

## **REPETITIVE OFFENDERS**

When the acts or omissions of an owner, which violate governing documents requirements or restrictions including those within this Rule or Policy, repeatedly and continually occur over periods of time despite past notice or letters of the Association informing owner that such actions or omissions are violations, such an owner is a "Chronic" or "Repetitive Offender."

The Board considers it reasonably necessary to address the Repetitive Offender situation because it results in far more Association time, monies (including attorneys' fees), materials, monitoring and corrective effort being spent or done than on owners who are single, isolated or rare offenders. Further, the Repetitive Offender has a much greater adverse impact on the attractiveness and value and marketability of homes in the community, and on the quality of life of other owners. Accordingly, the Board has adopted this particular Article and those in other Articles in this Rule or Policy related to this topic, in the hopes, first of all, of deterring owners from becoming or continuing to be Repetitive Offenders, and, secondly, to help recover the costs of the excessive time, effort and monies expended by the Association in dealing with such owners.

The following standards of conduct/violations will assist the Board in determining whether an owner should be classified as a Repetitive Offender, but are not the sole factors that the Board may or are required to consider when making a determination whether an owner is a Repetitive Offender.

- a. Yard Maintenance – three violations occurring within any twelve (12) month period;
- b. Home Exterior Maintenance – at least one violation occurs each year for - 2 consecutive years;
- c. Holiday Decorations – at least one violation occurs each year for 2 consecutive years;
- d. Trees & Shrubs Maintenance – at least one violation occurs each year for 2 consecutive years;
- e. Signs – at least one violation occurs each year for 2 consecutive years;
- f. Nuisance Conduct - three (3) violations within any six (6) month period.

The above listing is not intended to limit the Board in considering other patterns or topics as being within the category of Repetitive Offender. The Board retains the discretion to look at other categories or topics and evaluate an owner's pattern of conduct in addressing such topic, and determine whether the owner is a Repetitive Offender and therefore subject to this Rule or Policy and the enhanced fines set forth below.

Due to the increased problems for the Association and the community caused by Repetitive Offenders, and because such owners continue to violate the same or similar governing document issues time after time, it is reasonable to impose enhanced fines or penalties on them. If the Board or any Committee designated by it

to monitor and address this topic determines that an owner is a Repetitive Offender regarding one or more issues or violations of the governing documents, the Board will issue a notice to owner at his or her last known address that owner is now considered a Repetitive Offender, and to cease and desist the violation(s) then at issue. At that point and thereafter, if such owner does not stop or correct the violation(s) involved, enhanced fines may be imposed pursuant to those listed in the schedule below.

**FINES:** At such time as an owner is determined to be a Chronic Offender as set forth above, the following enhanced fines are applicable to and may be imposed against such owner:

1. First confirmed violation: notice/warning letter, no fine:
2. Second and thereafter confirmed violations: **\$50.00** per day until fully corrected; provided, however, that if the nature of the repeated violation or offense is entirely intermittent, by the way of example, such as failure to control the barking of a dog which has been making noise too often, the fine will be **\$500.00** per incident.

**REMOVAL FROM CHRONIC OFFENDER LIST:** At such time as a homeowner has not received any violations for two (2) consecutive years, the homeowner will no longer be subject to the enhanced fine schedule.

**ADOPTED AND ENACTED BY THE BOARD ON APRIL 16, 2020**