

**THE CAMPFIRE HILLS HOMEOWNERS ASSOCIATION, INC.  
POLICY RESOLUTION**

**PROCEDURE TO BE FOLLOWED PRIOR TO THE IMPOSITION OF SANCTIONS FOR VIOLATION OF THE PROVISIONS OF THE DECLARATION, BYLAWS AND ANY RULES AND REGULATIONS**

WHEREAS the Board of Directors of the Campfire Hills Homeowners Association, Inc. deems it necessary and desirable to establish a mechanism for dispute settlement and (where necessary) the imposition of sanctions (including monetary fines) for violations of the Declaration, Bylaws and any duly adopted Rules and Regulations of the Association, and

WHEREAS the procedure outlined below is intended to comply with the due process requirements of Article XII, Section 12.07 of the Campfire Hills Homeowners Association, Inc. Declaration of Covenants, Conditions and Restrictions (the "Declaration") prior to the imposition of a sanction against a Lot owner found to be in violation of the Declaration, Bylaws and any duly adopted Rules and Regulations of the Association; and

NOW THEREFORE BE IT RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ that the Rules and Regulations of the Campfire Hills Homeowners Association, Inc. are hereby revised to provide that the following procedure shall be followed prior to the imposition of a fine or any other sanction for violation of the Declaration, Bylaws and any duly adopted Rules and Regulations of the Association.

To the extent that this Policy Resolution conflicts with any other previously adopted Resolution or Rule, this Policy Resolution shall govern and control.

**I. PROBABLE CAUSE**

The Board of Directors or a duly appointed Covenants Committee, shall be charged with determining where there is probable cause that any of the provisions of the Declaration, the By-Laws, Articles of Incorporation or the rules and regulations of the Association, regarding the use of the dwelling units, Lots, Common Area or other Association property, are being or have been violated.

**II. WRITTEN NOTICE OF ALLEGED VIOLATION**

In the event that the Board of Directors or the Covenants Committee determine an instance of such probable cause, it shall cause the Board of Directors to provide written notice to the person alleged to be in violation, and the Owner of the Lot which that person occupies or is visiting if such person is not the Owner.

- A. The written notice must specify:
  - 1) the specific nature of the alleged violation, and
  - 2) the action required to abate the violation, and

- 3) that the alleged violator has the opportunity to request a hearing before the Board of Directors upon a request made within five (5) days of sending of the notice, and
- 4) that in lieu of requesting a hearing, the alleged violator or Owner may respond to the notice within five (5) days of its sending, acknowledging in writing that the violation occurred as alleged and promising that it will henceforth cease and will not recur, and that such acknowledgement and promise, and performance in accordance therewith, shall terminate the enforcement activity by the Association with regard to the violation, and
- 5) that each recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine not to exceed Twenty-Five Dollars (\$25.00) for each offense.

#### **B. Service of Notice**

Sending the written notice of alleged violation, the written notice of hearing, and the written notice of hearing results by regular mail is sufficient for service.

### **III. WRITTEN NOTICE OF HEARING AND HEARING**

#### **A. Written Notice of Hearing**

If the violation continues for ten (10) days and no acknowledgement and promise is timely made as referenced in Article II, Section A(4) above, the Board will serve the alleged violator with written notice of a hearing to be held by the Board. The notice will contain:

- 1) the nature of the alleged violation, and
- 2) the time and place of the hearing (not less than 10 days from the notice), and
- 3) an invitation to attend the hearing and present any statement, evidence and witnesses on his or her behalf, and
- 4) the proposed sanction to be imposed (e.g. \$25.00 fine per each day if the violation is a continuing one or \$25.00 per occurrence of each violation if the violation is not continuing in nature)

#### **B. Hearing**

The hearing is held by the Board in executive session. The Board shall hear any and all defenses to the charges and must allow the alleged violator:

- 1) a reasonable opportunity to be heard, and
- 2) the right to present evidence, and
- 3) the right to present and cross-examine witnesses, and
- 4) the right to be represented by an attorney.

