



RULES & REGULATIONS: FINES AND ENFORCEMENT

ADOPTED 1 JULY 2014

RULES & REGULATIONS

1. INTRODUCTION

- 1.1. For the purpose of interpreting these Rules, the terms used herein shall be defined herein or as defined in the Declaration.
- 1.2. These Rules are adopted by the Board of Trustees pursuant to the Utah Community Association Act and the Declaration.

2. DEFINITIONS

- 2.1. "Governing Documents" shall mean the Declaration, the Bylaws, the rules (including but not limited to the Architectural Committee Rules, the Arc Rules Underdrain Addition, and these rules), the Articles of Incorporation, the applications for various uses, and any other policy, procedure, rule, or resolution adopted by the Board of Directors.
- 2.2. "Person" shall mean a natural individual, corporation, estate, partnership, trustee, association, joint venture, or any other legal entity with the legal capacity to hold title to real property.

3. PURPOSE OF RULES

- 3.1. The purpose of these Rules is to preserve the value of the individual Lots by preserving and maintaining an overall desirable residential living environment in the Subdivision.

4. PERSONS TO WHOM THESE RULES APPLY

- 4.1. These Rules apply to all Owners, occupants, guests, mortgagees, purchasers at foreclosure sales, and any other Person who may enter the Subdivision at any time.
- 4.2. Every Person to whom these Rules apply is personally responsible for any violation of the Governing Documents. The Owner of any Lot is jointly and severally responsible for any violation of these Rules with any person occupying his or her Lot and with any guests of, or persons associated with, any persons occupying his or her Lot. An Owner's responsibility under this section is not limited if, for any reason, the Owner is not aware of the person(s) occupying or visiting his or her Lot. For any violations of these rules related to a particular Lot or its occupants, or any persons associated with the Owner or the guests of anyone

occupying his or her Lot, the Board of Trustees may seek to enforce the Governing Documents against:

- 4.2.1. any non-owner, occupant, guest, or other person violating the Governing Documents,
- 4.2.2. the Owner only, or
- 4.2.3. Any Persons violating the Governing Documents and the Owner.

5. ENFORCEMENT OF RULES AND TERMS OF GOVERNING DOCUMENTS

- 5.1. Each and every type of violation of each and every provision of the Governing Documents and the Act is hereby made specifically subject to and punishable by the specific fines provided for in these Rules.
- 5.2. Any violation or continuing violation of the Governing Documents may result in any one or more of the following actions, in any order or simultaneously, as deemed appropriate and reasonable by the Board of Trustees or as otherwise required or allowed by the Governing Documents or the Act:
 - 5.2.1. Warning;
 - 5.2.2. Fine (pursuant to the schedule and requirements below);
 - 5.2.3. Legal action for damages, injunction, or other relief as allowed by law;
 - 5.2.4. Take any other appropriate action including but not limited to, any action provided for in the Governing Documents or allowed by law.
- 5.3. If any two sections of the Governing Documents apply to the same incident or matter, any proscribed penalties, fees, fines, or remedies may be in addition to one another, according to the reasonable determination of the Board of Trustees.
- 5.4. Owners in violation of these Governing Documents will be assessed and must pay all reasonable legal fees, collection costs, lien fees, management fees, processing fees and all other costs incurred by the association related to enforcing the provisions of the Governing Documents and collecting any fines.
- 5.5. Enforcement Action Other Than Fines

5.5.1. Upon notice of an enforcement action other than a fine, the Owner may request a hearing under the same procedure provided below for fines. If a hearing is requested, the rules and procedures for a hearing on a fine shall be followed, except that the enforcement action shall not be stayed.

5.6. Fines

5.6.1. The Board of Trustees is hereby authorized to assess Owners fines for a violation of the Governing Documents.

5.6.2. A fine may be assessed for each and every specific type of violation of each and every specific provision, prohibition, and requirement of the Governing Documents.

5.6.3. The fine for each and every violation of the Governing Documents shall be in the specific amount that is provided for in this section 5.6.

