

Enforcement Rules

Utah Code §57-8 and the Edgewood HOA By-laws grant authority to the HOA Board to “adopt and publish rules and regulations governing the use of the Common Areas, and the conduct of the Members and their guests thereon, ant to establish penalties of the infraction thereof.”

To address this responsibility, the following Enforcement Rules were presented to and discussed by the HOA Board, and upon a vote by a valid quorum, said Enforcement Rules were approved unanimously at its 6/15/2010 Board Meeting.

1. The Board retains the right to apply the enforcement policies set forth in these Rules and to take any action provided for in any section of these Rules in response to any violation or continuing violation of the Edgewood Estates CCRs and/or By-laws (“Governing Documents”).
2. Any violation or continuing violation of these Rules or the Governing Documents may result in any one or more of the following actions as deemed appropriate and reasonable by the Board or as otherwise required or allowed by the Governing Documents:
 - a. Warning
 - b. Fine (pursuant to the schedule and requirements below)
 - c. Lien
 - d. Instituting legal action for damages, injunction, etc.
 - e. Suspend the voting rights and other privileges associated with HOA membership by a Member and their guests for the period during which any Assessment remains delinquent.
 - f. Take any other appropriate action including but not limited to, any action provided for in the Governing Documents.
3. If any two sections in these Rules apply to the same incident or matter, any proscribed penalties, fees, fines, or remedies may be in addition to one another, according to the reasonable determination of the Board.
4. Members in violation of the Governing Documents will be assessed and must pay all reasonable legal fees, collection costs, lien fees, management fees, processing fees and all other costs incurred by the Association related to enforcing the provisions of the Governing Documents.
5. Enforcement Action Other Than Fines.
 - a. Upon notice of an enforcement action other than a fine, the Member may request a hearing under the same procedure provided below for fines. If a hearing is requested, the rules and procedures for a hearing on a fine shall be followed, except that the enforcement action shall not be stayed.
6. Fines
 - a. A fine may be assessed for each and every specific type of violation of each and every provision, prohibition, and requirement of the Governing Documents.
 - b. Fine Amounts and Procedure:
 - i. Prior to assessing a fine, the Association shall give a written notice, mailed or hand-delivered, which shall inform the person that a fine will be imposed if a second similar violation occurs or if a continuing violation is not cured within 48 hours.
 - ii. The second violation of the same type after a warning in any twelve month period or any continuing uncorrected violation after the initial 48 hour warning period, is specifically assessed a fine of \$25.00.

- iii. The third violation of the same type within a twelve month period or any uncorrected violation continuing at least ten days after the assessment of the second violation fine, is specifically assessed a fine of \$50.00.
 - iv. The fourth violation of the same type within a twelve month period or any uncorrected violation continuing at least ten days after the assessment of the third violation fine, is specifically assessed a fine of \$75.00.
 - v. The fifth violation of the same type within a twelve month period or any uncorrected violation continuing at least ten days after the assessment of the fourth violation fine, is specifically assessed a fine of \$100.00.
 - vi. The sixth and each additional violation of the same type within a twelve month period or any continuing violation of at least ten days after the assessment of the fifth and each subsequently-assessed fine, is specifically assessed a fine of \$250.00.
- c. Cumulative fines for a continuing violation shall not exceed \$500 per month. If any fine in the schedule above would result in assessments above \$500 in one calendar month for a continuing violation, the applicable fine amount shall be reduced to an amount such that the total fines for the continuing violation in that month shall be \$500.
 - d. A person 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.

7. HEARINGS

- a. The hearing process for any hearing permitted in the Governing Documents shall be conducted in accordance with the standards below.
 - i. If a hearing is requested, no interest or late fees shall accrue related to the fine until after the hearing has been conducted and a final decision has been rendered by the Board.
 - ii. All requests for hearing shall be in writing and shall be mailed or delivered to the President or Vice President of the Association.
 - iii. The hearing must occur within thirty (30) days after the Member delivers a written request for hearing to the President or Vice President of the Association.
 - iv. Any hearing as a result of such a request shall be governed by the following rules:
 - 1. The Member must appear at the time and place designated by the Board for the hearing.
 - 2. At the hearing, the Member contesting the fine shall be entitled to fifteen minutes to present evidence to challenge the alleged occurrence of the violation of the rule or such other evidence and information as the Member believes is pertinent or appropriate to the consideration of the Board.
 - 3. The Board may establish and announce at or before the hearing any other reasonable rules regarding the hearing. If the decision is not announced at the hearing, within ten days of the hearing, the Board shall issue and mail to the Member a written decision regarding the dispute.
 - 4. The Board's response shall be final.
 - 5. The Board may rely on any reasonable information and evidence in determining whether or not a violation of the Rules has occurred both initially and after a hearing.
 - v. Fines not paid by the monthly assessment due date following their issuance shall accrue interest and late fees the same as any other late assessment amount, subject to any requirements for delaying the assessment of interest or late fees related to a hearing.