

Ox Bottom Manor Community Association

Fines and Enforcement Policy

Adopted: September 25, 2023

1. INTENT

Florida Statutes, Chapter 720 and the Ox Bottom Manor Community Association Governing Documents allow for fines to be levied by the Association Board of Directors for violation of the Covenants and Restrictions. This process requires the Homeowner to be provided written notification of a violation of the Covenants and Restrictions and opportunity to bring the property into compliance in a timely manner. The Fines and Enforcement Committee, as outlined in this document, is responsible for overseeing the enforcement processes including conducting hearings to determine if the fine and/or suspension levied by the Board of Directors for non-compliance should be imposed.

2. FINES AND ENFORCEMENT COMMITTEE

A. The Fines and Enforcement Committee shall be comprised of no less than three (3) Homeowner Volunteers appointed by the Board of Directors. The current members of the Board of Directors and their relatives are specifically prohibited from serving on the Fines and Enforcement Committee (§720.305, Fla. Stat.).

B. In the event that there are less than three (3) Homeowner Volunteers, the Members of the Architectural Control Committee shall serve as the Members of the Fines and Enforcement Committee.

3. IDENTIFICATION, VERIFICATION AND NOTICE

A. Violation Identified or Reported: Potential violations of the Covenants and Restrictions may be identified by any Homeowner and reported to the Association Manager or a Fines and Enforcement Committee Member. The Association Manager shall maintain a record of all complaints and reports of non-compliance. All potential architectural related violations shall be referred to the Architectural Control Committee for resolution.

B. Violation Verification: The Association Manager shall refer the complaint to the Fines and Enforcement Committee to verify the reported violation. At least one (1) Fines and Enforcement Committee Member or the Association Manager shall attempt a visual inspection of the property and take photos if needed. If it a violation exists, the Fines and Enforcement Committee Member shall report their findings to the Fines and Enforcement Committee and the Association Manager.

C. Notice of Violation to Owner: Once a violation has been verified, the Association Manager shall issue a Notice of Violation, citing the specific covenant provision violation, action required to cure such violation and providing the Homeowner fourteen (14) days to bring the property into compliance.

D. Compliance: Within fourteen (14) days of the Notice of Violation, the Homeowner shall bring the property into compliance. Homeowners may provide evidence of compliance on the Association website, by U.S. Mail or hand-delivery to the Association Manager.

4. ENFORCEMENT

A. Board Consideration/Approval: Any Homeowner that has been provided proper Notice of Violation of the Covenants and Restrictions and remains in violation after (14) days, the matter shall be referred to the Board of Directors for review and further action at its next scheduled meeting. In a case of emergency, the Association Manager shall attempt to make contact with the Association President for directive.

B. Non-Compliant Property Enforcement Action: The Board of Directors shall consider all non-compliant properties at each regularly scheduled meeting and take action as follows:

1. Levy Proposed Fine and/or Suspension of Rights to Use Common Areas and Refer to the Fine Committee – See Fine Schedule
2. Refer to Association Attorney for Enforcement
 - i. Formal Notice of Violation
 - ii. Demand for Pre-Suite Mediation

C. Expedited Enforcement: The above notices required notices or the timeframe for compliance may be reduced or waived if in the opinion of the Association President and any Association Officer, or two (2) Board of Directors, if the Homeowner or alleged violator (if not the same person):

1. States a refusal to comply; or
2. Installed an improvement or made a change to a property without submitting an architectural application for approval to the Architectural Control Committee; or
3. Installed an improvement or made a change to a property subsequent to the denial of an architectural application/submittal; or
4. Altered, changed or damaged the common area; or
5. If the alleged violation is of a nature that:
 - i. Creates a dangerous condition;
 - ii. Detrimentally impacts the community; and/or
 - iii. Is recurring.

In those such instances, the Association may immediately proceed with the calling of a meeting of the Fines and Enforcement Committee as provided above and/or may turn the matter over to the Association Attorney to pursue legal action to compel compliance and/or seek damages.

Deviation from these policies or from any notice requirement shall not invalidate any notice provided herein, provide that the Homeowner and alleged violator (if not the same person) was reasonably apprised of the alleged violation(s) and proposed action of the Association.

5. FINES

The Board of Directors may impose a fine for non-compliance as set forth in the *Fine Schedule*. However, no fine may exceed \$200.00/day per violation up to the maximum allowed of \$5,000/violation.

Bylaws Article VI, Community Powers

16. The power to levy fines and suspensions for violations of any Declaration governing Lots within Ox Bottom Manor, the Articles, these Bylaws, and any Rules and Regulations promulgated pursuant thereto. No fine shall exceed \$200.00 per violation. However, a fine may be levied based on the basis of each day of a continuing violation, with a single notice and opportunity for a hearing as provided by law. The aggregate fine for a continuing violation shall not exceed Five Thousand Dollars (\$5,000.00).

6. REFERRAL AND HEARING OPPORTUNITY

A. Proposed Fine/Suspension Levied by Board: The Association Manager shall prepare a *Notice of Referral to the Fines and Enforcement Committee/Hearing Notice* and send to the Homeowner via Regular U.S. Mail and Certified U.S. Mail, Return Receipt Requested. The *Referral and Hearing Notice* will provide at least fourteen (14) days' notice of the hearing date.

B. Fine Hearing: The Fines and Enforcement Committee will conduct a hearing to determine if the proposed fine levied by the Board of Directors shall be imposed.

C. Hearing Determination: The Association Manager shall communicate the Fines and Enforcement Committee's decision to the Homeowner and Board of Directors.

7. FINES IMPOSED

Any and all fines levied by the Board of Directors and approved by the Fines and Enforcement Committee shall begin to accrue. The Homeowner shall timely pay the fines levied. If the Homeowner account remains unpaid, the account will be referred to the Association Attorney for collection action. A lien may be recorded against any property \$1,000 or more delinquent in paying fines.

FINE SCHEDULE

Description of Violation	Fine to be Levied per Day
Parking <i>Commercial Vehicles</i> <i>Boats, Trailers, Campers RVs</i> <i>Inoperable/Unlicensed Vehicles</i>	\$100
Parking <i>On Area other than Concrete/Paved Surface</i>	\$25
Architectural Control <i>Use of Unapproved Materials</i> <i>Improper Placement of Improvements</i> <i>Failure to Obtain Pre-Approval for Alterations</i> <i>Failure to Maintain Existing Improvements</i>	\$100
Mailboxes <i>Failure to Maintain</i> <i>Missing or Illegible Address Numbering</i>	\$25
Landscaping Not Maintained <i>Lawn</i> <i>Flowering Beds</i> <i>Trees/Shrubbery</i>	\$25
Trash/Debris <i>Trash Can/Recycle Bin Improperly Stored</i> <i>Accumulation/Storage of Trash and/or Debris</i> <i>Improper Disposal of Trash and/or Debris</i>	\$25
Animals/Pets <i>Unleashed</i> <i>Failure to Pick up/Properly Dispose of Waste</i>	\$50/Occurrence \$25/Occurrence
Nuisance/Disturbance	\$25
Any Violation not Specifically Listed	\$25
Repeat Violations <i>Within Previous 12 Months</i>	Twice the Daily Fine Amount