



Violation & Fining Policy

WHEREAS, The Board of Directors, pursuant to the Bylaws of Ballentine Pointe Homeowners Association, Inc. Article V and the Declaration of Covenants, Conditions, and Restrictions Article 16, has the authority to make, modify, repeal, and enforce reasonable rules and regulations governing the conduct, use, and enjoyment of Lots; provided, copies of all such rules and regulations shall be furnished to all Owners and Occupants.

WHEREAS, the Board of Directors shall have the power to impose reasonable fines, which shall constitute a lien upon the Owner's Lot and to suspend the Owner's right to vote for violation of any duty imposed under the Declaration, the Bylaws, or any rules and regulations duly adopted hereunder.

WHEREAS, a written fining policy is needed to reduce ambiguity and ensure fairness for all Owners

THEREFORE, BE IT RESOLVED, The Ballentine Pointe Board of Directors hereby adopts the following fining policy.

Notice

The Board of Directors, through its managing agent, shall send the violator written notice identifying the violation and sanction being imposed and advising the violator of the right to request a hearing before the Board of Directors to contest the violation or fine, or the request reconsideration of the sanction. In the event of a continuing violation, each day the violation occurs constitutes a separate offense, and fines may be imposed daily without further notice to the violator

Hearing

If written request is received from the violation in writing within 10 days of the notice of any violation, then the Board of Directors shall schedule and hold in executive session a hearing affording the violator a reasonable opportunity to be heard, with only the Board of Directors, the managing agent, and the Violator present. The Hearing shall be held electronically. If written request is received after 10 days, then the Board of Directors, at its discretion, may elect to hold a hearing in the same manner



Sanctions

The possible sanctions are monetary fines, loss of use of amenity areas, loss of good standing, and/or abatement

Monetary Fines

Monetary fines shall be issued subject to the Schedule of Fines

Loss of Use of Amenity Areas

Violation of amenity area rules will result in loss of use pursuant to the amenity use regulations in effect at the time. Other violations will not result in loss of use beyond the normal delinquent payment policy

Loss of Good Standing

In the event of a continued violation, good standing and voting privileges will be suspended until the violation is cured. The delinquent payment policy in effect shall determine loss of good standing otherwise.

Abatement

In cases determined by the Board of Directors requiring immediate corrections, the Board of Directors may use abatement instead or in addition to any fines, and the cost of such abatement shall be billed to the Owner. Unless an immediate loss or life or property requires sooner action, then such abatement shall not take place until after the ending of the 10-day notice period. In any case, if a hearing is requested prior to abatement, then the abatement shall not be performed until after the hearing

Notice of Correction

It is the responsibility of the Owner to notify the Association, either via the Board of Directors, or its managing agent, that a violation has been corrected. In the case of abatement, the cost of abatement may be charged to the Owner even if the violation is cured prior to the abatement taking place, unless such notice was provided at least 2 business days prior to the abatement taking place so that the Association can cancel any work items with any vendors. In the case of a violation that incurs fines, then the fines shall commence upon the date given in the notice and shall continue until the notice of correction has been received.



Warnings

The Board of Directors, at its discretion, may issue warnings prior to fining. If the Board elects to issue a warning, then for the first occurrence of the violation, a Courtesy Notice shall be issued giving 10 days to correct the violation. After 10 days, if the violation has not been corrected, then a Final Warning Notice shall be issued giving a further 10 days to correct the violation. After the date given in the Final Warning Notice, then the fines will start alongside the Notice of Fine.

The Board of Directors, at its own discretion, may give additional time before proceeding to issue a Final Warning Notice or Notice of Fine.

The Board of Directors may elect to not provide warnings for egregious violations and may issue a Notice of Fine and/or Abatement without any preceding Warnings

Waivers

The Board of Directors shall waive any fines issued if timestamped photographic proof of the violation being corrected is provided to the Board of Directors or its managing agent.

The Board of Directors, in its discretion, may waive additional fines excluding the cost of abatement.

Property Inspections

The Board of Directors, in its discretion, may hire a managing agent to perform property inspections. Inspections shall occur at an interval as decided by the Board and managing agent, but shall be no closer together than 10 days.

The managing agent has the authority to act on behalf of the Board of Directors when issuing any warnings or fine notices for violations found during property inspections.



Schedule of Fines

Document	Section	Recurring	Warnings Issued	Fine
Rules & Regulations	Community Maintenance Standards (CCR 14)	Yes	Yes	\$25/day
CCR	11d Prohibition of Damage, Nuisance, and Noise	No	Yes	\$50 first offense, \$100 second offense \$250 each further offense
CCR	11e Firearms and Fireworks	No	No	\$100 first offense \$250 each further offense
CCR	11f Pets	No	No+	\$25 first offense \$100 second offense \$250 each further offense
CCR	11g Parking	No	Yes – 1 warning	\$25 first offense \$100 second offense \$250 each further offense
CCR	Other Violations	Yes	Yes	\$25/day
Rules & Regulations	Pool Rules Suspension Policy	No	No	\$150 fine on third and additional offenses