

2019 SCHEDULE OF MONETARY PENALTIES

Amended March 16, 2013

Civil Code 5850 (a)-(d)

The Board of Directors is authorized to adopt and publish a schedule of reasonable fines and penalties for common or recurring violations of the Governing Documents. The following schedule of fines will serve as a guideline for the imposition of appropriate penalties in the context of member enforcement proceedings. The Board may also, by resolution, authorize and empower the Association's General Manager to issue notices of fines in appropriate circumstances involving commonly recurring violations.

8.1. Traffic Violations

Within the boundaries of the Association, all traffic violations fall under provisions of the California State Vehicle Code.

8.2. Fines for Violation of Declaration of CC&R's, the Association Bylaws, or the ECC Design Guidelines (the Governing Documents):

A. Property Use Restriction Violations

Uncorrected violations of the Governing Documents pertaining to property use restrictions or property maintenance (CC&R's, Articles VII, and VIII):

1. First violation: Up to a maximum of \$250.00.
2. Each month, or portion thereof, a continuing violation remains uncorrected, an additional fine of up to \$250 per month may be levied.
3. Each subsequent violation within one year of the preceding violation shall be \$250.00.

B. Environmental Regulation Violations

Uncorrected violations of any matters that are under the jurisdiction of the Association's Environmental Control Committee (see primarily Articles V and VI of the CC&R's):

1. Unauthorized Earth Work and Site Alteration
 - a. Grading of lot/putting in trenches without a permit (fine to be determined by the severity of the action): \$100.00 - \$1,000.00.
2. Construction Violations
 - a. Initiating new construction without ECC approval.
 - (i) House, garage, additions, multiple commercial projects: \$500.00 - \$1,500.00.
 - (ii) Sheds, decks and minor alterations: \$100.00 - \$500.00.
 - b. Failure to pick up permit prior to commencing approved construction: \$100.00 - \$500.00.
 - c. Failure to clean up construction debris: \$50.00 - \$200.00.

- d. Failure to obtain extension prior to expiration of permit: \$50.00 - \$250.00. Additional deposit may be required.
 - e. Failure to complete project within allotted time frame: Up to \$500.00 per month.
 - f. Failure to schedule final inspection within time required by CC&R's: \$50.00 - \$250.00.
3. Deviations from Approved Plans
- a. Major deviations without prior approval (i.e., changes from approved design, color, and/or materials): \$100.00 - \$1,500.00.
 - b. Minor deviations and changes without prior approval (i.e., window changes on side/rear elevations, minor changes to front elevation): \$50.00 - \$500.00.

Note: Any changes in plans, which are made without prior approval from the ECC, shall be subject to a minimum fine of \$50.00 and may be subject to an order requiring corrective action.

4. Unauthorized Tree and Brush Removal and Limbing
- a. Tree removal, per tree: \$100.00 - \$2,500.00.
 - b. Tree removal from common area or from property owned by others, per tree: \$100.00 - \$2,500.00.
 - c. Failure to properly dispose of tree removal debris: \$100.00 - \$1,000.00.

The fine for unauthorized tree removal shall be at the discretion of the Association. The fine shall be based on such factors as the severity of the violation; size and density of trees per Schedule A; and the adverse impacts on views or other aesthetic considerations of neighboring property owners.

Under no circumstances shall trees be removed or limbed, or brush removed from the common area. Any violation of this could result in a maximum fine of \$2,500.00 per tree and replacement of said tree(s).

NOTE: Dead or hazardous trees or brush in the common area should be reported to the Association.

5. Miscellaneous Items
- a. Exterior alteration to existing structures without ECC approval (i.e., changes on roof material or color, changes to exterior surfaces, color or material, addition of windows and/or doors, etc.): \$50.00 - \$500.00.
 - b. Exterior lighting fails to meet acceptable standards, per fixture: \$25.00 - \$100.00.
 - c. Violation of sign ordinance: \$50.00 - \$250.00.

- d. Installation of fence without prior approval: \$100.00 - \$500.00.

Other violations not listed may also be subject to a fine by the Association. (The above fines could be assessed per day, week, or month until corrected.)

The fine policy and schedule of fines may be amended and modified from time to time by the Association after proper notification and Board approval. Such changes will be posted in the ECC office and published to the Association website. FINES MAY BE ASSESSED ON A DAILY, WEEKLY, OR MONTHLY SCHEDULE, ACCORDING TO THE INFRACTION AND AT THE DISCRETION OF THE ASSOCIATION. Multiple violations may result in multiple fines.

- C. Delinquent Assessments – Civil Code 5320
Uncorrected violations of any of the Governing Documents pertaining to the payment of assessments as levied by the Board of Directors (CC&R's, Article IV):
 - 1. Assessments are due on the first day of the month and are delinquent if not paid by the fifteenth (15th) day of the month. If an assessment becomes delinquent, the owner shall incur a late charge not exceeding 10 percent of the delinquent assessment.
 - 2. If delinquent assessments and late charges remain unpaid thirty (30) days following the due date, the delinquent amounts, reasonable costs of collection, and late charges shall begin to bear interest at the rate of 12 percent per annum until paid.
 - 3. If assessments remain unpaid for a period of seventy-five (75) days or more, the owner's account may be referred to legal counsel to initiate the lien and foreclosure proceedings.
 - 4. In lieu of pursuing its lien and foreclosure remedies, the Association may initiate a small claims court action against a delinquent owner to recover any delinquent assessments, fines and other reasonable costs of collection imposed by the Association.

In accordance with California law, each year when the Association distributes its annual budget, the members shall also receive a schedule of the monetary penalties, which may be imposed for violations.

8.3 Fines for Violation of the Rules and Regulations

- A. First violation: up to a maximum of \$250.00.
- B. Each month, or portion thereof, a continuing violation remains uncorrected, an additional fine of up to \$250 per month may be levied.
- C. Each subsequent violation within one year of the preceding violation shall be \$250.00.
- D. In addition to fines levied in accordance with the above schedule, any owner who is determined to have violated the Declaration of Restrictions may be ordered by the Association to restore any damaged, destroyed, or altered plant materials, flora, or structural improvements to their pre-existing condition. In the case of any violation, which constitutes a breach of the rights of quiet enjoyment of any other property owner

or resident, the violator may be ordered to cease or discontinue the offensive action or activity.

Further Legal Action

1. In any case where a property owner fails to pay levied fines or take corrective action as detailed in any Committee decision, the Board of Directors may pursue collection of fines or enforcement of the Committee's decision in any manner permitted by law. In the event the property owner fails to complete whatever corrective action the Committee specifies in its final decision, the Committee may reconvene to assess a monetary fine, within the guidelines of the above schedule, as a penalty for the owner's failure to act. The Committee shall notify the Board of the owner's continued noncompliance in order to enable the Board to consider the propriety of further legal action.
2. As more particularly described in Article XIV of the Declaration of Restrictions, in the event that formal legal action becomes necessary, the prevailing party shall be entitled to recover his/her/it's costs of suit, including reasonable attorneys' fees.

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