

**RANCHO VIEJO SOUTH COMMUNITY ASSOCIATION, INC.**

**COMPLIANCE ENFORCEMENT POLICY**

**WHEREAS**, The Ranch Viejo South Community Association (“Association”) has authority pursuant to the Community Charter (“Charter”) and Bylaws of the Rancho Viejo South Community Association, Inc. (“Bylaws”) to enforce the provisions set forth in the Charter, Bylaws, Design Guidelines, Associations Rules and Regulations, or any restrictive covenants relating to the various individual Tracts (Tract Declarations) within Rancho Viejo South Community Association, Inc., as may be amended from time to time (Project Documents):

**WHEREAS**, The Board of Directors of the Association wishes to ensure compliance with the Association’s Declaration, Bylaws, Tract Declarations and Project Documents and to maintain, preserve, enhance, and protect the property values and assets of the Association.

**NOW, THEREFORE, IT IS RESOLVED**, that the following procedures and practices are established for the enforcement of violations of the use restrictions, architectural control provisions and/or any other sections of the Project Documents for the Association, and for the elimination of violations of such provisions found to exist in, or on about any property within the Association and the same are to be known as the “Violation Enforcement Policy” of the Association in the discharge of its responsibilities for determination and enforcement of remedies for violations within the community.

**The Board is adopting the following Violation Enforcement Policy:**

**A. Procedure for Handling General Violations.**

- 1. Courtesy Letter.** An Owner/Resident will be first notified of a violation of the Association’s Project Documents in writing and will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner will be subject to enforcement fines. The Courtesy Letter will be mailed by regular first class mail.
- 2. First Notice of Violation.** If after fourteen (14) calendar days of the date of the Courtesy Letter, the violation is determined to still exist, a First Notice of Violation will be sent by regular first class mail. The First Notice will specify the violation and the amount of the enforcement fine being imposed (see Schedule of Enforcement Fines below), and the process to request a hearing before the Board. The Owner will be informed that if the violation is not cured within ten (10) calendar days from the date of the letter, the Owner will be subject to additional fines.
- 3. Second Notice of Violation.** If after ten (10) calendar days of the date of the First Notice, the violation still exists and the Owner has not requested a hearing, the Association will send a Second Notice of Violation by first class mail. The Second Notice will specify the violation, the amount of the enforcement fine being imposed, and the process to request a hearing. The Owner will be informed that if the violation is not cured within ten (10) calendar days from the date of the letter, the Owner will be subject to additional enforcement fines.
- 4. Notice of Continuing Violation.** If after an additional ten (10) calendar days, the violation still exists and the Owner has not requested a hearing, a Notice of Continuing Violation will be sent by first class mail and by certified mail return receipt requested. The Notice of Continuing Violation will include the details of the violation, the amount of the enforcement fine being imposed, and the process to request a hearing. This enforcement fine will be imposed every thirty (30) calendar days, depending on the violation, as long as the violation continues.

**5. Schedule of Enforcement Fines.** The following is the schedule of enforcement fines that will be imposed for violating the Association’s Project Documents, except for violations of the Design Review Process:

Courtesy Notice	No Fine
First Notice of Violation	<b>\$25.00</b> for, but not limited to: Trash Cans Parking Weeds Barking Dogs Other Nuisance
Second Notice of Violation	<b>\$50.00</b> for, but not limited to: Trash Cans Parking Weeds Barking Dogs Other Nuisance
Notice of Continuing Violation	<b>\$100.00 All:</b> This enforcement fine will be imposed every thirty (30) calendar days that the violation exists.

The Board may vary from these standard enforcement fines depending on the nature of the violation and the number of violations (either presently or in the past).

**B. Recurring Violations.** A “recurring violation” is a type of violation that is cured, but occurs again in the future. (Examples include, but are not limited to: weeds, unauthorized parking of vehicles, trash cans not put away within the required time frame, etc.) If a recurrence of the same violation occurs within six (6) months of the original violation the violation enforcement process will start with the Owner being sent a First Notice of Violation (*see A. Procedure for Handling Violations* above). However, the Association may vary from this procedure depending on the circumstances.

