

## **VIOLATION ENFORCEMENT PROCESS**

The Board of Directors of the Ocean Dunes Homeowners Association (ODHOA) deems it to be in the best interests of the Association and its members to adopt a process for the enforcement of the Bylaws, Declaration, and/or other duly adopted "Rules and Regulations" of the Association that is consistent with applicable provisions of the governing Bylaws and Declaration.

This process is effective on March 14, 2016 (Effective Date). *Updated April 2017.*

Certain violations existing prior to February 1, 2016 (Pre-existing Conditions) as defined in Exhibit 2 will be allowed for the period of time and under the conditions as described. Such violations will be considered 'Grandfathered' violations.

- Owners with these Grandfathered violations must notify the Management Company of the existing violation prior to the Effective Date of this process, or the burden will be on the owner to prove the violation was a Pre-existing Condition upon receiving a violation notice.
- If an owner has a Pre-existing Condition not listed in Exhibit 2 that they feel should qualify as a Grandfathered violation, the owner may submit a request to the Board for consideration prior to the Effective Date.

If a rule has its own, specific, documented violations process, that process takes precedence over those in this document for that particular rule.

### **Process:**

1. Regular inspections of Association property, the purposes of which are to note and cite violations of the Declaration, Bylaws, and/or duly adopted Rules and Regulations, shall be conducted by the management company.
2. Barring holidays or other circumstances that make it impossible or impractical to do so, property inspections shall be conducted on a monthly basis.
3. The notification, fine and hearing procedure is defined in Exhibit 1.
4. The Management Company is authorized to disseminate violation notices.
5. Owners being cited or fined for violation(s) will be responsible for contacting the management company upon cure of the subject violation.
6. Owners are responsible for the actions of those they either rent their unit to or allow others to use.

## **Exhibit 1 -Notification, Fine and Appeal Procedure**

- 1<sup>st</sup> warning: a Friendly Reminder letter will be issued for violation and no fine assessed with a request for correction within 14 days. Exceptions which must be remedied within 2 days are (1) life-safety issues (2) pet-related violations.
- 2<sup>nd</sup> warning: a 2<sup>nd</sup> letter will be issued for the violation which will include a notification of a hearing and a potential fine (pending hearing) assessed of \$100.00.
  - The hearing date will be no less than 10 days out.
  - If for any reason, an owner does not attend the hearing scheduled after receiving notification, the owner waives the right to an appeal or hearing, and the Board of Directors will approve of the fine assessments to continue until violation is rectified. With prior notification to the Management Company, the owner may attend the hearing by phone or provide a letter of explanation in lieu of attending the meeting.
  - As a result of the hearing, a letter will be mailed to the owner notifying them of the decision of the Board.
  - If the Board decides that the violation requires correction, the fine will be assessed and the owner will have 14 days to correct the violation.
- 3<sup>rd</sup> warning: a 3<sup>rd</sup> letter will be issued for the violation if it has not been corrected upon which a \$50.00 weekly fine will be assessed until the violation is corrected.
  - As noted above, the owner will be responsible for notifying management of the correction of the issue in order to stop the recurring fines.
- A repeat incident of a prior, previously corrected violation by the same owner will not receive any warnings but will instead immediately be issued a 3<sup>rd</sup> warning with the commensurate fine(s).
- Fines will be added to the owner's monthly statement to the normal payment procedures and are subject to the same regulations as other assessments.

## **Exhibit 2 -Grandfathered Violations Procedure**

- Declaration Article VIII (f) and Rules and Regulations "Pets":
  - Regarding owners with a second pet (cat or dog), such Grandfathered pet may remain until such time as the pet becomes deceased or otherwise no longer resides with the owner. Owners wanting to acquire a second pet after March 14, 2016 must obtain board permission.

- Regarding renters with a pet, a current renter with a pet may remain until the end of the current rental period (excluding automatic renewals or extensions). The owner shall not accept any new rentals with pets or extend the current rental period. The owner will be required to furnish proof of the current rental commitment clearly showing the start and end dates of the rental period. This exception does not relieve the renter from adhering to ODHOA restrictions regarding pets including the requirement that all pets are leashed when outside of the unit.
- Declaration Article VIII (d, g) – Regarding modifications to the exterior of the building or to the common area, such Grandfathered changes may remain unless they interfere with property maintenance by the ODHOA or infringe on another owner’s ability to enjoy their property. If such modifications are removed or fall into serious disrepair, they may not be replaced. Furthermore, if the modifications fall into disrepair, the Board may require their removal.

Although technically a violation, unobtrusive exterior wall decorations will normally be permitted if they are contained entirely within your unit’s ocean side (i.e. opposite street/parking side) deck area.