

BEACON HILL CONDOMINIUM ASSOCIATION

ENFORCEMENT POLICY

Dated 06/04/03
Revised 2/1/06
Revised 6-28-13
Revised 11-17-14

An offense under Beacon Hill Condominium Regulations will be enforced as follows:

I. Non-Parking, Non-Vehicle Registration and Non-Lease Type Violations

First Offense- Letter to offender demanding compliance within fifteen (15) days. If not corrected, offense shall be deemed continued and further enforced.

Second Offense or continuing offense- A fine will be levied in an amount not less than \$25.00 nor more than \$100.00.

Third Offense- or continued offense subsequent to second offense- A fine not to exceed \$150.00 will be levied. For any subsequent offense a fine not to exceed \$300.00 will be levied. Each day of a continuing third offense shall be considered a further continued offense. Owners and tenants shall be jointly and separately liable for every offense.

II. Enforcement Procedures For Non-Parking, Non-Vehicle and Non-Lease Related Violations

1. Identification of Violation

Violations may be reported in writing by any member of the Association, any Executive Board Member, or any Employee of the Association. Additionally, the Property Manager may conduct periodic inspections for the purpose of identifying violations. Notice of any violations identified by any means described herein shall be given in accordance with Paragraph 2 hereof.

2. Notice of Violation

Any person who is believed to be committing a violation of the Declaration of Condominium, By-Laws, and/or Rules Regulations of the Beacon Hill Condominium Association shall receive written notice thereof. Additionally, if the violation is being Committed by a Tenant and/or guest of the Unit Owner, the Unit Owner shall receive notice of the violation. Non-Parking and Non-Vehicle related violations shall be given by ordinary and/or certified mail. Failure of the Unit Owner and/or person charged with the violation to accept any service of notification shall not effect any of the time periods herein **nor shall it be deemed as a defense to the charges.**

3. Non-Vehicle, Non-Parking and Non-Lease Related Violations shall contain the following information:

- A. A description of the conduct or condition constituting a violation.
- B. A reference to the Declaration, By-Law and/or Rules Regulation which is being violated.

- C. Notice of the penalty which is assessable for the violation and notice of the enforcement remedies the Association has, including the collection of attorney's fees and costs.
- D. Where appropriate, notice that if the violation is corrected within a specified number of days no further action will be taken and no finding of a violation shall occur.
- E. Notice of the date when the Executive Board will determine whether a violation has occurred, whether it has been corrected, and whether and how much of a fine shall be imposed. The notice shall further state that the violator and/or Unit Owner has the right to appear at the hearing in person and/or through legal counsel to contest the violation and to present any relevant evidence as to whether the violation charged has occurred and/or has been corrected. The person charged with a violation and/or the Unit Owner shall advise the Executive Board through the office of the Property Manager of his or her intention to appear and contest the violation. Notice of intention to appear shall occur not less than three (3) business days prior to the date scheduled for the hearing.
- F. The Executive Board shall determine at the scheduled hearing date whether a violation has occurred and, if so, the amount of fine to be imposed in accordance with Section I hereof.
- G. The amount of any fine imposed shall be levied as an assessment in accordance with Section 14.01 of the Declaration of Condominium. If the Unit Owner and/or violator fails to pay the fine assessed, attorneys' fees and cost of collection shall be assessed as provided in the Declaration of Condominium.
- H. A copy of this Enforcement Procedure and of the applicable provision of the Declaration of Condominium and/or Rules Regulations that have been violated shall accompany the notice of violation.
- I. The decision of the Executive Board shall be communicated to the Unit Owner and person charged with the violation within (10) days after the conclusion of the hearing. Notice of the decision of the Executive Board shall be given by regular and Certified Mail. Failure of either person to accept delivery of the certified mail shall not effect any of the time periods provided herein.

