

# **COVERED BRIDGE PROPERTY OWNERS ASSOCIATION POLICY FOR VIOLATION OF RULES AND REGULATIONS**

## **OF THE**

### **AMENITY CENTER, SWIMMING POOL, TRAIL AND GREENBELT**

#### **I Policy Statement**

- A Board of Directors may levy a reasonable monetary fine for any violation of the Association Amenity Center, Swimming Pool, and Trail and Greenbelt Rules and Regulations committed by such member or any occupant of the property owned by the member. Violations of these Rules and interference with the enforcement of these Rules may additionally result in;
  - (1) suspension or conditions to the right of a Member to use any facilities owned, operated, or managed by the Association,
  - (2) suspension of the voting rights of the Member as provided in the Association Bylaws,
  - (3) levying a damage assessment against the Member, and/or
  - (4) legal action against the violator.
- B The Member shall be liable for all attorney's fees and costs incurred by the Association incident to the levy and collection of fines, including appellate proceedings subject to applicable State statutes including Section 209 of the Texas Property Code. Any such fine shall constitute a personal obligation of the Member, as well as a lien upon the property, and all such amounts described herein may be collected in the same manner as other such amounts for which the Association has a lien, as further described in Article VIII of the Declaration of Covenants, Conditions and Restrictions.
- C The Association shall apply all such payments to the outstanding balance in the following order: attorney's fees and costs, fees and interest, fines, special assessments, and regular assessments, with payment being applied first to the oldest balance within each category. No partial payment will waive the Association's right to pursue full payment and/or enforce its Bylaws, Declaration, and Rules and Regulations.
- D As provided in the Declaration and Bylaws failure of the Association to enforce any provisions of the Declaration, By-laws, rules, or procedures shall not constitute a waiver of the right to enforce the same thereafter. All remedies in the Declarations, By-laws, and rules are cumulative and not exclusive.
- E These policies may be amended in accordance with Section 7.3(k) of the Bylaws. The Board will notify the property owners in writing or by publication on the Association Internet web site ten days prior to the effective date of the policy change.
- F Enforcement actions under section A of this policy are subject to compliance with applicable State statutes, including Section 209 of the Texas Property Code.

#### **II Violations**

- A Members will be fined \$25.00 to \$100.00 for the first occurrence, \$50.00 to \$200.00 for the second occurrence of the same violation within sixty (60) months, and \$75.00 to \$300.00 for each subsequent occurrence of the same violation within sixty (60) months.
- B The Board may vary from the fine schedule amounts on a case by case basis only with unanimous consent of all Board members.

#### **III Suspensions and Conditions to the Rights of a Member to use Facilities**

- A Members rights to use facilities owned, managed, or operated by the Association may be suspended or conditions placed upon the use of the facilities, subject to compliance with state statutes, including Section 209 of the Texas Property Code.

- B Members may have their right suspended/conditioned for use of any Association facility for up to thirty days (30) for the first violation, up to sixty (60) days for a subsequent occurrence of the same violation, and up to six (6) months for a third occurrence of the same violation within sixty (60) months

#### **IV Suspension of Members Voting Rights**

- A As provided in the Bylaws Section 5.2, voting rights of a Member may be suspended for non-payment of assessments and other charges levied by the Association..
- B The suspension will begin on the day the violation is referred to the Association's attorney for collection as described below in section VIII: Procedures for issuing violations against a Member. Voting rights will be suspended until the amount owed has been paid in full.

#### **V Warning Letters in Lieu of Violation Notices**

- A The Board may issue a warning letter in lieu of levying a fine upon the Board's determination that the violation meets all of the following criteria:
  - 1 The violation did not result in any imminent threat of harm, or any actual physical harm, to any other person.
  - 2 No damage to Association, Member, or the property of others resulted from the violation.
  - 3 No prior warning letters have been issued for the same violation to the Member within the past twelve months.
- B The warning letter will be either sent by regular mail to the Member's address, or delivered directly to the Member's residence within five business days of the date on which the Board or Association's Management company is made aware of the violation. A copy of the warning letter will be retained in the Association's records. The letter will specify the following:
  - 1 Date and time the violation occurred.
  - 2 A brief description of the violation.
  - 3 The potential fine should the violation occur again within twelve months.
  - 4 Who to contact for additional information concerning the warning letter and/or violation.

#### **VI Conduct of Hearings before the Board**

- A Hearings before the Board to appeal a fine or enforcement action
  - 1. Members shall have the right to present evidence, give testimony, have witnesses present information, and make statements relevant to the violation under consideration.
  - 2. The Board will serve a written notice of the hearing to all parties involved at least 10 days prior to the hearing date.
  - 3. The Board may impose rules of conduct and limit testimony and evidence as may be appropriate to ensure fairness, maintain order, and move forward the hearing to conclusion.
  - 4. Unless determined by the Board that the Association is at risk or upon request of the property owner alleged to have committed the violation, all hearings shall be open to attendance by all property owners, however, only the property owner alleged to have committed the violation, witnesses and Board members are allowed to speak during the hearing. The Board may limit attendance to on a first come basis if space is limited.
  - 5. After all testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, not to exceed 15 days, render its written findings and decision.

#### **VII Procedures for Issuing Violations against a Member**

- A Procedures
  - 1 Send a violation notice to the Member via certified mail return receipt requested.

- 2 Member will be given 30 days from receipt of notice to pay the entire fine amount or request a hearing before the Board.
- 3 If the fine is not paid in full or a hearing requested before the Board within 30 days, the fine amount is deemed final.
- 4 If the Member requests a hearing within 30 days, and the violation stands, the fine must be paid in full within ten (10) days or an appeal requested in writing to the Fine Appeals Committee within ten (10) days following notice of the hearing decision.
- 5 If the fine amount is affirmed or reduced in appeal, the Member has ten (10) days from receipt of the appeal decision to pay in full.
- 6 Any amounts charged to a property owner under these procedures may be collected in the same manner as regular assessments under the Declaration, including lien rights to the extent permitted by law.

#### **VIII Fines Recommendation Committee**

- A The Committee will be composed of at least three (3) Members. At least three Members must be present to conduct a hearing and vote on a proposed fine. The Committee's findings will be decided by a simple majority of those present.
- B The Committee will review the facts as presented to the committee by the Property Manager and any information submitted by the Member in writing or in person. The Committee will make findings and submit a recommendation as to the appropriate amount of fine if any, and other conditions as permitted by the Declarations, Bylaws, and rules of the Association.