

## **Fine Schedule**

### **The Chalets at Ski Lake**

**Amended June 1, 2023**

#### **Fines and Procedures for Enforcing CC&Rs**

##### **Background and Legal Basis**

Article 11.26, based upon Section 57-8a-208 of the Community Act, gives the Board of Trustees (BOT) the responsibility for establishing fines for violations of the Rules and Regulations or any other provisions of the Governing Documents of the Chalets at Ski Lake. These documents are referred to as Covenants, Conditions, and Regulations (CC&Rs). Each property owner should have a copy and read the articles. The CC&Rs cover the rights and obligations of the homeowner's association (HOA) to its members and vice versa. Each owner is accountable and responsible for the behavior of his or her tenants, family members, guests, invitees and/or other occupants of such owner's dwelling. Fines levied against occupants are the responsibility of the owner.

The procedure for assessment of fines is outlined in Article 11.26.1 of the Fourth Amendment in the CC&Rs. Below is a chart outlining those procedures. For a more detailed overview of how a fine may be assessed, please review the above stated Article.

##### **The Four Step Process for Notifying Homeowners of CC&R Violations**

###### **• 1st notice of violation**

- Utah Management on behalf of The Board of Trustees (BOT) will contact the Homeowner via phone call, personal visit or email

- Fine: \$0.00

Compliance: 10 days from the date on the written notice or email.

**•2nd notice of violation**

- Utah Management on behalf of The Board of Trustees (BOT) will contact the Homeowner via phone call, personal visit or email

- Fine: \$50.00

Compliance: 10 days from the date on the written notice or email.

**• 3rd notice of violation**

- Utah Management on behalf of The Board of Trustees (BOT) will contact the Homeowner via phone call, personal visit or email

- Fine: \$150.00

Compliance: 10 days from the date on the written notice or email.

**• 4th notice of violation**

- Utah Management on behalf of The Board of Trustees (BOT) will contact the Homeowner via phone call, personal visit or email

- Fine: \$500.00

Compliance: 10 days from the date on the written notice or email.

If no compliance from 4th notice, UM/ the BOT will send an email and/or written notice with violation, fine, compliance time and notification that the Association intends to pursue a lien against the subject Lot, which will be recorded on the property, following the statutory timeline, if not rectified.

NOTE: The aggregate amount of fines assessed against any Owner for violations of the same rule or provision of the Governing Documents may not exceed \$500.00 for a specific violation in any one calendar month.

Any owner who is assessed a fine under this Section 11.26 may request an informal hearing before the Board to dispute the fine no later than 30 days after the day on which the Owner receives notice that a 2nd notification of violation is assessed. The process outlined in Section 11.26.3 of the CC&Rs will apply to resolution of all appeals.

### **Other Legal Action, Including Emergency Actions**

1. Notwithstanding the above, the BOT may determine that the circumstances warrant additional or alternative legal action such as:
  - Pursuing a Special Assessment when applicable.
  - Pursuing a judgment or judicial relief.
  - Seeking injunctive or declaratory relief.
  - In an emergency or time sensitive situation, taking immediate legal action, as the BOT finds reasonably necessary, to stop violation of the Governing Documents or applicable state or federal law.
  
2. In accordance with the Governing Documents, the Association may pursue the recovery of its attorney fees and costs incurred in correcting violations. Regardless of whether a lawsuit is ultimately filed, the Association may endeavor to recover the legal fees and costs incurred by the Association.
  
3. Nothing herein shall prevent the BOT from reaching a resolution or compromise with an offending party. The BOT may utilize its discretion and should consider the best interest of the Association in weighing such factors as: uniform enforcement, costs of enforcement, seriousness of the violation, unique circumstances involved, timing and other relevant factors involved in the enforcement action or related conduct.

### **Fine Schedule Violations**

The following fine schedule has been adopted for all recurring CC&R violations.

The following is a list of some fines. Currently, this is not all-inclusive. Please refer to the CC&Rs regarding potential violations.

#### 11.2 Signs

10. 1, 12.1, 12.2 Damage of Property During Construction, Landscaping, Irrigation (Note: the number of days provided for compliance may differ on time of year, extent of damage, etc. If there are extenuating circumstances that make compliance within 10 days impossible, it is the responsibility of the homeowner to contact the BOT to determine the days for compliance).

#### 11.1 No Business or Commercial Use

11.4 Animals No livestock, poultry, etc.

11.8, 11.9, 11.10 Noxious Activity, Hazardous, Rubbish, Etc.

11.11 Outside Lighting and Dark Sky Violation

11.12 Sewer Connection Required

11.13 No aboveground propane tanks except as part of a barbecue

11.14 Drainage

11.23 (1 through 5) Communication Devices

11.15 Clotheslines Prohibited

11.19 Trailers, RVs, Boats, Motor Vehicles and Parking

11. 20 Motor Vehicles Restricted to Streets

11.21, 11.22 No Unsightliness, Fill-Dirt or Debris

7.1. (a through j) This incorporates the Articles on Dwelling Construction and Restrictions that may have not been approved by the ACC or was changed during or after construction of the home.

7.2. (a through l) This includes Vehicles and Parking Areas (g), Dust and Noise Control (h), Machinery and Equipment (i), Preservation of Property (j), Protection of Subdivision Improvements and Restoration of Property (k), Daily Operation (l)

10.1 Building and Landscaping Time Restrictions The exterior construction of all structures shall be completed within a period of one (1) year following commencement of construction. The lot shall be landscaped no later than one (1) year following completion of the exterior of the dwelling.

10.3 No Structure Prior to Construction

11.3 Completion Required Before Occupancy If a temporary certificate of occupancy is issued, it must be converted to a permanent certificate no later than twelve (12) months after issuance.

11.7 Maintenance of Lots

11.16, 11.17, 11.18 Other Buildings

11.24 No Transient Lodging Uses (less than 30 days)

## **Exceptions to the Four-Step Process of Notifying Homeowners of CC&R Violations**

**14.3 Failure to Pay HOA Dues** – Utah Management will send out the annual Home Owners Association dues notification each year. A \$25 fine will be issued every month that the dues are late.

### **6.2 Failure to Submit Improvement and Alterations Plans for Approval from the ACC.**

If Homeowners fail to submit improvement and or alteration plans for approval to the ACC (see Article 6.2), there will be an exception to the four-step process, and Step 2 will be imposed after 5 days from original notice (Step 1). This exception has been made in order to facilitate the process, and avoid homeowner's spending money on an improvement they may need to remove due to no approval.

Initial Fine: \$250 The Homeowner will have 10 days from the date of the notice to respond to the ACC on how they will comply. The initial fine will not be imposed until the 10 days from the date of the owner was contacted in Step-1 has expired. An additional fine of \$50 per day of every day of noncompliance after a five (5) day notice if the homeowner has not contacted the ACC.