**C. Violations of the Design Review Process.**

- 1. Courtesy Letter.** If an Owner fails to receive approval from the Design Review Committee prior to starting exterior structural modifications, the Owner/Resident will be first notified of the violation in a Courtesy Letter. If that violation is not cured within fourteen (14) days with an application form for the work in progress submitted to the Design Review Committee, the Owner will be subject to enforcement fines.
- 2. First Notice of Violation.** The violation enforcement process will then continue with the Owner/Resident being sent a First Notice of Violation (*see A. Procedure for Handling Violations* above). However, the Association may vary from this procedure depending on the circumstances. All notices regarding violations of the design review process will be sent by first class mail and by certified mail return receipt requested.

- 3. **Exterior Unit Improvements/Modifications Started without Approval.** If the exterior unit improvement/modification has been started, but not completed, upon receipt of the Courtesy Letter, the Owner/Resident shall cease and desist all work on the modification, and will be given fourteen (14) calendar days to submit a design review application.
- 4. **Exterior Unit Improvements/Modifications Completed Without Approval.** If the exterior modification has been completed, the Owner will be given fourteen (14) calendar days to submit a design review application.
- 5. **Schedule of Enforcement Fines.** The following is the schedule of enforcement fines that will be imposed for violating the Design Review Process.

Courtesy Letter	Courtesy Letter
First Notice of Violation	\$50.00
Second Notice of Violation	\$100.00
Notice of Continuing Violation	\$150.00 This enforcement fine will be imposed every thirty (30) calendar days that the violation exists.

- D. **Impact of Enforcement Fine.** Imposition of an enforcement fine does not relieve the Owner of responsibility to correct the violation.
- E. **Impact of Owner Requesting a Hearing.** If an Owner requests a hearing with the Board after receiving a Notice of Violation (*see I. Violation Appeal Process* below) the Board will provide the Owner with the date and time to be heard. Fines will be assessed pending the outcome of the hearing.
- F. **Other Remedies.** At any time, the Board may decide to pursue any other remedy available under law or at equity that is allowed under the Project Documents.
- G. **Time Frames.** The Board reserves the right to extend any grace period based on individual circumstances.
- H. **Collection of Enforcement Fines.** All enforcement fines shall be collected in the same manner as any other assessment or monetary penalty pursuant to the Project Documents.
- I. **Violation Appeal Process.**
  - 1. **Right to a Hearing.** Any Owner found by the Association to be in violation of the Declaration or the Rules and Regulations may request a hearing before the Board to offer a defense to or explain extenuating circumstances regarding the imposition of enforcement fines.
  - 2. **Request for Hearing.** The Owner must submit a written request for a hearing, which shall be mailed, e-mailed, or hand delivered to the Association’s Manager within ten (10) calendar days of the date of the First Notice of Violation. The request for hearing should include the following: the Owner’s defense to, or explanation of extenuating circumstances, regarding the violation; and copies of all supporting documents.

3. **Receipt of Request and Date of Hearing.** Within seven (7) calendar days of receiving a request for hearing, the Association's Manager will notify the Owner in writing or by a telephone call that the request has been received and will inform the Owner of the date and time that the hearing will be held.
4. **Further Enforcement Actions and Enforcement Fines will be Stayed Pending the Hearing.** If a timely request for a hearing is received, further enforcement actions and enforcement fines will be stayed, pending the outcome of the hearing. However, if the Owner/Resident fails to schedule a hearing within twenty-one (21) calendar days of the date of the First Notice of Violation, all appropriate fines will be re-instated.
5. **Hearing Procedure.**
  - a. All hearings will be held before the Association's Board in Executive Session and will be presided over by the President of the Board or by a person designated by the President.
  - b. The Board President will introduce all parties and will make a short statement outlining the history of the violation.
  - c. The Owner who is appealing will be asked to state the reason that the violation should be overturned and to present any supporting documentation.
  - d. Each Board member will have the opportunity to ask the Owner specific questions regarding the appeal.
  - e. Upon completion of the questions and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session.
  - f. The Board will issue a written decision to the Owner within ten (10) calendar days of the date of the hearing.
  - g. All decisions of the Board are final and may not be further appealed.

**Board Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**Approved by:**

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**Ron Liss, President**

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**Carol Thompson, Vice President**

**Attested by:**

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**Dave Wieggl, Secretary**