

PLAZA SAN CARLOS ASSOCIATION VIOLATION ENFORCEMENT POLICY

WHEREAS, Plaza San Carlos Association ("Association") has authority pursuant to the Declaration of Condominium Ownership and of Covenants, Conditions and Restrictions for Plaza San Carlos (the "Declaration") to enforce the provisions set forth in the Declaration, as may be amended from time to time;

WHEREAS, pursuant to Section 47-16-18 of the Homeowner Association Act, the Association has the authority to levy reasonable fines for violations of or failure to comply with any provision of the Declaration;

WHEREAS, The Board of Directors of the Association wishes to ensure compliance with the Declaration, and to maintain, preserve, enhance, and protect the property values and assets of the Association;

WHEREAS, Article VIII, Section (e) of the Declaration states, "No noxious or offensive activity shall be carried on in any unit or in the common areas and facilities, nor shall anything be done therein, either willfully or negligently, which may be or become an annoyance or nuisance to the other unit owners or occupants;" and

WHEREAS, Article VIII, Section (k) of the Declaration states, "No unit owner shall allow his unit to become impregnated with noxious odors or infested with vermin."

NOW, THEREFORE, IT IS RESOLVED, that the following procedures and practices are established for the enforcement of violations of the Declaration, including Article VIII, Sections (e) and (k), and for the elimination of violations of such provisions found to exist in, on, or about any property within the Plaza San Carlos Condominium and the same are to be known as the "Violation Enforcement Policy" of the Association in the discharge of its responsibilities for determination and enforcement of remedies for violations within the community.

The Board of Directors reserves the right to deviate from this Violation Enforcement Policy, including the schedule of fines, in its sole discretion, based on the circumstances of any violation. The Board also reserves the right to pursue any other remedy available to it under its Declaration or by law in conjunction with, or in lieu of, exercising this remedy.

The Board is adopting the following Violation Enforcement Policy:

A. Procedure for Handling General Violations.

- 1. Courtesy Letter.** An Owner/Resident will be first notified of a violation of the Association's Declaration in writing and will be informed that, if the violation is not cured within fourteen (14) calendar days from the date of the letter, or if the violation is of a recurring type and occurs again within six months, the Owner will be subject to enforcement fines. The Courtesy Letter will be mailed by regular first-class mail. The Owner may dispute the violation by submitting a written statement or by

requesting a hearing with the Board of Directors. The written statement or request for a hearing can be sent via e-mail to the Association's Community Manager.

- 2. First Notice of Violation.** If after fourteen (14) calendar days of the date of the Courtesy Letter, the violation is determined to still exist, a First Notice of Violation will be sent by regular first-class mail. The First Notice will specify the violation and the amount of the enforcement fine being imposed (see Schedule of Enforcement Fines below), and the process to dispute the violation. The Owner will be informed that, if the violation is not cured within fourteen (14) calendar days from the date of the letter, or if the violation is of a recurring type and occurs again within six (6) months, the Owner will be subject to additional fines.
- 3. Second Notice of Violation.** If after fourteen (14) calendar days of the date of the First Notice, the violation still exists and the Owner has not requested a hearing, the Association will send a Second Notice of Violation by first class mail. The Second Notice will specify the violation, the amount of the enforcement fine being imposed, and the process to dispute the violation. The Owner will be informed that, if the violation is not cured within fourteen (14) calendar days from the date of the letter, or if the violation is of a recurring type and occurs again within six months, the Owner will be subject to additional enforcement fines.
- 4. Notice of Continuing Violation.** If after an additional fourteen (14) calendar days, the violation still exists and the Owner has not disputed the violation, a Notice of Continuing Violation will be sent by first class mail. The Notice of Continuing Violation will include the details of the violation, the amount of the enforcement fine being imposed, and the process to dispute the violation. The Owner will be informed that, if the violation is not cured within fourteen (14) calendar days from the date of the letter, or if the violation is of a recurring type and occurs again within six months, the Owner will be subject to additional enforcement fines.
- 5. Second Notice of Continuing Violation.** If after an additional fourteen (14) calendar days, the violation still exists and the Owner has not disputed the violation, a Second Notice of Continuing Violation will be sent by first class mail. The Second Notice of Continuing Violation will include the details of the violation, the amount of the enforcement fine being imposed, and the process to dispute the violation. The Owner will be informed that the enforcement fine will continue to be imposed every fourteen (14) calendar days so long as the violation continues or, if the violation is of a recurring type, the enforcement fine will be imposed every time the violation recurs.
- 6. Schedule of Enforcement Fines.** The following is the schedule of enforcement fines that will be imposed for violating the Declaration:

Courtesy Notice

No Fine- Warning

First Notice of Violation

\$50.00

Second Notice of Violation **\$75.00**

Notice of Continuing Violation **\$100.00**

2nd Notice of Continuing Violation **\$250.00**
and every 14 days thereafter (or for
each recurrence thereafter)

In addition to the above fines, the Board may impose fines for any costs incurred by the Association because of these violations. Such costs could include, but are not limited to, attorney's fees, costs for installing and monitoring surveillance cameras, and costs for contracting with security companies for responding to incidents and/or providing patrols of the community.

- B. Recurring Violations.** A "recurring violation" is a type of violation that is cured but occurs again in the future. (Examples include, but are not limited to: noise and odor violations, etc.) If a recurrence of the same violation occurs within six (6) months of the date of the prior violation, the violation enforcement process will start with the next level of violation letter noted above. For example, if an Owner has already been sent a Courtesy Notice and a First Notice of Violation for the same recurring violation and the violation recurs within six (6) months of the date of the violation for which the First Notice of Violation was sent, the Association will send the Owner a Second Notice of Violation with the accompanying fine. However, the Association may vary from this procedure depending on the circumstances.
- C. Impact of Enforcement Fine.** The imposition of an enforcement fine does not relieve the Owner of the responsibility to correct the violation.
- D. Impact of Owner Disputing a Violation.** If an Owner disputes a violation, the Board will respond in writing regarding its decision within thirty (30) days of receipt of the written statement or within thirty (30) days of the date of hearing. Failure of the Board to respond within thirty (30) days will not be deemed a waiver of the Association's right to continue enforcement action against the Owner. Additionally, any fines imposed will apply retroactively to the initial date of the violation.
- E. Other Remedies.** At any time, the Board may decide to pursue any other remedy available under law or at equity that is allowed under the Declaration.
- F. Time Frames.** The Board reserves the right to extend any grace period based on individual circumstances.
- G. Collection of Enforcement Fines.** All enforcement fines shall be collected in the same manner as any other assessment.

This Violation Enforcement Policy will go into effect on _____, 2024.

Approved by the Board of Directors

President: _____ Date: _____

Secretary: _____ Date: _____