III. APPEALS, CONTINUING VIOLATIONS AND/OR SUBSEQUENT VIOLATIONS

- 1. Any person who is aggrieved by the decision of the Executive Board as to any violation charged, shall have the right to contest such action by filing a declaratory judgment or other appropriate proceeding in a court of competent jurisdiction. Such action shall be filed in a court of competent jurisdiction within thirty (30) days after the date of notice of decision is served by hand delivery or regular mail pursuant to Beacon Hill Condominium Association Declaration Section 21.01 by the Executive Board to the Unit Owner and/or person charged with the violation. The effective date of notice shall be the date of actual hand delivery or the date five (5) days after deposit in the mail in the case of notice sent by mail. Failure to file an appeal of the Executive Board's decision within the requisite thirty (30) day period will result in the loss of the right to contest the Executive Board's decision. No action may be commenced in any court until all internal administrative remedies as promulgated by the Executive Board have been exhausted. This condition is in furtherance of Section 17.02 of the Declaration of Condominium.
- 2. If the person charged with the violation fails to comply with the violation notice within 15 days of the date of the notice of violation is issued, then each day the violation

continues beyond the 15 day period shall constitute a separate violation and subject the violator and/or Unit Owner to a separate fine as to each violation. Notice of the additional violation and an opportunity for a hearing on the same shall be given in accordance with Section II hereof. However, no additional opportunity to cure the violation shall be required. The Executive Board shall have the right, but not the obligation, to waive some or all of the additional fines for continuing violations where a good cause is shown for not correcting same within 15 days of first notice.

3. Any person and/or Unit Owner who, within the same calendar year commits subsequent Violations of the same provisions of the Declaration, By-Laws, and/or Rules and Regulations shall be liable for the fines imposed for subsequent violations as provided in Section I hereof.

IV. Parking and Vehicle Registration Type Violations

Parking and Vehicle Related Violators are subject to have their vehicles towed for non-compliance with the Beacon Hill Condominium Vehicle and Parking Rules as defined in Section I of the Beacon Hill Condominium Association Regulations Revision of 3-10-03. The Unit Owner and/or Tenant who permitted the vehicle to remain in Beacon Hill shall be responsible for the cost of towing, storage fees, and any other fees that are incurred.

Alternately, Parking and Vehicle Related Violators may be subject to enforcement as detailed in Section I of this document.

Specifically note that:

1. **Abandoned Vehicles-** Unlicensed and/or un-inspected vehicles are considered abandoned vehicles. Such vehicles will be tagged on their windshield with a Warning that the Vehicle is Improperly Parked. Owners shall be given seven (7) days notice to remove the aforementioned vehicle or to correct the violation. A message will be written on the tag stating what corrective action is needed. If corrective action is not taken within seven (7) days, the vehicle will be towed at owner's expense. Tagging the vehicle windshield shall constitute proper notification.
2. **Unregistered vehicles-** are vehicles that have been identified that normally park in the community parking areas without having a Beacon Hill Parking Sticker on their car. Unregistered Vehicles will be tagged on their windshield with a Warning that the Vehicle is Improperly Parked and owners will have 7 days to register their vehicle with the Management Office. Owners of vehicles who do not register the vehicle within seven (7) days of being tagged are subject to being towed at owner's expense. Tagging the vehicle windshield shall constitute proper notification.
3. **Unauthorized Vehicles-** Unauthorized vehicles are those vehicles listed in Item 1 Section 7 of the Regulations Revision (Commercial vehicles, Trucks with commercial lettering, Trucks in excess of $\frac{3}{4}$ tons, All Terrain-Vehicles, Trailers, Recreational trailers, Boats, Snowmobiles, Sea-Do's, Jet Skis). Unauthorized vehicles will be tagged with a Warning that the Vehicle is in violation of the Beacon Hill Vehicle Rules and owners will have 7 days to find an alternative place to park their Unauthorized Vehicle. After the expiration of seven (7) days, such vehicles are subject to towing whenever they again begin to park in the Beacon Hill Community. Tagging the vehicle windshield shall constitute proper notification.

V. Enforcement Procedures For Parking and Vehicle Related Violations

1. Vehicles in Violation of the Beacon Hill Regulations will be tagged with a sticker on their windshield, which shall state the following information:
 - a. cite the rule that the vehicle violates

- b. that the vehicle will be towed in seven (7) days if the violation has not been cured or the vehicle has not been removed from the Beacon Hill Community
- c. will provide Notice of the date when the Executive Board will meet.

