

# **ENFORCEMENT POLICY**

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Since enforcement of association guidelines, rules and regulations is necessary, the following procedures have been developed for handling violations.

1. **Violation Identified/Initial Notification:** A committee member or the Association manager becomes aware of an alleged violation of association rules. The available information is referred to the appropriate committee chairperson. In addition, a letter is sent via 1<sup>st</sup> class mail from the association office to the homeowner(s) involved stating that an alleged violation has occurred giving a brief description of the basis for the violation with reference to the relevant rule or regulation regarding the violation and notice that the matter has been referred to the appropriate committee. In cases where one association member has reported the alleged violation, a copy of the letter is referred to the reporting homeowner as well.
2. **Committee Resolution:** The appropriate committee proceeds to review and/or investigate the alleged violation. All pertinent information obtained from the investigation will be presented at the committee meeting. The alleged violating party will have an opportunity at this meeting to argue his/her case, as well as present witnesses on his/her behalf and/or be represented by an attorney. Committee may also have attorney present.

After listening to all pertinent information, the committee may ask the parties involved to leave and may proceed to make a decision regarding the violation. The committee decision may include dismissal of the alleged violation either as unfounded or due to the homeowners' efforts at correction; determination that the homeowner is/was in violation of association rules/guidelines or may also decide to suspend any action against homeowner. Decision shall be made and the member notified in writing within a reasonable amount of time.

If the committee determines that the homeowner has violated the rules/guidelines, the committee may take action including any or all of the following: The imposition of a fine against the homeowner, the suspension of member privileges, the assessment of cost of damages.

The committee will keep accurate records of all violations reported and discussed. The committee chairperson will notify the association manager regarding the committee's decision on each case.

3. **Fines:** The schedule of fines which may be imposed by the association committee is as follows:

<u>Category</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>ne</sup> Offense</u>	<u>3<sup>rd</sup> Offense</u>	<u>4<sup>th</sup> Offense</u>
A	\$ 25.00	\$ 50.00	\$ 75.00	\$100.00
B	\$ 50.00	\$100.00	\$100.00	\$200.00
C	\$100.00	\$200.00	\$300.00	\$400.00
D	\$500.00	\$500.00	\$500.00	\$500.00

All violations of association guidelines/rules are categorized as to severity of offense. Committee determines the degree of severity. See pages 3 & 4 for examples.

4. **Notification of Committee Decision:** The association manager will notify the homeowner by letter of the committee's decision within ten (10) days regarding the alleged violation. The homeowner against whom a fine or other sanction has been imposed will have thirty (30) days from notification by letter of that fine or sanction in which to either pay the fine or correct the violation or appeal the committee's decision to the grievance committee.
5. **Appeal:** To appeal the committee's decision, the homeowner must notify the association manager in writing of his/her desire to appeal. The association manager will then refer the request to the grievance committee. In the event of appeal, the enforcement of the fine or sanction will be suspended pending the outcome of the appeal. If the homeowner does not file an appeal and does not pay the assessed fine and/or correct the violation, an additional fine equal to the original fine will be assessed for each month the violation is not corrected. At the end of thirty (30) days, if the fine is not paid or sanction corrected, the committee's case will be referred to the committee chairpersons for additional action.
6. **Grievance Committee:** The grievance committee will be composed of the President or Vice President of the Village Shires Board of Directors and three (3) chairpersons not associated with the committee involved with the violation.

Within 45 days of the date on which the association manager receives the appeal, the grievance committee will meet to hear the appeal. Written notice will be sent to the homeowner giving the time and place of the meeting.

At the time of the appeal, the committee chairperson whose committee made the original determination will present the perspective and opinions of the committee. The homeowner appealing the decision will be able to present his/her case as well as call witnesses and/or be represented by an attorney. The committee may also have an attorney present.

The grievance committee will make a decision to either uphold or reverse the original committee decision. In the case of a tie vote by the grievance committee, the original decision of the committee will stand. The committee chairperson presenting the case against the violator will not vote in the grievance committee's proceedings.

