

FINING POLICY

Before imposing a fine (a late charge shall not constitute a fine) the Board shall give a written notice by first class mail to the Violator as provided below.

(a) Violation Notice

The written violation notice to the Violator shall:

1. Identify the violation, suspension(s) and/or fine(s) being imposed; and
2. Advise the Violator of the right to request a violation hearing before the Board to contest the violation or request reconsideration of the suspension(s) or the fine(s).

Notwithstanding the Violator's right to request a violation hearing, suspension(s) and/or fine(s) shall commence on the date of the written violation notice, unless a later date is specified in such notice.

(b) Violation Hearing

If the Violator submits a written request for a violation hearing within 10 days of the date of the violation notice described above, then the Board shall schedule and hold, in executive session, a violation hearing. If a Violator fails to timely request a violation hearing, such Violator loses the right to contest the violation and request reconsideration of the suspension(s) and/or the fine(s). If a Violator timely requests a violation hearing, the Violator shall have a reasonable opportunity to address the Board regarding the violation. There shall be a limit of six (6) persons, including the Violator, who may address the board at the violation hearing. The amount of time a person can speak shall be a maximum of 15 minutes. The minutes of the violation hearing shall contain a written statement of the results of such hearing.

(c) No Violation Notice and Hearing Required

No violation notice or violation hearing shall be required to:

1. Impose late charges on delinquent assessments;
2. Suspend a violating Owner's voting rights if the Violator's lot is shown on the Association's books and records to be more than 30 days past due in any assessment or charge, in which case suspension of the violating Owner's right to vote shall be automatic and shall continue until the violation no longer exists or the Board otherwise reinstates such rights in writing;
3. Suspend a Violator's right to use the Common Property if the Violator's Lot is shown on the Association's books and records to be more than 30 days past due in any assessment or charge, in which case suspension of the violating Violator's right to use the Common Property shall be automatic (which shall allow the Association to tow and/or boot a Violator's vehicle located on the Common Property without complying with the Suspension and Fining procedures described above);
4. Engage in self-help in an emergency;
5. Impose fines for each day of a continuing violation, in which case, each day the violation continues or occurs again constitutes a separate violation and fine(s) may be imposed on a per diem basis without any further notice to the Violator;
6. Impose fines if the same violation occurs again on the same Lot, in which case fine(s) may be imposed on a per diem basis without any further notice to the Violator.

(d) The daily fine amount shall be twenty-five dollars (\$25). A one-time fine amount shall be as determined by the Board dependent on the nature of the violation.