If the alleged violator fails to appear at the hearing, the Board shall hold the hearing in the alleged violator's absence and determine whether there is sufficient evidence of a violation or violations.

**IV. SANCTIONS**

**A. Determination**

After the hearing, the Board must determine whether the evidence presented demonstrated that the violation had occurred and whether the alleged violator is the person who committed the violation. If the Board of Directors determines that there is sufficient evidence, it may levy a fine for each violation in the amount provided herein.

**B. Fine Collectable as Assessment**

A fine pursuant to Section 12.07 of the Declaration shall be assessed against the Lot which the violator occupied or was visiting at the time of the violation, whether or not the violator is the Owner of that Lot, and shall be collectable in the same manner as any other assessment, including by the Association’s lien rights as provided in the Declaration and By-Laws.

**V. WRITTEN NOTICE OF HEARING RESULTS**

After the hearing, the Board of Directors will serve the Lot Owner with a written notice of hearing results. The notice will contain:

- 1) a statement of the results of the hearing, and
- 2) the sanction imposed, if any.

**VI. FINE AMOUNTS**

A. Each occurrence or each day during which a violation continues shall be deemed a separate offense, subject to a separate fine not to exceed \$25.00 for each offense. Below is a list of common violations.

Description of Violation	Initial Fine	Continual/Reoccurrence Fine
Continuing Violation	\$25.00	\$5.00 to \$25.00 Daily Depending Upon Severity of Violation
Occurrence Violation	\$25.00	\$25.00 / Per Reoccurrence

**VII. ADDITIONAL ACTION**

Nothing herein shall be construed as a prohibition of or limitation on the right of the Association to pursue any other means of enforcement of the provisions of the Declaration, the Bylaws, Articles of Incorporation or rules and regulations, including, but not limited to, legal action for damages or injunctive relief.

## VIII. COMMON VIOLATIONS

The below list includes common violations of Article VII of the Declaration, which details prohibited uses and nuisances. The below list is not all inclusive and any other violation of the Association's governing documents may result in the levying of fines, including but not limited to violations of Article VI of the Declaration (e.g. unapproved architectural changes). The below list is provided as a reference only.

<b>Violation</b>	<b>Citation from Declaration</b>
Unapproved Architectural or Exterior Change	Section 6.01
Nuisances (e.g. loud noise)	Section 7.02(a)
Raising of Livestock or Poultry	Section 7.02(b)
Commercial Breeding of Animals	Section 7.02(b)(i)
Nuisance Pets	Section 7.02(b)(ii)
Keeping More than 3 Domestic Pets	Section 7.02(b)(iii)
Failure to Keep Pets in Accordance with Laws and Ordinances	Section 7.02(b)(iv)
Violation of Supplemental Pet Rules	Section 7.02(b)
Burning of Trash	Section 7.02(c)
Accumulation of Litter or Bulk Materials	Section 7.02(c)
Prohibited Vehicles	Section 7.02(d)
Trash Containers Remaining in Public View	Section 7.02(e)
Subdivision of Lot	Section 7.02(f)
Landscaping Obstructing Sight-Lines	Section 7.02(g)
Installation of Utilities Above Ground	Section 7.02(e)
Interference with Easements	Section 7.02(j)
Vegetable Gardens Not in Rear Yard	Section 7.02(k)
Lawn Furniture Not in/on Rear Yard, Deck or Patio	Section 7.02(l)
Equipment or Machinery Stored on Lot	Section 7.02(m)
Trash Containers stored in Front or Side Yard	Section 7.02(n)
Using the Common Areas for Private or Exclusive Use	Section 7.02(o)
Makeshift Window Treatments (e.g sheets)	Section 7.02(p)
Exterior Lighting Positioned Outside Lot	Section 7.02(q)
Human Habitation in Shed	Section 7.02(r)
Unapproved Fences	Section 7.02(s)
Unapproved Garage Alterations	Section 7.02(u)
Leasing Violations	Section 7.03

THIS POLICY RESOLUTION WAS ADOPTED BY A MAJORITY OF THE BOARD OF DIRECTORS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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DIRECTOR

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DIRECTOR

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DIRECTOR

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DIRECTOR

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