5.6.3.1. First Violation. The Association shall give a written warning to the Owner, by hand delivery or first class mail, which shall notify the owner of the violation and inform the owner that a fine will be assessed if a second similar violation occurs, or if a continuing violation is not cured within 48 hours.

5.6.3.2. Second Violation. Upon the second violation of the same type after a warning in any one-year time period, or a continuing uncorrected violation after the initial 48 hour warning period, a fine of \$25 shall be assessed for any parking violation and a fine of \$50 shall be assessed for any other type of violation.

5.6.3.3. Third Violation. Upon the third violation of the same type within a one-year period, or a continuing uncorrected violation of at least ten days after the assessment of the first fine, a fine of \$50 shall be assessed for any parking violation and a fine of \$100 shall be assessed for any other type of violation.

5.6.3.4. Fourth and Subsequent Violations. Upon the fourth violation and each additional violation of the same type within a one-year period, or each continuing violation of at least ten days after the assessment of the second and each subsequently assessed fine, a fine of \$250 shall be assessed.

- 5.6.4. A notice of a fourth or any subsequent violation for a continuing violation may simply indicate that a fine will be assessed every ten days in the amount of \$250 until such time as the violation is cured.
- 5.6.5. A Owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 14 days from the date the fine is assessed. The hearing shall be conducted in accordance with the standards below.
- 5.6.6. If a hearing is requested, no interest or late fees shall accrue related to the fine until after the hearing has been conducted and a final decision has been rendered by the Association.
- 5.6.7. All requests for hearing shall be in writing and shall be mailed or delivered to the Board of Trustees or the Association's manager.
- 5.6.8. The hearing must occur within thirty (30) days after the Owner delivers a written request for hearing and the Association shall give the Owner at least fourteen (14) days' notice of the hearing.
- 5.6.9. Any hearing shall be governed by the following rules:
 - 5.6.9.1. The Owner must appear at the time and place designated by the Board of Trustees.
 - 5.6.9.2. At the hearing, the Owner contesting the fine shall be entitled to not less than fifteen minutes to present evidence to challenge the alleged occurrence of the violation of the Governing Documents or such other evidence and information as the Owner believes is pertinent or appropriate.
 - 5.6.9.3. The Board of Trustees may establish and announce at or before the hearing any other reasonable rules regarding the hearing.
 - 5.6.9.4. Within ten days of the hearing, the Board of Trustees shall issue and mail to the Owner a written decision regarding the dispute.
 - 5.6.9.5. The Board of Trustee's decision shall be final.
 - 5.6.9.6. The Board of Trustees may rely on any reasonable information and evidence in determining whether or not a violation of the Governing Documents has occurred both initially and after a hearing.

5.6.9.7. Although it may, the Board of Trustees is not obligated to disclose either the person who gave notice of the violation or any information that may lead to the disclosure of that person.

5.6.10. An Owner may appeal a fine by initiating a civil action: (1) within 180 days after the day on which the final decision from a hearing is issued, or (2) if the Owner does not request a hearing, within 180 days after the day on which the time to request a hearing expires without the Owner requesting a hearing.

6. REPORTING VIOLATIONS

6.1. Owners and Occupants may report violations of the Governing Documents to the Board of Trustees or manager so that the safety, security, and community environment is protected.

6.2. Although not always necessary, the following information is requested when reporting a suspected violation of the Governing Documents, either in writing, or by telephone:

6.2.1. The name and address of the Person reporting the violation;

6.2.2. The name and/or Lot number of the Person or Lot related to or owned by the Persons alleged to have committed the violation (or any other reasonable method of identifying the Person or Lot);

6.2.3. A reasonably detailed description of what the Person saw or heard, or some other explanation supporting the Person's knowledge of a violation;

6.2.4. The date, time, and location that the Person saw or otherwise perceived the violation; and

6.2.5. The provision of the Governing Documents that the Person believed was violated.

6.3. The Board of Trustees shall have absolute discretion in determining whether information provided related to a suspected violation is reliable and detailed enough to justify enforcement action.