

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.
(the "Association")

POLICY RESOLUTION NO. _____

**RELATING TO A SYSTEM OF FINES FOR VIOLATIONS OF THE RESTRICTIONS,
IN THE GOVERNING DOCUMENTS AND RULES AND REGULATIONS ADOPTED
BY THE ASSOCIATION**

WHEREAS, Article VI, Section 1 of the Association's By-Laws (the "By-Laws") states that, "The affairs of this Association shall be managed by the Board of Trustees (the "Board")..."; and

WHEREAS, Article VII, Section 1 of the By-Laws sets forth that "The Board of Trustees shall have the power to:

- (a) adopt, publish and amend rules and regulations governing the ownership, use and maintenance of the Common Area, ..., and to establish penalties and fines for the interaction thereof."

WHEREAS, Article III, Section (6) of the By-Laws set forth the Board may "suspend the voting rights and privileges of any person" who has violated the Association's rules and regulations "for a period not to exceed thirty (30) days" except if the violation is a continuing one; and

WHEREAS, Article III, Section 6 of the By-Laws requires a "Member [be] given at least ten (10) days within notice and offered an opportunity for a hearing consistent with the principles of due process of law; and

WHEREAS, Article VII, Section 2(h) sets forth that the Board "provide fair and efficient procedure for the resolution of disputes between individual members and between members and the Association, that shall be readily available as an alternative to litigation"; and

WHEREAS, Article XVI, Section 1 of the By-Laws set forth the procedure the Association must employ to address alternative dispute resolution matters; and

WHEREAS, the Board has deemed it necessary and in the interest of the health, safety, and welfare of its residents, guests and visitors, as well as the Association and its membership's property, to establish a uniform policy and system of fines for violations of restrictions in the governing documents and rules and regulations adopted by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT

SYSTEM OF FINES

- A. All unit Owners ("Owners") and their family members, agents, employees, invitees, tenants or lessees, occupants or visitors (whether authorized by the Owner or not), are required to abide by the restrictions as set forth in the Declaration of Restrictive and Protective Covenants Easement, Conditions, Charges and Liens (the "Declaration"), By-Laws, and the Association's Rules and Regulations ("Rules and Regulations") (collectively "Governing Documents"). Failure to abide by the terms in the Governing Documents and this Resolution may result in the imposition of fines up to \$100.00 per occurrence and a separate fine for each day the violation continues until the violations have been remedied (unless otherwise addressed on the attached violation/fine list).
- B. Any Owner, or a member of his or her family, agent, employee, invitee, tenant or lessee, occupant or visitor (whether authorized by the Homeowner or not), in violation of the terms of the Governing Documents, shall be responsible for any and all costs for cleaning, maintenance, repair or replacement of any and all Association property or the property of any other resident required as a result of the violation.

VIOLATION NOTICES

- A. **Courtesy Notice.** After notice that an Owner has violated any of the restrictions in the Governing Documents, the Board shall have sent a courtesy notice to the Owner. The courtesy notice shall advise the Owner as to the specific violation, and request that the violation be remedied by a certain date which shall be not more than 14 days from the date of the courtesy notice.
- B. **Initial Violation Notice:** After notice that any Owner, or a member of his or her family, agent, employee, invitee, tenant or lessee, occupant or visitor (whether authorized by the Owner or not), is in violation of the terms as set forth in the Governing Documents and this Resolution, the Board shall send an initial violation notice. The initial violation notice shall reference the Courtesy Notice, advise the Owner as to the specific violation, advise the Owner that the violation must be addressed within 14 days, and/or that the Owner shall refrain from violating the terms of the Governing Documents, inform the Owner that the Board has imposed an initial fine on the Owner's account of \$25.00 (unless otherwise addressed on the attached violation/fine list) per infraction, and advise the Owner that each day the violation continues will be treated as a separate occurrence (and subject to a separate fine). The letter shall also offer the Owner the opportunity to participate in the Association's alternative dispute resolution process if a written request to do so is received within ten days of the date of the initial violation notice.

- C. **Second Violation Notice:** If the violation is not satisfactorily addressed within the deadline given in the initial violation notice, and the Owner has not elected to participate in the alternative dispute resolution process, the Board shall send a second violation notice. The second violation notice shall reference the initial violation notice and advise that a fine of \$50.00 (unless otherwise addressed on the attached violation/fine list) has been imposed against the Owner's account, advise the Owner as to the specific violation, reference the offer of alternate dispute resolution and the Owner's waiver of participation, and advise that if the violation is not remedied, a fine shall be imposed for each day after notice that the violation remains.
- D. **Final Violation Notice.** If, after receipt of the second violation notice, the violation is not satisfactorily addressed after the second violation notice, the Board shall send a final violation notice to the Owner. The final violation notice shall reference the initial violation notice and the second violation notice, advise the Owner as to the specific violation, advise that a fine of \$100.00 (unless otherwise addressed on the attached violation/fine list) has been imposed and will continue to be imposed for each day after notice that the violation remains.
- E. **Documentation of Violations.** The Board shall document any violations being pursued in accordance with the Governing Documents and this Resolution documents by filing a report, including, but not limited to any and all witness statements, documents, invoices, and/or dated photographs which clearly show the violation and property damages and the Owner's address.

MISCELLANEOUS PROVISIONS

- I. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it under law in equity and/or pursuant to its Declaration and By-Laws.
- II. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.
- III. Any provision contained within any previously adopted resolution of the Association, which conflicts with any provisions set forth herein, shall be deemed void, and the provision contained herein shall govern.
- IV. Any fines, fees, or other charges which are posted to a unit owner's account pursuant to this Resolution shall be collected in the same manner as maintenance fees.
- V. The enforcement of this Resolution shall be subject to the Association's alternative dispute resolution process.

	Violation	Fine
1	Failure to maintain neat appearance on property (i.e., unruly landscaping/weeds/overgrown trees, garbage, Moss/algae on house or privacy fence, etc)	As per resolution
2	Exterior of house needs repair/replacement (roof, gutters, etc); Woodwork/trimming on house deteriorating)	As per resolution
3	Failure to follow or abide by A.C.C. Process/Guidelines	\$200
4	Safety violations (i.e., excessive speed, running stop signs, blocking fire hydrants, etc.)	\$250
5	Not properly disposing of dog droppings or dumping garbage in parking lot or other homeowners recipticles	\$50
6	Violating pool rules (Diapers, hours, alcohol, "unruly behavior" compliance to hours (kids vs adults, etc)	\$50
7	Being present in clubhouse "after hours" causing alarm to go off & police to respond	\$100
8	Stealing or Destruction of community property (ie items from Clubhouse, Pool, Bocce, Tennis, etc.)	Cost of restitution
9	Failure to accept / abide / follow board decision.	As per resolution

- All Fines (1) subject to homeowner has been notified by the Prop Manager (2) with no action taken.

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.

Resolution Type: _____ Policy _____ No. _____

Relating to a System of Fines for Violations of the Restrictions, in the Governing Documents and Rules and Regulations Adopted by the Association.

Duly adopted at a meeting of Enchantment at Hamilton Association, Inc. held this 30th day of January, 2019.

Officer

Vote:

	YES	NO	ABSTAIN	ABSENT
<u>Stephen B. [Signature]</u> , Trustee	X	_____	_____	_____
<u>[Signature]</u> , Trustee	X	_____	_____	_____
<u>Robert J. [Signature]</u> , Trustee	X	_____	_____	_____
_____, Trustee	_____	_____	_____	_____
_____, Trustee	_____	_____	_____	_____

Attest:

Frank [Signature] Esko
_____, Secretary

1/30/2019

Date