

VIOLATIONS AND FINING POLICY

Deerlake Village Community Association

The Board's right to levy fines is defined by the following:

Section 47F-3-102 NC General Statutes under Powers of Owners' Associations

- "...the association may...(12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the association."

2006 Declaration of Covenants

- **ARTICLE VI Section 6. Trees.** No living tree or shrubs which form a hedge along a community sidewalk may be removed without the written approval of the LRC in accordance with the Rules and Regulations. Notwithstanding the above, any tree which poses an immediate threat to life or property may be removed without the written consent of the LRC. Following an emergency tree removal, the owner must notify the LRC of the action. Should a party remove any tree or hedge as herein provided without the above-described written approval, the Board may fine a party up to the sum of one hundred dollars (\$100.00) for every tree cut without permission, and thereafter one hundred dollars (\$100.00) per tree for each day that a replacement plan acceptable to the LRC or Board is not completed. In addition to the above remedies, the Association and its agents may enter the property to replace the removed tree or hedge and charge the violating owner the costs of such replacement.
- **ARTICLE VI Section 25. Leasing or Renting.** A Lot Owner may lease or rent the family residence owned by such Owner; provided, however, that the tenant or lessee shall be bound by all covenants and restrictions contained herein. All leases shall have a minimum term of six (6) months. At no time may a Lot Owner lease or rent a portion of the family dwelling unit unless the entire family dwelling unit is leased or rented. Every lessee or tenant shall in all respects be subject to the terms and conditions of this Declaration, the Bylaws, and the Rules and Regulations adopted hereunder. In the event of noncompliance by the tenant or his/her guests, all costs associated therewith, including **fines** and legal fees, will be assessed against the owner and the owner's property.

2006 Bylaws

- **ARTICLE V 5.14 Powers and Duties of the Board**

(o) To impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable **fines** for violations of the Declaration, these Bylaws, or the Rules and Regulations. Any assessments, charges or **fines** levied against members shall specifically relate to the need to preserve and fulfill the purposes set forth in DVCA's Articles of Incorporation and are applied to owners of Lots in their capacity as owners-members rather than in some other capacity such as customers for services.

- **ARTICLE X Compliance, Enforcement, Fines and Penalties, Other Than Assessment Liens**

10.1. Default and Remedies. Failure by any Lot Owner or occupant to comply with any provisions of the Declaration, Bylaws and/or Rules and Regulations, as the same may be amended from time to time, shall be grounds for relief. The relief may include the same or such remedies as **fines** and penalties determined by the Board, sums for damages, injunctions or a combination thereof. The relief may be sought by the Association, an aggrieved resident or by any person or class of persons adversely affected. If any occupant or Lot Owner fails to perform any obligation under the Act, the Declaration, these Bylaws or the Rules and Regulations, the Association may perform the same for the Owner's account; it may enter that person's lot and make necessary repairs, advance sums to cure the default and may levy a special assessment against the Owner to cover the costs thereof. The Board shall be entitled to suspend the right of the Owner and/or occupant to use the Common Elements and its facilities until the default is cured. The process for notifying an owner of a violation and providing for an appeal to the Board shall be defined in the Rules and Regulations.

Rules and Regulations Parts One and Eight

Owner Responsibility: Under the Deerlake Village Community Association's governing documents and North Carolina law, lot owners within Deerlake are responsible for complying with the governing documents, which include the Declaration of Covenants and Bylaws, adopted 10/26/06 and the Rules and Regulations and Policies established by the Board of Directors. Owners are required to give their tenants, if any, copies of the governing documents and of amendments and new rules as they are adopted, and are responsible for ensuring that their tenants comply with the governing documents. In the case of violations by tenants, the Association will notify the owners of the property. Any fines or other reimbursement for non-compliance will be imposed against the owner.

Notice and Hearing: At least fifteen (15) days before imposing a fine or suspension of privilege, the DVCA will notify the owner in writing:

- a. Identifying the governing document /provision that has been violated;
- b. Describing the nature of the violation;

- c. Describing the corrective action to be taken by the owner and the time frame within which it must be done;
- d. Describing the intended or possible sanction(s) if the corrective action is not taken within the prescribed time; and
- e. Giving the member the opportunity for a hearing before the Board, either orally or in writing, at least five (5) days before any sanction is effective. At such hearing the owner will have the opportunity to express his/her position.

This notice will be sent by first-class or certified mail to the last address for the owner shown on the DVCA's records. If mailed, the notice will be deemed delivered 72 hours after it has been deposited in the USPS.

Imposing Sanctions: The DVCA may impose one or more sanctions when it has determined that an owner, tenant, guest or invitee has committed a violation of a particular governing document provision. Sanctions may be imposed:

- a. If the owner does not request a hearing;
- b. If the owner does not appear at a hearing when scheduled and does not submit a written explanation to the DVCA at or before the time scheduled for the hearing; or
- c. After the conclusion of a hearing.

Sanctions:

Sanctions imposed may include, but are not limited to, a monetary penalty in accordance with the Schedule of Fines adopted by the Board. If the DVCA is required to spend monies to bring the owner or his/her tenants, guests, or invitees into compliance, the owner shall be responsible to the DVCA for such charges. In the case of continuing violations, such as architectural or landscaping violations, the DVCA may impose a fine and/or sanctions once every thirty (30) days until the violation is remedied, provided that notice and the opportunity for a hearing are given each month.

Schedule of Fines:

- A fine of \$100 will be levied for a first offense.
- A fine of \$100 will be levied for each additional instance of the same violation.
- A fine of \$100 will be levied if an offense is not corrected within the time frame recommended by the Board and \$100 monthly thereafter until the violation is corrected..
- Fines may be accompanied by a requirement to restore the property to its original state.
- Alternative fine: When the cost of damage exceeds the amount of the fine imposed, the DVCA may impose the actual amount of the cost to repair the damage caused by the violation. All fines collected shall be placed in the DVCA's general fund.
- Suspension of privileges for use of amenities may be levied in place of and/or in addition to fines.

Other Remedies: The DVCA reserves the right to avail itself of any other remedy permitted by law and the governing documents, rules and regulations, and policies of the Association. These remedies include, but are not necessarily limited to bringing an action in State, County, or Municipal Court. Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the DVCA from electing at a later date to pursue another remedy.

This **VIOLATIONS AND FINING POLICY** was approved by the DVCA Board of Directors on the 19th of October 2010.