

# PROVIDENCE HIGHLANDS COMMUNITY ASSOCIATION, INC.

## RESOLUTION OF THE MANAGEMENT COMMITTEE Compliance Enforcement Policy and Hearing Procedures

**WHEREAS**, the Management Committee of the Providence Highlands Community Association, Inc. ("Association") is empowered to govern and administer the affairs of the Association and to establish rules and regulations from time to time;

**WHEREAS** the Association is governed by a Declaration of Covenants, Conditions and Restriction and Bylaws of the Providence Highlands – Phase I Subdivision, recorded April 8, 2005, as entry number 887346 in the records of Cache County, Utah, and as amended thereafter;

**WHEREAS** it is in the best interest of the Association to adopt guidelines and procedures for addressing conditions that disrupt community harmony and violations of the Declaration, Bylaws and Rules of the Association;

**WHEREAS** it may be necessary from time to time to assess monetary penalties ("fines") against owners, their guests and/or renters who are not in compliance with the Declaration, Bylaws and Rules;

**WHEREAS** the Management Committee desires to adopt a uniform and systematic policy for assessing and collecting fines.

**NOW, THEREFORE, IT IS RESOLVED** that the following procedures and schedule of fines will be adopted.

1. **Types of Violations.** Owners and their renters, as may be permitted, may have a fine levied against them for a violation of the Declaration, Bylaws or Rules of the Association ("governing documents"). Fines are for continuing violations."

A **continuing violation** is a notice of violation with: (1) requested plan to cure/cease is sent and not received for a period of ten (10) days or (2) plan has been submitted but cure has not been completed in allowed period.

2. **Notification and Time to Cure.** Before assessing the first fine for a particular continuing violation, the Management Committee (or its agent) shall give the unit owner a written warning.

The warning shall: (1) describe the violation; (2) state the rule or provision in the governing documents that was violated; (3) state that the Management Committee may assess fines if a continuing violation is not cured.

Notice is to be provided in writing and sent by regular United States mail to the last known address of the owner (or tenant or both as applicable).

3. **Fines.** Any violation of an express term, restriction or requirement in the Declaration, Bylaws or Rules is subject to a fine as described below and such provisions of the Declaration, Bylaws or Rules of the Association are incorporated herein.

**Notice.** After the original written notice is provided as stated above, the Management Committee may assess a fine, **without further notice if:**

- (1) the owner does not submit a plan to cure, to the Board within 10 days of written notice,
- (2) the violation identified in the written notice has not been cured within the time stated in the original written notice. Fines may be assessed so long as the violation continues pursuant to the schedule of fines.

Offenses subject to a fine include, but are not limited to:

Declaration Section:

- 10.2 Stored vehicles within the garage or located behind a sight obstructing fence of a least 6 feet
- 12.11 House Colors approved by Architectural Committee
- 12.14 Two Blaze Maple Trees planted in Park Strip
- 12.0 Architectural Violations (including failure to submit plans)
- 12.15 Unified Mailbox to be Maintained
- 12.16 Each lot must include a working Streetlight
- 14.4 Weeds shall be trimmed on improved and unimproved lots

#### **Schedule of Fines**

<b>1<sup>st</sup> Notice and Chance to Cure</b>	Warning
<b>2<sup>nd</sup> Notice of Violation</b>	\$25.00
<b>3<sup>rd</sup> Notice of Violation</b>	\$50.00
<b>4<sup>th</sup> Notice of Violation, and subsequent violations</b>	\$100.00

**4. Request for Hearing.** A unit owner who is assessed a fine may request an informal hearing before the Management Committee to dispute the fine within 30 calendar days after the day on which the unit owner receives notice that the fine is assessed. The hearing requested shall be conducted in accordance with the procedures below.

**5. Hearing Procedures.**

5.1 As a part of the notice that a fine has been assessed, a date shall be specified by which a hearing must be requested to appeal the fine. The date specified shall be no less than 30 days from the date of the first assessed fine. If the alleged violator desires a hearing, the unit owner must prepare a request for a hearing and deliver the request to the Management Committee in sufficient time so that it is received no later than the deadline stated in the notice of violation.

5.2 Upon receipt of such request for hearing, the president of the Association will schedule a hearing before the Management Committee at the next regular Management Committee meeting if time permits the proper notification to the alleged violator. If

there is not sufficient time for such notification, the hearing will be scheduled for the following regular committee meeting or at such other time as the Management Committee may decide.

5.3 Once the president has determined when the hearing will be conducted, the manager or Management Committee will notify the alleged violator of the date and time of the meeting during which the hearing will be conducted. The hearing will be conducted in executive session at a regular or special meeting of the Management Committee.

5.4 At the hearing, the Management Committee will hear and consider arguments, evidence, or statements regarding the alleged violation. Persons involved will be allowed to participate in the hearing by electronic communication. However, the hearing shall be conducted solely as the Management Committee deems fit and subject to any limitations imposed by the Management Committee. Following a hearing and due consideration, the Management Committee will issue its determination regarding the alleged violation and notify the alleged violator within 15 days of the date of the hearing. The decision of the Management Committee will be final and binding on the alleged violator and any complainant.

5.5 No interest or late fees may accrue until after the hearing has been conducted, if one has been requested, and a final decision has been rendered.

5.6 If no request for a hearing is filed within the prescribed period of time, or if an alleged violator fails to attend a requested hearing without advance request to change the hearing date, a hearing will be considered waived and the allegations contained in the notice of violation will be deemed admitted and any prescribed remedy will be instituted.

6. **Appeal.** A unit owner may appeal a fine by initiating a civil action within 180 days after: (a) a hearing has been held and a final decision has been rendered by the Management Committee; or (b) the time to request an informal hearing has expired without the unit owner making such a request.

7. **Unpaid Fines.** All fines are assessments and accrue interest and late fees and are collectible as such, as provided in the Declaration and the law. A fine which remains unpaid after the time for appeal has expired, can be turned over to our lawyer for collection with their fees, becomes a lien against the unit owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under the Declaration and Utah law.

The undersigned hereby certify and attest that this Resolution has been duly adopted by the Management Committee of **PROVIDENCE HIGHLANDS COMMUNITY ASSOCIATION, INC.:**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

President \_\_\_\_\_

Secretary \_\_\_\_\_