Notice will also be sent by ordinary and/or certified mail if an appropriate address is known by the Property Manager. ***The date the sticker is posted on the vehicle will be deemed the date of notification.*** (If after reasonable investigation the Property Manager cannot locate an appropriate address, posting a sticker on the windshield is sufficient to satisfy notification requirements and failure to serve notification by ordinary or certified mail shall not be deemed to defeat perfection of notification requirements). Failure of the unit owner to see the glued sticker placed on the windshield of the violating vehicle shall not affect the time period for towing ***nor shall it be deemed a defense to the charges.***

2. Once a vehicle has been cited for a specific offense and the seven (7) day towing notification has expired, if the vehicle reappears in Beacon Hill in the same calendar year for the same offense, it is subject to immediate towing whether or not towing already occurred for the original offense, as proper notice is deemed to have already been provided. No additional notification is required.
3. Notice of the date when the Executive Board will next meet will be provided on the violation sticker so that the violator can appear at a hearing if so desired. The violator and/or Unit Owner has the right to appear at the hearing in person and/or through legal counsel to contest the violation and to present any relevant evidence as to whether the violation charged has occurred and/or has been corrected. **The date a vehicle will be towed is not extended due to the violators' intent to appear at a later hearing.** The person charged with a violation and/or the Unit Owner shall advise the Executive Board through the office of the Property Manager of his or her intention to appear and contest the violation and/or towing. Notice of intention to appear shall occur not less than three (3) business days prior to the date scheduled for the hearing.
4. The Executive Board shall determine at the scheduled hearing date whether or not the violation occurred and what, if any, additional corrective actions need to be taken.
5. The decision of the Executive Board shall be communicated to the Unit Owner and person charged with the violation within (10) days after the conclusion of the hearing. Notice of the decision of the Executive Board shall be given by regular and Certified Mail. Failure of either person to accept delivery of the certified mail shall not effect any of the time periods provided herein.

VI. APPEALS FOR PARKING RELATED VIOLATIONS

Appeals from decisions of the Executive Board to courts of competent jurisdiction may be pursued in the manner as indicated in Section III Paragraph 1 of this Enforcement Policy.

VII. LEASE RELATED VIOLATIONS:

FINES FOR NON-SUBMITTAL AND/OR NON-APPROVAL OF LEASE & LEASE/TENANT ADDENDUMS AND LEASE/TENANT ADDENDUM RENEWALS AND ALSO FOR TENANTS WHO REMAIN ONSITE WITHOUT SUCH APPROVAL.

Note that all fines are assessed to the owner of the Unit.

Fines will be implemented as follows:

1. Any delay or failure to submit to the Association, a signed Lease and a Lease/Tenant Addendum prior to tenant occupancy and/or prior to renewal of a Lease will result in an initial \$100.00 fine.
2. If after 30 days a Lease and Lease/Tenant Addendum still has not been submitted to the Association and/or such approval (as to form only) was denied by the Association and the tenant remains on-site, an additional fine of \$200.00 will be assessed against the owner of the unit.
3. If after 60 days a Lease and Lease/Tenant Addendum has not been submitted to the Association and/or such approval (as to form only) was denied by the Association and the tenant remains on-site, an additional fine of \$300.00 will be assessed against the owner of the unit.
4. \$300.00 fines will continue every 30 days thereafter until a Lease and Lease/Tenant Addendum has been submitted and approved (as to form only) or the tenant has been evicted and the Association has been properly notified via written letter.
5. If the Lease is denied (as to form only) by the Association, then the fines will continue until the tenant has been removed from the premises and the Association is notified in writing. If the Association finds that the tenant is in fact still entering into the said Unit the fines will continue, as per the above schedule, until the tenant has vacated.

VIII. FINES FOR INFRINGEMENT OF THE QUIET ENJOYMENT OF SPACE

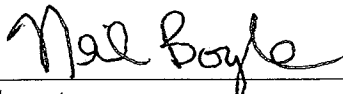
Any owner or occupant of any Unit who carries on, or permits to be carried on, any practice which unreasonably interferes with the quiet enjoyment and/or proper use of another Unit or the Common Elements or which creates or results in a hazard or nuisance on the property will be fined \$100.00 for the first offense, \$200.00 for the 2nd offense and \$300.00 for each offense thereafter with such fines being implemented by the Beacon Hill Condominium Association Executive Board against the owner of the Unit in violation.


Appeals for violations of Quiet Enjoyment of Space are governed in Section III of this document.

REVISED, RESOLVED AND ENACTED by the *Executive Board of Beacon Hill Condominium Association* this 17th day of November 2014

Attest:

Beacon Hill Condominium Association


Secretary

BY: 
Lee Colletti, President