

Violation Policy and Fine Schedule

9/16/19

Freedom Crossing Homeowners Association Violation Policy

The Freedom Crossing Homeowners Association has established the following policy to enforce our CCR, By-Law, and/or HOA Policy violations. Enforcement and any applicable monetary penalties for continued violations follows.

This policy nullifies all prior actions as stated in various Board Minutes and is subject to amendment or modification at any time by a majority vote of the Board. It is not meant to nor can it override the CCR or Bylaws.

Applicable Actions

First Notice:

A Warning Letter will be delivered to the Owner of the property outlining the violation and, if appropriate, given a time frame for compliance. In the event that the Owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address.

Assessment of Initial Monetary Penalty:

The Association will assess a monetary penalty according to the Fine Schedule below if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation, or the violation has been repeated within the time frame of the First Notice. All penalty notices may be sent via regular or certified mail, in addition to email. The homeowner will be responsible for a certified fee added to the penalty.

Assessment of Additional Monetary Penalties:

After the imposition of the Initial Penalty, additional penalties may be imposed upon subsequent inspections if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation is repeated or has returned. Additional monetary penalties will be imposed after inspections have been conducted to coincide with the terms of the notices. Should a period of at least one year lapse between violation letters of the same offense, the next letter will be a First Notice again.

Exception of Notice Procedure:

Violations posing a threat to the health, safety, and/or welfare of the community as a whole or anyone or more other Owners may require immediate action and thus create exceptions to the foregoing notice

provisions. Examples of health, safety, and welfare violations include, but are not limited to, the following: discharging fireworks other than approved, accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers' lines of vision.

Right of Self-Help:

The Freedom Crossings Homeowners Association has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association. The Association may seek to recover reasonable attorney fees and court costs associated with any penalties or damages assessed.

Opportunity to be Heard:

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CCRs, By-Laws, or Freedom Crossing Regulations, particularly if the violation results in a monetary penalty. Before any penalty is assessed, an Owner has the opportunity to request a hearing before the Board of Directors. The Owner must provide timely written request for a hearing. If the hearing is scheduled, the Owner is bound by the decision of a majority of the Board.

Freedom Crossing Homeowners Association Violation Fine Schedule

1. Exterior Property alterations and/or improvements made without Board approval:

- A. First notice: Warning Letter (10 day compliance unless otherwise stated in Letter)
- B. Second notice for same violation: \$100 (30 day compliance unless otherwise stated)
- C. All subsequent notices for same violation: \$100 (monthly)

2. Repair and upkeep of property. Unsightly or Unkempt Conditions, i.e. Rubbish, Trash/Recycle Cans left out, Building Materials, Equipment, Street Trees, Fencing, Exterior Grade Material, Sidewalks, cut grass left on sidewalks, grass not edged, (significant bare spots or grass taller than five inches (Freedom Borough standard), more weeds than grass, visible from the street):

- A. First notice: Warning Letter (10 day compliance unless otherwise stated in Letter))
- B. Second notice for same violation: \$25 (5 day compliance unless otherwise stated)
- C. Third notice for same violation: \$50 (5 day compliance unless otherwise stated)
- D. All subsequent notices for same violation: \$100 (monthly)

3. Parking violations (including, but not limited to, recreational vehicles, mobile homes, trailers, boats, commercial vans or vehicles in excess of three-quarter (3/4) of a ton capacity [whether or not registered as a commercial vehicle with the State Department of Transportation] shall not be permitted to be parked within driveways or other exterior parking areas. Per a previous Board decision a six hour time frame will be allowed.

- A. First notice: Warning Letter (10 day compliance unless otherwise stated in Letter))
- B. Second notice for same violation: \$25 (5 day compliance unless otherwise stated)
- C. Third notice for same violation: \$50 (5 day compliance unless otherwise stated)
- D. All subsequent notices for same violation: \$100 (monthly)

4. Pets; Allowing your animal to defecate on other homeowners property without cleaning up. Pets off leash.

- A. First notice: Warning Letter (10 day compliance unless otherwise stated in Letter))
- B. Second notice for same violation: \$25 (5 day compliance unless otherwise stated)
- C. Third notice for same violation: \$50 (5 day compliance unless otherwise stated)
- D. All subsequent notices for same violation: \$100 (monthly)

5. All other minor violations (those involving only the homeowner):

- A. First notice within twelve consecutive months: Warning Letter (will include time limits for correction of violation, if appropriate)
- B. Second notice within twelve consecutive months: \$10
- C. All subsequent notices within twelve consecutive months: \$25 each

6. All other significant violations (those affecting the safety or aesthetics of the community i.e. Fireworks (limited to Roman Candles, Bottle Rockets, Firecrackers, Sparklers) Fireworks not allowed on Sunday through Thursday nights during school year, RainGarden #1 (entering, cutting or defacing), Snow Removal:

- A. First notice: Warning Letter (will include time limits for correction of violation, if appropriate)
- B. Second notice within twelve consecutive months: \$100
- C. 3rd and 4th notices within twelve consecutive months: \$250 each
- D. Subsequent notices within twelve consecutive months: \$500 each