

# The Villages of Creekside HOA Enforcement Policy

## **A. Publication of Rules and Regulations**

1. Every homeowner should get a copy of the Declaration, Bylaws, and all existing Rules and Regulations, including pool rules, at settlement.
2. If a homeowner needs a copy of any document, they can download them on the community website or contact the property manager.

## **B. Original Warning**

1. If a homeowner violates any portion of the Declaration or any of the Rules or Regulations, the property manager will send the homeowner a warning by mail.
2. For any ongoing violation (such as failing to maintain the yard, failing to maintain the exterior of a home, having an unpermitted structure in the yard, etc.), the homeowner will have 15 days to correct the violation.
3. For any violation that is a single occurrence (such as parking violation, failing to curb a pet, etc.), the homeowner will receive a warning that a repeat of the action in the next twelve (12) months will be a violation.

## **C. Notice of Violation**

1. If a homeowner fails to correct an ongoing violation in 15 days, or commits another single occurrence of the same violation within 12 months after being warned, the homeowner will receive a Notice of Violation.
2. The Notice of Violation will state the provision of the Declaration, Rules, or Regulations that have been violated and the amount of the fine that is assessed.

## **D. Opportunity to Dispute Violation**

1. If a homeowner disputes that he or she has violated the Declaration, Rules, or Regulations, the homeowner must notify the property manager or Board in writing within 10 days of receiving the violation. The notice only needs to say that the homeowner disputes the violation and would like an opportunity to be heard by the Board.
2. The Board will allow the homeowner to dispute the violation in person at the next regularly scheduled Board meeting. The Board may choose to hold a special meeting, if it is agreeable to the homeowner.
3. The homeowner will have 5 minutes to present his or her case. The Board may allow additional time if the Board, at its discretion, thinks it is required.
4. The Board may hold the remainder of its meeting in private, consistent with its policy.
5. The Board will tell the homeowner of its decision either verbally at the meeting or in writing within 10 days.
6. Failure to dispute the Notice of Violation within 10 days or failure to appear at the meeting will waive the ability to dispute the violation.
7. The homeowner and/or Board may have an attorney present at the meeting.

## **E. Fines**

1. If the Board determines that the Notice of Violation was not proper, there will be no fines.
2. If the Board determines that the Notice of Violation was correct, the fines for the violation will begin from the date on the Notice of Violation.
3. For any continuing violation, the fines will be as follows:
  - a. Original fine will be \$50.
  - b. On the first day of the next calendar month (unless the Notice of Violation was given in the last 5 days of the month), an additional fine of \$100 will be assessed.
  - c. On the first day of any following calendar month, an additional fine of \$200 will be assessed.
4. For any single occurrence violation, fines will be as follows:
  - a. The first occurrence within 12 months will be \$50.
  - b. The second and any additional occurrences will be \$100.
  - c. Until 12 months pass between violations, each new occurrence will result in a Notice of Violation, not a Warning.
5. FINES FOR SPECIFIC VIOLATIONS:
  - 5.1 Architectural changes started or completed without prior approval from ACC Committee or Executive Board will result in up to a \$250 fine per occurrence. Unapproved changes not corrected (i.e. removed) and/or retroactively approved through submission of an Architectural Request Form to the ACC Committee within 60 days of the initial notice of violation will result in additional fines up to \$50 per day until corrected and/or retroactively approved. It is the homeowners responsibility to contact the township for permit information.
6. The Board will change the amount of fines from time to time, to give reasonable amounts for the enforcement of the Rules and Regulations.
7. Fines may be increased for damage to pool property/equipment. The fine will reflect the replacement or repair costs.
8. If the Board determines that the Notice of Violation was correct, all community privileges (pool use) will be suspended until the fines are paid in full.

## **F. Fines as Liens against Home/Property**

1. All fines will be assessed against the home or homeowner's property. Collection will be at the discretion of the Board, including legal action.
2. All fines will accrue interest if not paid in the same manner as assessments.
3. The costs of collecting fines, including court costs and attorneys' fees, will be assessed against the homeowner in the same manner as assessments.
4. Payments from the homeowner will be applied in the following order, regardless of any dispute or notation or instructions placed on the payment: interest, late fees, cost of collection including attorneys' fees, and then to the fine.

## **G. Board Discretion**

1. The Board may decide to waive a fine violation for a good cause.
2. Any waiver of a fine in one circumstance does not preclude the Board from enforcing a Rule or Regulation or imposing a fine in the future.
3. Because the enforcement of the Rules and Regulations is the responsibility of the Board and in the best interests of the Community as a whole, a Board member will not have a conflict of interest if he or she may benefit from the decision being made or if the Board member discovered the violation.