Unit owners (not tenants) have the right to appeal a notice of violation. Owners who desire a hearing before the Board of Directors must put the request for a hearing in writing and submit it to the property manager within ten days of the notice of violation. At any such hearing the Board shall hear and consider evidence and statements regarding the alleged violation. Should the owner of the unit charged with a violation desire to provide the alleged offender(s) as witness, that needs to be stated in the appeal request. Alleged offenders who pose a threat to the board or property manager may be prohibited from attending the hearing.

d. Following a hearing and due consideration, the Board shall issue its determination regarding the alleged violation. Decisions of the Board of Directors shall be final and binding.

e. If an owner fails to file an appeal within 10 days of the notice or fails to appear at the hearing, the right to a hearing will be considered waived and the allegations of violation(s) shall be deemed admitted by default.

f. Any unit owner charged hereunder shall pay the amount assessed within 30 days of notification. Failure to make the payment on time shall subject the unit owner to all the legal and equitable remedies necessary for the collection thereof. Charges and late fees added to the unit owner's account shall become a special assessment against the unit and shall be collectible as a common expense in the same manner as any regular or special assessment against the unit.