



POLICY RESOLUTION

Violation Procedures

Approved: 5/12/2017

WHEREAS, Article 8.4 of the Declaration for Lakeridge Falls provides that the "Association, acting through the Board, may impose sanctions for the violation of the Governing Documents subject to the notice and hearing procedures set forth in the By-Laws, as applicable...", and

WHEREAS, Article III, Section C of the Association Bylaws grants the general power to conduct the business and affairs of the Association to the Board of Directors, whose members shall be members of the Association; and

WHEREAS, Article III, Section C of the Association By-Laws, paragraph 3.23 provides the Association the power to impose sanctions for any violation of the Governing Documents, subject to various specific procedures contained in paragraph 3.23, and

WHEREAS, the purpose of sanctions is to achieve COMPLIANCE with the Governing Documents, not to punish those who may consciously or unconsciously violate the requirements of those documents, and

WHEREAS, each Homeowner is obliged to comply with the Governing Documents and to promptly report any infraction to our Community Association Manager for resolution and compliance.

NOW, THEREFORE, BE IT RESOLVED THAT in order to establish procedures for processing violations, the Board of Directors establishes a policy as follows:

1. **First Notice** - The first notice is made by email and by a letter to the member's mailing address as appears in the Association files, A notice will be made when the Community Association Manager determines or/ is made aware of a potential non-compliance matter. The notice shall include:
 - a. The nature of the alleged non-compliance;
 - b. A reference from the governing documents relative to the alleged non-compliance;
 - c. A time frame of 14 days to remedy the alleged noncompliance;
 - d. One or more photos of the alleged non-compliance when appropriate and/ or possible.

2. **Final Notice** - The second notice, which will also serve as a Final Notice, will be mailed by both regular and certified mail when the Community Association Manager determines that the alleged non-compliance has not been corrected. The notice shall include:
 - a. A reference to the first notice;
 - b. The nature of the alleged non-compliance;
 - c. A reference from the governing documents relative to the alleged non-compliance;
 - d. A time frame of 14 days to remedy the alleged noncompliance;
 - e. A warning that if the noncompliance is not corrected, the Board of Directors through an administrative decision procedure will levy a fine of \$100 per day up to a maximum of \$1,000 per occurrence.

3. **Fine Notice** - Should the Board of Directors decide to levy a fine, a Fine Notice will be mailed via Certified Mail (postage charged to homeowner) to the member's mailing address as appears in the Association files. Homeowners will have the opportunity to dispute the fine before the Compliance Committee.

Fine Procedure

- a. The Board of Directors decides to levy a fine followed by a Fine Notice;
- b. The decision will be referred to the Compliance Committee for approval per Florida Statute 720,305;
- c. The Compliance Committee will review every fine whether or not requested by a homeowner.
- d. Fines can only be approved by the Compliance Committee upon 14 days notice and a hearing must be provided for the homeowner in front of this committee;
- e. A homeowner may request an alternate date and time for a meeting, but it is ultimately a decision of the Compliance Committee to grant or deny such request;
- f. The Compliance Committee role is to approve or disapprove of a fine previously levied by the Board of Directors while investigating the violations themselves.

- g. If the homeowner is present at the hearing meeting, the Community Association Manager will present the case first and the homeowner will follow with the case for appeal. A question and answer session by the committee will usually follow. After all parties have sufficiently presented their case and answered all questions the Community Association Manager, homeowner, and all other attendees should leave and allow the committee to discuss and make their decision. After the decision is made the committee chair should immediately notify the manager who will in turn notify the homeowner.
 - h. After the fine becomes final, it must be paid within Thirty (30) days.
 - i. Failure to pay the fine within Ninety (90) days will result in suspension of privileges and/ or voting rights.
 - j. The Association will file a lien and foreclose that lien when the fine is \$1,000.
4. In the event of an emergency situation, the President of the Association's Board of Directors, or his/her designate representative, may authorize the immediate referral of the matter to the Association Attorney.
5. In an emergency situation, if no response is received nor correction made within the requested period, the Community Association Manager will discuss with the Association Attorney whether it is advisable to petition the Court for injunctive relief. If it is advisable, Board of Directors approval will be sought. An injunction is a Court Order to either stop doing something or to undo something that has been done.