

# BLUE LAKE SPRINGS HOMEOWNERS ASSOCIATION

## VIOLATION AND FINING POLICY, SCHEDULE OF FINES

\*\*\*\*\*

*This document sets forth the Blue Lake Springs Homeowners Association's (the "Association") policy for imposing sanctions for violations of the Association's Governing Documents and its Schedule of Fines, pursuant to California Civil Code section 5850(a) and the Association's Bylaws and Declaration of Covenants, Conditions and Restrictions ("CC&Rs").*

1. Authority of the Association's Board of Directors. The Board of Directors, pursuant to the Governing Documents, has the authority to adopt and establish rules, regulations, and policies relating to the administration, management, operation, use and occupancy of the Blue Lake Springs development (the "Development"), the Common Area, and the personal conduct of Owners and residents, members of their household, pets, tenants, invitees and guests (i.e., the "Rules"), and to take such steps as it deems necessary for the enforcement of the Rules and other Governing Documents.
2. Member Responsibility. Each Owner is a Member of the Association and is responsible for complying, and for their family members', tenants', invitees', guests', and household members' (each a "Non-member Party") complying, with the Governing Documents. Owners shall give their tenants, if any, copies of the Governing Documents, including the Rules and any amendments as they are adopted. In the case of a violation by a Non-member Party, the Association shall notify the responsible Owner, and any disciplinary action for non-compliance will be imposed against that Owner.
3. Notice of Violation and Opportunity to Cure. The Board may provide a Member who has violated or who is responsible for a violation of the Governing Documents with written notice and may, depending on the nature of the violation, provide the Member a reasonable time to cure or correct the violation. Whether to provide such opportunity to cure or correct shall be within the sole discretion of the Board. If the Member fails to cure or correct the violation, or if the Board determines that providing an opportunity to cure or correct is not appropriate under the circumstances, the Board shall notify the Member of the meeting at which the Board will consider its disciplinary options, including levying fines and suspension of membership rights
4. Violation of Law. The Association may treat any violation of state, municipal or local law by an owner in the same manner as a violation of the governing documents if the owner's violation creates a nuisance to other owners or to the Association.
5. Hearing Notice. At least ten (10) days before the meeting at which the Board will consider discipline of the responsible Member, the Board shall notify such Member in writing (the "Hearing Notice"). So that the Member is aware of the nature of the violation, the evidence thereof, and what discipline the Board can consider, the Hearing Notice shall:
  - a. Identify the Governing Document provision(s) alleged to be violated,
  - b. Set forth the facts that the Board believes justify disciplinary action,
  - c. Identify the date, time and place of the hearing,

- d. Describe the disciplinary action being contemplated, and
- e. State that the Member is entitled to attend the meeting and to address the Board.

This notice will be given either by personal delivery or deposited in the United States mail, first class mail, postage prepaid, sent to the most recent address for the affected Member as shown on the records of the Association.

6. Hearing. The meeting shall be conducted by the Board. The Member shall be entitled to attend the meeting and address the Board. Alternatively, the Member may submit a written explanation to the Board prior to the meeting for the Board to consider.

7. Imposing Disciplinary Action. The Board may impose one or more disciplinary actions if it determines at the meeting that the Member or a Non-member Party for whom the Member is responsible has violated the Governing Documents. Disciplinary action may include, but is not limited to (i) temporary suspension of membership rights, (ii) fines, and (iii) any other discipline authorized in the Governing Documents for such violation.

In the case of continuing violations, the Board may impose a fine and/or suspend rights once every thirty (30) days until the violation is remedied, provided that notice and the opportunity for a hearing are given each month. The Board may limit the scope of such hearing to facts and circumstances occurring subsequent to the previous Board hearing relating to the subject continuing violation. Repeated or habitual violations within a 30-day period, such as parking violations, shall not constitute a "continuing violation" but shall be a separate violation for each occurrence, and a fine or other sanction may be imposed for each and every separate violation, provided that notice and an opportunity for a hearing are given for each violation.

8. Notice of Board's Decision; Effective Date of Disciplinary Action. The Board shall notify the Member of its decision, in writing, within fifteen (15) days after the meeting. If any disciplinary action is imposed, the notice shall describe the disciplinary action and its effective date.

9. Schedule of Fines (Civil Code section 5850). The Board of Directors has adopted the following Schedule of Fines, which will be in effect until changed by action of the Board:

First violation:	\$100.00
Second instance of the same violation:	\$200.00
Third instance of the same violation:	\$300.00
Fourth and subsequent instance of the same violation:	\$400.00

9. Penalties in Addition to Corrective Measures. The imposition of fines and suspension of voting and use rights are in addition to the requirement that Members comply with the Governing Documents as required by the Board of Directors. Compliance may include, but is not limited to, correcting, repairing or replacing noncomplying conditions, all at the Member's cost.

10. Payment of Fines. Fines are due when imposed by the Board and are delinquent if not paid within fifteen (15) days after they are due. All sums payable hereunder by a Member shall be subject to late charges, interest and collection as permitted by the Governing Documents, including but not limited to a lawsuit to compel payment of delinquent amounts and to recover attorneys' fees and costs of enforcement.

11. Other Remedies. The Association reserves the right to avail itself of any other remedy permitted by law and the Governing Documents to enforce the provisions of the Governing Documents. These remedies include, but are not limited to, requesting that the matter be submitted to a form of alternative dispute resolution such as mediation or arbitration, entering a Lot to correct a violation, requiring or taking immediate corrective action with respect to property in cases of a bona fide emergency, seeking assistance from local law enforcement, city code compliance or similar public agencies as applicable, or bringing an action in court. Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the Association from electing at a later date to pursue another remedy.

*Adopted by resolution of the Board 1999*  
*Revised by the Board September 20, 2003*  
*Revised by the Board September 16, 2017*