

**SWAN CREEK HOME OWNERS ASSOCIATION**

Fine Policy and Schedule of Fines

WHEREAS **Article 8 "Membership" Paragraph 8.1, 8.2, 8.2.1** and in the **Second Amendment Article 9: General Provisions: Paragraph 9.3.2. and 9.3.2.1.** of the CC&R's grants the Board of Trustees with the power to conduct Association business and to protect community harmony.

WHEREAS the Board of Trustees is authorized to enforce timely assessment payments from owners and compliance with Rules and Regulations and other policies enacted in accordance with the governing documents by assessing monetary penalties against owners, their guests, occupants, and renters who are in violation.

IT IS RESOLVED THAT the following Schedule of Fines will be followed

1. Fines for specific offenses are:

EXHIBIT A: Schedule of Fines\*\*

Offense	Per Day	Per Occurrence
1. Public Safety-----	N/A	\$ 500.00*
2. Architectural-----	\$ 15.00	N/A
3. Set Back Requirements-----	\$ 15.00	N/A
4. Parking-----	\$ 10.00	N/A
5. Noxious Activities or Excessive Noise-----	N/A	\$ 50.00
6. Unauthorized use of Off Road Vehicles-----	N/A	\$ 50.00
7. Rental Restrictions-----	\$ 1000.00	\$ 7000.00
8. RV lots Restrictions-----	\$ 50.00	N/A
9. Pets and Animals-----	N/A	\$ 25.00
10. Common Area-----	N/A	\$ 200.00
11. Auto Maintenance or Repairs-----	\$ 10.00	\$ 10.00
12. Trash Disposal-----	N/A	\$ 225.00
13. Yard Maintenance-----	\$ 10.00	N/A
14. Fencing-----	\$ 10.00	N/A
15. Open Fires-----	N/A	\$ 500.00*
16. Firearms(discharging)-----	N/A	\$ 500.00*
17. Water Service Tampering-----	N/A	\$10000.00*
18. Nonpayment of Dues and water disconnect fee	N/A	\$ 200.00*
19. Use of ANY type of firework-----	N/A	\$ 1000.00*
20. Documented unauthorized or malicious publication of the gate code	\$ 500.00*(1 <sup>st</sup> offense)	
Fines double for each offense thereafter		
21. Other Violations of the Declaration-----	Up to \$ 250.00	N/A

**\* There is no correction period for items with an asterisk; occurrences must be remedied immediately.**

**\*\*All violations respective to any part of this policy requiring judicial enforcement shall have applicable legal fees added to the imposed fine.**

2. Notification. Before assessing the first fine for any violation, the board shall: (1) notify the Lot Owner of the violation, (2) Inform the Owner that a fine will be imposed if the violation is not remedied within 48 hours, or immediately as noted above, as required by the Utah Ownership Act. (3) Inform the Owner that the Owner may request an informal hearing to protest or dispute the fine within 30 days from the date the fine is assessed.

2.1 In the event that the annual dues, fines or any special assessment are unpaid after 120 days of the original due date and appropriate attempts to collect have been unsuccessful, the Board has the authority to terminate water service. If water service is terminated, SCVHOA will charge \$200.00 for a disconnect fee and \$200.00 to reconnect when all fees and interest are paid in full.

3. Request a Hearing. A lot owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 30 days from the date the fine is assessed. The hearing requested shall be conducted in accordance with standards provided in Section 6 below

4. Unpaid Fines. All unpaid fines shall accrue interest and late fees as provided in the CC&R's and if not paid the association has the authority to pursue any legal means possible.

5. Appeal Process. Any Owner receiving a fine who believes no violation occurred, may submit a written explanation to the Board of Trustees. The owner will be given an opportunity for a hearing and no enforcement fee will be imposed until after the hearing.

6. Hearing: Procedures.

6.1 As a part of the notice of violation, a date is specified by which a hearing must be requested. The owner/resident must prepare a request for a hearing and mail the request to the Board in sufficient time to arrive no later than the last date stipulated in the notice of violation

6.2 The President of the Association will schedule a hearing before the Board at the next regular Board 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 Board meeting.

6.3. Once the President has determined when the hearing will be conducted, the manager or Board 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 Board.

6.4 At the hearing, the Board will hear and consider arguments, evidence, or statements regarding the alleged violation. Following a hearing and due consideration, the Board 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 Board will be final and binding on the alleged violation and complainant.

6.5 No interest or late fees may accrue until after the hearing has been conducted and a final decision has been rendered

6.6 If no request for a hearing is filed within the prescribed period of time, 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.

6.7 Failure of an alleged violator to attend a requested hearing without advanced request to change the hearing date will be deemed a waiver of the hearing and the allegations contained in the notice of violation will be deemed admitted and any prescribed remedy will be instituted.

NOW, BE IT FURTHER RESOLVED, the Board of Trustees of the Swan Creek Village Homeowners Association, hereby adopts a formal schedule of fines by which all owners will be bound in the event of a violation of the Governing Documents, attached here to as Exhibit A:

NOW, BE IT FURTHER RESOLVED, that the attached schedule of fines may be amended and revised from time-to-time by the Board of Trustees for the Swan Creek Village Homeowners Association.

NOW, BE IT FURTHER RESOLVED, that nothing herein shall limit the authority of the Board of Trustees from enforcing the Governing Documents of the Swan Creek Village Homeowners Association by any and all means permitted by law, in addition to the levying of fines, as may be deemed necessary.

ATTEST:

*Robin Barraclough*

President

*Marty C Malheiro*

Secretary

Date: 10-7-2019

Date: 10-7-2019