

# **SANTA FE AT RED CLIFFS HOMEOWNERS ASSOCIATION**

## **FINE SCHEDULE**

**Revised November 2017**

**AUTHORITY:** Santa Fe's CC&R's, Bylaws and Rules and Regulations.  
(Association's Governing Documents)

From time-to-time it may become necessary to impose a fine upon a homeowner or tenant for failure to observe a rule or regulation of the Association. This resolution documents the procedures to impose and collect such fines that insures uniform and fair treatment of all homeowners and tenants.

CC&R Article X Section 1 states in part: the Trustees may levy a fine or penalty in accordance with UTAH CODE SECTION 57-8a-208 against any homeowner or tenant who fails to refrain from violation of these covenants or rule of the Association.

### **DESCRIPTION OF THE THE POLICY OR PROCEDURE BEING IMPLEMENTED:**

#### **1. General**

The objective of this schedule is to promote and seek voluntary compliance by owners and residents with the CC&R's, Rules and Regulations as provided to owners and residents.

It is the homeowner's and tenant's responsibility to observe the Association's rules and failure to do so may result in the need to impose a penalty (which could include a fine and/or restriction of use) for such actions.

Tenants in rental units are liable for any fees or fines levied against them as provided in the Association's Governing Documents. Homeowners will be notified of violations committed by their tenants. The homeowner is ultimately responsible.

It is the duty of the Board of Trustees to assure uniform and fair treatment for all homeowners and tenants by establishing a policy that provides them notification of violation of a rule and an opportunity for a hearing before the Board of Trustees.

**2. Notification** Before assessing the first fine for a violation, the Board of Trustees or the Property Management Company shall send the unit owner a written warning by certified mail. The warning shall (a) describe the violation and approximate date and time, (b) the rule or provision in the governing documents that was violated, (c) the penalty to be imposed will begin in seven (7) business days after letter date if violation is not remedied, (d) the right of the homeowner or tenant to request a hearing to protest or dispute the notice, and (e) any fine not paid within 30 days after the due date shall be delinquent and shall bear interest from the due date at the rate of 18% per annum. In

addition the Trustees may assess a late fee for each delinquent installment, not to exceed 10% of the installment.  
(See Utah Code 57-8e-208 (2).)

3. **Fines:** After the original written notice is provided as stated above, the Board may assess a fine, **without further notice if:**

(1) within (1) year of the written warning, the unit owner commits another violation of the same rule or provision identified in the written warning, or

(2) for a continuing violation, the owner does not remedy the violation identified in the written warning and it continues for (10) days or more.

4. **Schedule of fines for violations.**

First Violation	Warning letter*
Second Violation	\$50.00 fine and/or revocation of rights for up to 60 days. Continuous violation \$20.00 per week until remedied.
Subsequent Violations	10% of annual assessment and/or revocation of rights for up to 1 year.

\*However, if the first or any of the violations is a threat to health, safety, property, or unapproved rentals, architectural or landscaping modification a fine or penalty of 10% of annual assessment and/or revocation of rights for up to 1 year may be imposed by the Board of Trustees in lieu of a warning letter.

5. **Occurrences:** Each occurrence, reoccurrence of failure to remedy the violation in the time specified in the warning or fine letter shall be deemed a separate offense. As such, the number of separate occurrences or reoccurrence of the same violation shall be used to determine whether the violation is a first, second, or subsequent violation.

6. **Complaints:** Complaints against a homeowner or tenant for a violation of the Association's Governing documents (CC&R's, Bylaws, Resolutions, Rules and Regulations, and published notices) may be made by a homeowner, tenant or the Board of Trustees. Such complaints shall include a reference to the violated, condition, Rule or Regulation, the date and approximate time of such occurrence, and shall be submitted in writing and be signed by the complainant and be kept confidential by the Board of Trustees.

Complaint shall be submitted to the Property Management Company or the Board of Trustees.

Complaints against a homeowner or tenant for a violation of the City of St. George Codes (i.e., excessive noise, animal control, etc.) may be reported to the City of St. George code enforcement for action. It is recommended that all complaints reported to the City of St. George also be reported to the Property Management Company for Documentation.

8. **Hearing:** A homeowner or tenant receiving notice may request in writing to the Board of Trustees a hearing with the Board of Trustees within fourteen (14) days of the date of notice. The Board of Trustees shall set a date and time of such hearing within ten (10) days of receiving such request. At such hearing, the homeowner or tenant shall have the opportunity to protest or dispute the notice and the complainant shall have the opportunity to voice their complaint. The Board of Trustees will review all evidence in closed session and render a final decision and notify in writing the homeowner or tenant of the final decision within three (3) business days.

Failure to request a hearing within fourteen (14) days shall be considered an admission of violation.

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.

9. **Collection:** Fines assessed and validated in a hearing of the Board of Trustees shall be added to the homeowner's account and shall be collected as an unpaid assessment as provided for in the UTAH CODE SECTION 57-8a-208. Such unpaid assessment shall incur late fees and interest as provided for in the CC&R's.

Penalty (fine and/or suspension of rights) shall take affect when the Board of Trustees renders a final decision and the homeowner and/or tenant has been notified in writing by the property management company.

10. **Extraordinary Action:** If a serious violation occurs and requires immediate action, e.g. vandalism/property damage, ...the President of the Association will be notified so he/she can call for an immediate Executive Session of the Trustees to review the incident and determine what action shall be taken. A minimum of 4 trustees (quorum) must be in attendance to review the incident. This meeting should take place within 2 days of the reporting/discovering the incident.