

**HERITAGE VILLAGE WEST DOCUMENT ENFORCEMENT AND FINES  
POLICY AND PROCEDURE**

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Adopted by Board of Directors 3/2/2000.

Updated: March 2023

**POLICY**

The Board of Directors shall enforce by legal means, provisions of the Condominium Act, Declaration of the Condominium, the Articles of Incorporation, the By-Laws and Rules and Regulations for the use of the property of the Condominium. In the event that the Board of Directors determines that an owner of a unit or its occupant, licensee or invitee is in violation of any of the provisions of the Condominium Act, the Declaration, By-Laws, Articles or Rules and Regulations, the Board may levy a reasonable fine of a sum not exceeding \$100.00 per violation against the unit owner. Each day during which the violation continues shall be deemed a separate violation, provided no such fine shall exceed in the aggregate, \$1000.00. Before levy of any fine, a defaulting Unit Owner, and, if applicable, its violating licensee or invitee shall be entitled to a hearing before a committee of three (3) unit owners other than members of the Board, upon reasonable written notice of not than fewer than three (3) days which includes a statement of the date, time, and place of the hearing, the alleged violation and the Association's assertions. If the committee determines that a fine should not be levied, then the Board shall not have the right to levy any fine. No fine shall become a lien against a unit.

**PROCEDURE**

**ESTABLISHMENT OF A FINE COMMITTEE**

The Board of Directors shall appoint a Fine Committee consisting of three (3) unit owners. A Board Member may not be a member of the Fine Committee.

**DUTIES OF THE FINE COMMITTEE:**

The Fine Committee shall meet upon written notice from the Board of Directors of Heritage Village West indicating that violations of a document has occurred and that the Board plans on accessing a fine on said violation.

The Fine Committee decides if a violation has indeed occurred. If "yes, proceed as defined below. If "no" the committee is to inform the Board of the decision and the basis for the decision, and no further action is required by the Fine Committee or the Board of Directors.

The Fine Committee is to hold a hearing on the violation giving written notice to the alleged violator that such a hearing will be held. The hearing notice must be given at least three (3) days in advance of the hearing. The alleged violator is invited to attend the hearing and present evidence in his or her behalf.

At the hearing, if the Fine Committee finds in favor of the Board, the Board may levy a fine against the violator. If the Fine Committee rules in favor of the alleged violator, no fine may be levied.

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**DUTIES OF BOARD OF DIRECTORS**

At least one Board of Director is to attend the Fine Committee hearing and shall be prepared to define the amount of the fine that will be imposed. The fine amount and hearing results shall be sent to the violator by registered mail within three (3) days of the hearing conclusion.

If the Fine Committee rules in favor of the alleged violator, no fine shall be imposed and the Board of Directors shall send the alleged violator a registered letter indicating that no fine will be imposed.

**POINTS OF CONSIDERATION**

- Was the offense a violation of Heritage Village West Documents? Have said documents, rules and regulations been delivered to all owners at least thirty (30) days before said violation?
- Has the Board documented said violation in writing of what rule was violated, including time and dates of violation?
- If appropriate, was sufficient time allowed for correction of said violation?
- Have similar violations of the same document or rules been uniformly addressed?