The three chairpersons in the grievance committee shall have the right to vote to have the case further appealed to the Board of Directors.

7. **Notification of Decision:** The homeowner appealing the committee's decision will be notified in writing of the grievance committee's decision within ten (10) days after conclusion of appeal hearing.

If this decision of the grievance committee is to uphold the committee's initial determination, the homeowner will have ten (10) days to pay the assessed fine and/or otherwise comply with the committee's decision.

However, the homeowner may request the Board of Directors to review the decision of the grievance committee. The Board will be under no obligation to further review the decision of the grievance committee.

8. **Referral to the Board of Directors:** If the homeowner refuses to comply with the grievance committee's decision as outlined above, the case will be referred to the Board of Directors. Upon the recommendation of the Board of Directors, the case will be referred to the association's attorney for appropriate legal action. The homeowner will be advised that in addition to the sanction imposed by the community, each homeowner shall be responsible for, in addition to the fines and sanctions imposed by the community association, all expenses incurred by the association, including but not limited to, legal costs, attorney's fees, and any other fee or cost incurred by the association in seeking compliance with its decisions, rules and regulations, and assessment policies.

The Board of Directors, at their discretion, may function as a review board to examine the records regarding the case and to endorse or reverse the decision of the grievance committee. The homeowner will be notified in writing of the Board's decision.

### **EXAMPLE**

#### **Covenants, Conditions & Restrictions Violations**

##### **Category**

A Failure to submit a lease

#### **Architectural Control Committee Violations**

C Installation of exterior antenna  
 A Failure to maintain yard according to ACC Guidelines  
 A Failure to submit ACC request form for change  
 B Clothes trees, poles and lines  
 B Failure to maintain outside structures  
 B Non-conforming fence (height, color, type, size)  
 C Wrong color of doors, trim and outside structures  
 B Unapproved installation or non-maintenance of swing sets  
 B Unapproved installation of basketball courts  
 C Unapproved shed or other outside structure  
 A Trash cans and recycle bins are to be stored so they are not visible from the street  
 C Dumping of yard waste or other materials on common area  
 B Failure to maintain sidewalks, steps or railings

#### **Maintenance Committee Violations**

B Abandoned vehicles- fine plus towing and storage.  
 A No parking is permitted on East Village Road and on either side of Stoney Ford Road at any time. However, parking is permitted on the side of East Village Road immediately in front of house numbers 2177 through 2194 East Village Road.  
 A Cars parked in a designated no parking area or parking in parking space assigned to another individual.  
 A Parking on a township street when the snow has reached a depth of 4 inches or more. Parking on an Association street when the snow has reached a depth of 2 inches or more and either the township or the Association, as the case may be, is engaged in snow removal operations. This regulation is in effect for a period not exceeding 72 hours after cessation of the snowfall.  
 A All trash is to be in covered cans or plastic trash bags. Trash in paper bags and untied or unbagged newspapers are prohibited. Trash and trash containers are to be put at curbside not more than 12 hours before appointed time of collection.

**Maintenance Committee Violations Continued**

- A Motor vehicles on common ground – damage less than \$50.00
- B Motor vehicles on common ground – damage more than \$50.00
- A Disregarding Pet Policy.
- A Continually disregarding Parking Policy
- C Cutting down a live tree.

**Recreation Committee Violations**

- A Riding and use of skate boards, roller skates and bicycles on tennis courts
- B Damaging recreation and pool facilities.
- C Breaking into pool area.
- C Breaking into clubhouse.
- C Unauthorized use of clubhouse.
- D Defecating in pool.
- C Use of smoke machine in party room.

In general, the fines for property damage will be categorized as follows:

**Category**

- A \$1 - \$49 in damages
- B \$50 - \$99 in damages
- C \$100 and over in damages
- D \$500 charged to residents account if Association turns over to legal counsel for fine collection and/or compliance
- E For each month the violation continues without having been corrected, an additional fine will be assessed as follows: \$25.00, \$50.00, \$75.00 or \$100.00, depending upon the category of the fine.

All fines and other costs charged in connection with this enforcement policy shall be collected in the same manner as the collection of assessments.