

**Palmer Lake Beach Club (PLBC)**  
**2019-10-05**  
**Compliance Policy & Schedule of Fines**

**1. Introduction:**

The Declaration of Covenants, Declaration of Restrictions, Covenants, Conditions and Easements for the Plat of Palmer Lake, as well as the Bylaws dated 2019-10-05 provide the Board of Directors the authority and responsibility to ensure compliance with the architectural standards and policies, as well as the Declaration and Bylaws of the HOA.

**2. Structure:**

This policy has several sections, to implement the will of the membership as detailed in the Declaration and Bylaws:

- A. Architectural Standards and Appearance Standards/Policies
- B. Reports of Non-Compliance/Complaints
- C. Review and Analysis of Reports of Non-Compliance/Complaints
- D. Assessment of fines, fees, costs, penalties and other amounts related to non-compliance.
- E. Notice to Member of Non-Compliance
- F. Member Appeals
- G. Recording assessments in PLBC Accounting Records

**3. Architectural Standards, Appearance Standards, Policies**

The following standards are the policy of PLBC, and as such are general in nature. From time to time the condition of a property may be clearly in non-compliance, however the standards below may not specifically address the situation. In such cases, the Board of Directors may in its discretion apply the general authority within the spirit and objectives of the standards to take action regarding a non-compliant situation.

- A. Waste, litter and other materials on a property which are of such a severe nature to constitute non-compliance.
- B. Properties which are under construction/renovation may not place trash, debris or waste on the property for a period of more than 7 days where such trash/debris is visible from the public roadways adjoining the property. As a minimum, such trash/debris shall be covered with a tarp or other material during the 7 day period.
- C. Properties may not store inoperable vehicles of any type for more than 30 days on the property. Should the Board of Directors waive this rule upon appeal, the Board of Directors may require such vehicles to be covered in a particular manner and not be visible from the public roadways adjoining the property.
- D. Uninhabited dwellings which are not secured or maintained.
- E. Properties which are abandoned, and/or do not have a valid occupancy permit must have a current approval from the PLBC Board of Directors/Architectural Committee to remediate the deficiency.
- F. Properties which have people living in recreational vehicles, tents, shed and other facilities without a valid occupancy permit, running water and an approved septic system are in violation of the Declarations and/or Bylaws.
- G. Land clearing, construction or other activities which require advance approval.

- H. Storage of heavy construction equipment or materials on a lot which are not being utilized within 30 days for approved construction activities.
- I. Other situations regarding an unsightly appearance of a property may be determined to be a violation.

**4. Reports of Non-Compliance/Complaints:**

- A. Members, employees, non-members, public safety officials and others may report perceived compliance issues to the Board of Directors in writing via email, regular mail or other written means.
- B. Additional information regarding non-compliance may be obtained via photography, reports by government authorities, and other means.

**5. Review and Analysis of Reports of Non-Compliance/Complaints:** The Board of Directors, in its discretion will review reports of Non-Compliance/Complaints, and shall determine an appropriate course of action, which may be to ignore and take no action, or notify a member that they are non-compliant.

**6. Assessment of fines, fees, costs, penalties and other amounts related to non-compliance:** The Board of Directors shall create and approve a listing of general and specific descriptions of non-compliance, the typical number of days allowed for cure, and the fine/penalty/costs/fees and other amounts for the non-compliance or failure to cure. The Board of Directors may update this listing from time to time. In cases where the Board of Directors believes that urgency exists, the Board of Directors, with a super-majority vote (1 additional vote more than a majority), may reduce or eliminate the number of days provided to cure the non-compliance. The Board of Directors shall have the right to file a lien in the amount of the assessment at any time after notice to Member. Such lien costs will be billed to the members account. In the event the assessment is successfully appealed, such a lien shall be removed, and the member account shall be credited.

**7. Notice to Member of Non-Compliance:** In the event that the Board of Directors, as the result of a super majority vote (majority plus 1) related thereto determines to notify a member they are non-compliant or there have been complaints thereof, a letter shall be sent by US Certified Mail to the member, detailing the non-compliant issue, and providing a number of days to cure the non-compliance as well as detailing the assessment to be levied. The number of days to cure is calculated from the date of mailing of the letter, plus 3 days. In certain cases, such as land clearing, unapproved construction or other non-reversible activities, there shall be no cure period.

**8. Member Appeals:** Members shall have 20 days from the date of the communication (the date such Certified US Mail is sent) to file a written appeal with the Board of Directors. Such written appeal shall be sent by Certified Mail to the PLBC business address found in the non-compliance/compliant notification letter and/or on the PLBC web site [www.palmerlakebeachclub.com](http://www.palmerlakebeachclub.com), and a copy of the appeal shall be sent by email to the PLBC email address. The appeal shall be reviewed by the Board of Directors, and Board shall vote to accept or reject the appeal. The Member shall be notified of the results of such review by mail, and the minutes of a subsequent Board meeting shall show the vote regarding the appeal.

**9. Recording Assessments in PLBC Accounting Records:** Assessments which are levied and not appealed, or where the appeal is not granted, shall be charged to the member and shall be payable within 30 days from date of invoice. The amount of fine shall be entered into the accounting records of PLBC.

**Listing of General & Specific Descriptions of Non-Compliance, Days to Cure & Assessment Amounts**

Non-Compliance Description	Days to Cure	Assessment Amounts
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**Unightly Appearance Situations**

Waste, Litter, Refuse & Other Materials on a Property	15	\$500~\$2,000
Construction debris	10	\$500~\$2,000
Inoperable Vehicles	20	\$500~\$2,000
Uninhabited dwellings which are not secured or maintained	20	\$500~\$2,000
Dwellings with gross maintenance/upkeep issues	20	\$500~\$2,000

**Unapproved Living Conditions**

People living in RV's in violation of County rules/regulations	20	\$500~\$2,000
People living in dwellings without power and/or water and/or septic	10	\$500~\$2,000
People living in structures without County occupancy permits/approvals	10	\$500~\$2,000

**Unsafe Conditions**

Manufacturing or other activities which violate zoning	10	\$500~\$2,000
Storage of bulk toxic or hazardous materials	10	\$500~\$2,000
Materials or other items on a property that represent an obvious safety hazard	5	\$500~\$2,000
Human or substantial animal waste on a property	20	\$500~\$2,000
Waste or containments that flow into Palmer Lake	2	\$2,000 ~ \$5,000

**Unauthorized Construction/Clearing**

Clearing of 1~5 trees 6" or larger without approval or documentation of hazard	0	\$2,000 ~ \$5,000
Clearing of 5+ trees 6" or larger without approval	0	\$5,000 ~ \$10,000
Grading, clearing, creation of road access, including for Perc testing. (Perc testing that does not involve clearing or tree cutting is not a violation)	0	\$2,000 ~ \$5,000
Construction/start of construction of a structure more than 20 sq ft, less than 100 sq ft	0	\$500~\$2,000
Construction/start of construction of a structure more than 100 sq ft	0	\$2,000 ~ \$5,000
Excavation for construction	0	\$500~\$2,000
Installation of temporary electrical service for construction	0	\$500~\$2,000
Construction of docks on the lake	0	\$500~\$2,000

**Other**

Violations of County Code that generally fall in the overall intent of the Bylaws & Covenants	TBD	\$500~\$2,000
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**Repeat/Continuous Non-Compliance:**

In the event that non-compliant condition is not cured, at the approval of the Board of Directors the property can be assessed for non-compliance repeatedly at 30 day intervals. For unauthorized construction/clearing, the repeated compliance assessment can be as frequent as every other day.