

XII. POLICY GUIDELINES AND RULES ENFORCEMENT

"The association may levy reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. A fine may not become a lien against a unit. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing. However, the fine may not exceed \$100 per violation, or \$1,000 in the aggregate." (Florida State Condominium Act, section 718) Page of

The right to enforce violations of the *Declaration, Articles, Bylaws and Rules of the Pelican Cove Condominium Association* are outlined in Section 16.3, 16.3.1 and 16.4 of the Bylaws. The following is an outline of the process.

The responsibility for rule enforcement lies with Management, acting as an agent for the Board of Directors. The body of rules includes the provisions and restrictions in *The Declaration of Condominium, By-Laws, and Articles of Incorporation*, as well as *The Rules We Live By*. Management will address reported violations directly with the unit owner who is responsible for compliance by all residents, tenants, guests, and visitors associated with the unit.

Enforcement activities for Management include:

- Maintaining the violation complaint form in paper and electronic versions
- Reviewing written, reported violations for validity
- Verifying the complaint and documenting with evidence, photos
- Notifying the unit owner as well as the person(s) committing the infraction
- Keeping accurate records of the associated communications
- Collecting payment of fines

Enforcement Procedures

We have adopted a Neighbor to Neighbor Dispute Resolution Program. This program is a voluntary, non-binding program for the purpose of providing a venue where disputes among residents can be amicably resolved. Any Pelican Cove resident who is unable to resolve conflicts with their neighbors over issues relating to *The Rules We Live By* can fill out a form at the Office, requesting the services of the Dispute Resolution Program.

1. No anonymous complaints can be accepted, but the Office will preserve confidentiality of complainant.
2. The complaint must be first-hand and provide the date, time, location, and the nature of the violation for the staff to investigate. Photos will be useful.
3. The office will verify and investigate the complaint as quickly as possible after it is received. The complainant will be notified of the receipt of the complaint and be kept apprised of progress in the enforcement process. If the investigation determines that the complaint is not valid, the office will promptly notify the parties that the complaint has been dismissed. It will be a violation of *The Rules We Live By* to use these procedures inappropriately or maliciously or to harass another party.
4. If management determines that the complaint is valid, the Office will call the owner/resident and advise him/her of the violation of a Pelican Cove rule and give them seven days to correct the violation. The office can provide a copy of this procedure, if requested.

5. If after **seven** days, the violation is not corrected, the office will send a letter to the owner citing the date, details and rule violation and what must be done to correct the violation. A copy of the rule enforcement process will be included with the letter. In addition, the letter will contain a warning that if the violation is not corrected, the owner/resident will be fined as outlined in the policy and will be charged for any cost to Pelican Cove to correct the violation.

6. If the rule violation has not been corrected **seven** days after the letter is sent, an official Notice of Violation will be sent certified mail to the owner's address on file with Pelican Cove. The Notice will contain the date, the details, cite the rule number and appropriate corresponding text and what must be done to correct the violation and a deadline for

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compliance. After receiving the certified letter, if the violation is not corrected, the complaint goes to the Board, which decides to dismiss or levy a fine. If the Board determines that a fine is warranted, then the Board will forward the matter to the Fining Committee for a hearing.

7. The hearing will be conducted by a Fining Committee of three (3) Unit Owners, appointed by the Board of Directors, none of whom serve as a Director, relatives of Board members, or persons residing in a Board member's household. Management may not serve on the Committee. At least two alternates should also be appointed. The Fining Committee will hold the hearing with or without the owner present if the owner does not respond or waives the hearing. The owner can present evidence/testimony on all issues involved and has an opportunity at the hearing to review, challenge and respond to any material considered by Pelican Cove.

8. The Fining Committee will vote to levy or not levy a fine. The Committee can vote by secret ballot. If the Committee votes not to levy a fine, no fine can be levied, and the matter is dismissed. *If the Committee votes to approve a fine, the decision returns to the Board of Directors.* No written notice or hearing will be necessary for the levy of a separate fine for repeat or continued violations if substantially similar to the initial violation for which notice and a hearing were provided.

9. When the Board levies the fine (up to \$100 a day for up to 10 days), notice is sent by *certified mail* to the unit owner/resident and the fine begins to accrue. If the fine is paid on the date the notice is received, no additional cost will be incurred; each additional day the violation continues after the notice is received is a separate violation up to a \$1,000 maximum.

10. If the owner fails to pay the fine, the amount due will be placed on the owner's account. If the owner fails to pay the fine within 90 days of the notice, the Board of Directors may vote to suspend the owner's rights to use the common elements including the right to rent out a unit and the right to vote.

11. If the fine fails to stop the violation or any additional occurrence of the same violation takes place, a second warning letter will be sent by certified mail to the owner stating that the matter has been referred to the Association's attorney. This applies even if the unit owner is not the current resident, since the owner is the party responsible for adherence to the rules.

Management will maintain a monthly list of the rule violation complaints received and investigated, with dates of action taken and sufficient information to track the action taken. The Board of Directors has the authority to adopt rules regulations and policies to fully implement its fining authority. Following agreement on this policy the Board will adopt a schedule of fines.