

Rimfire Lodge Fines & Enforcement Policy

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Rimfire Lodge Condominium Association Fines & Enforcement Policy
Adopted 07/08/2019

WHEREAS, Article 6, Section 6.03 of the Rimfire Lodge Condominium Association By-Laws grants the Board of Directors all of the Powers and duties necessary for the administration of the Condominium Association; and

WHEREAS, Article 18, Section 18.01 of the Rimfire Lodge Association Condominium Declaration sets forth the guidelines for enforcement and remedies of each provision of the declaration, bylaws and Association policies;

WHEREAS, The Board wishes to clarify the amount of the fines which may be imposed and the procedure for imposing the same,

NOW THEREFORE, BE IT RESOLVED THAT the fines shall be levied in accordance with the provisions of this resolution.

1. Fines

The Board of Directors (hereinafter referred to as the “Board”) is authorized to levy fines for violations of the Declarations, By-Laws, Association policies, rules and regulations pursuant to the following schedule of amounts, and upon complying with the following procedure.

2. Fine Procedure

Informal Notice

The Board or Association Management may notify homeowners informally of violations of the Declarations, By-Laws, policies, rules or regulations of the Association by the homeowner, their guests, family or renters by telephone, personal contact or other means including electronic communication. The Board views it to be desirable to attempt to resolve such issues quickly and with a minimum of time and expense to the Association and to the homeowners. The Board, however, is not required to provide such informal notice and failure to receive such informal notice is not a basis for disputing a fine or waiver of any enforcement rights as allowed under law.

Formal Notice

If the homeowner fails to rectify the violation within thirty (30) days of the initial notice, the Board shall initiate the formal fine procedure by sending a Notice of Violation and Intent to Fine by regular mail or electronic mail to the homeowner’s address or email address of record.

Notice of Appeal

A homeowner receiving a Notice of Violation and Intent to Fine shall have fifteen (15) days from the date the notice was sent to document correction of the violation, file written notice of appeal or file a written request for a

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personal hearing before the Board to demonstrate why the fine should not be levied. If the next regularly scheduled Board meeting is more than thirty (30) days after the date of the written request, the Board will arrange a conference call at which the homeowner may be heard. The majority decision of the Board regarding the appeal will be final.

Fine

If the homeowner fails to provide acceptable documentation or appeal to the Board within the specified time period, the Board may levy a fine against the homeowner. In the event the Board levies a fine, it shall provide written or electronic notice of such action to the homeowner.

Continuing Violations

The Board shall specify at the time a fine is levied whether the fine is for a continuing violation. A homeowner fined for a continuing violation shall be responsible for demonstrating to the Board that the violation has ceased. Fines for continuing violations shall continue to accrue until the homeowner has demonstrated to the Board's satisfaction that the violation has ceased.

3. *Schedule of Fines*

Fines will be assessed as follows:

- 1st violation may result in informal notification followed by formal notification if not corrected. A \$15 fine per month will be levied following formal notification until the violation is corrected.
- 2nd violation of a similar kind may result in a \$25 fine per month until the violation is corrected.
- 3rd violation of a similar kind may result in a \$40 fine per month until the violation is corrected.
- 4th violation of a similar kind may result in a \$60 fine per month until the violation is corrected.
- Each subsequent similar violation may result in a \$75 fine per month until the violation is corrected. Violations of a serious or grievous nature may also incur a daily fine of five (\$5) beginning ninety (90) days after the first violation and continuing until the violation is corrected.
- If the condition remains unresolved beyond 180 days, the fine may be doubled and a lien may be filed.

Violations of a similar kind occurring during the period of one year after a condition is resolved and all fines have been paid are considered "additional" violations and fines may escalate. After one year, the process may begin again as if a first violation. "Similar kind" shall be defined as a violation that is, in the opinion of the Board, substantially like a previous violation or that is a violation of the same section of the Declarations or By-Laws or of the same policy, rule or regulation. Fines may be imposed on a per unit basis. These fines are guidelines for standard fines only. The Board, in its sole discretion, reserves the right to levy lesser or greater fines, and provide additional warnings or fewer warnings before fines are made.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Rimfire Lodge Condominium Association, Inc., a West Virginia nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors at a duly called and held meeting of the Board of Directors on the 8th day of July 2019 and, in witness thereof, the undersigned has subscribed his name.

RIMFIRE LODGE CONDOMINIUM ASSOCIATION INC.,
A West Virginia nonprofit corporation.

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By: 
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PRESIDENT