

VILLAGE PLAZA CONDOMINIUM ASSOCIATION

Rules Violation Procedures & Fine Schedule

Draft – 9/18/18

Overview:

Village Plaza property owners and their guests and renters are obligated to follow the three official documents of the Association: The Declaration of Condominium, the Articles of Incorporation, and the Bylaws, as well as the Rules and Regulations, which are created by the Board of Directors and modified from time to time. The Current Rules and Regulations were mailed to all owners and approved by the Board of Directors on May 16, 2018. This document is also posted in the Clubhouse and on the Association's website at:

www.villageplazasarasota.com

Any penalties imposed for violating any of these documents are governed by Florida Condominium Statute 718.303. Fines may be imposed for violation of the Rules and Regulations as outlined in the following procedures. Late fees and penalties for non-payment of special assessments and quarterly HOA fees are not considered "fines" and are not subject to the following procedures. Nor are damages that are assessed for property damage due to accident or negligence.

The following procedures and fines schedule outline the consequences of violating any of the Association's rules.

A **Fines Oversight Committee** will assist the Board of Directors in overseeing the enforcement of the association's rules by holding a hearing within 14 days after any fines are imposed by the board to determine if the owner was given due process before being fined and to allow the owner an opportunity to appeal the fine. The Committee will then vote to uphold the fine or deny it.

The final makeup of the Committee was approved at the June 20, 2018, Monthly Board of Directors Meeting. They are:

- Dale Lang, Jim Romains, and Bob Meyer

Overview of Consequences for Rules Violations:

The consequences will range from a first-time-offense phone call or personal visit to remind the resident of the rules and their suspected violation and will escalate to a warning letter and then a board action to levy a fine for the violation and a hearing before the Fines Oversight Committee. Fines of up to \$1,000 may be imposed for a repeated violation of a rule, but not to exceed \$100 per day. Failure to pay a fine may result in a court action, loss of use of common recreation facilities, and/or loss of voting rights until the fine is paid.

General Procedures to be followed for suspected rules violations:

1. A Board member or our management company sees or is informed of a possible violation – if another resident is issuing the complaint in person or by phone, they will be asked to complete a violation form detailing the complaint and submit it to the board.
2. A courtesy phone call or in-person visit will be made by Mike Miller or a member of the board to let the owner know that we have been informed of a possible violation and they will be asked to correct the situation. If that ends the violation, no other action will be taken, but the violation notice will be placed in their file in case it occurs again.
3. If the violation relates to a vehicle or parking, the board member may complete a Vehicle/Parking Violation form (attached) and place a copy on the vehicle itself, while keeping a copy for board records. It should be dated with the make, model and license plate number and a photo taken, if possible, of the improper vehicle or parking and placed with the form for the board records.
4. Assuming the board becomes aware that the violation has continued, a formal letter will be sent by Mike Miller on behalf of the board advising that the resident is in violation of our rules and needs to correct the situation immediately. They will be advised that a possible fine could be imposed if not corrected.
5. After one week of the letter being mailed, if the violation continues, the Board will put the violation on the agenda for the next possible board meeting. The owner's address will be listed on the agenda along with the violation.
6. The board will then discuss the violation at an open meeting and recommend a penalty, which could be a suspension of the use of the common areas or a fine that may not exceed a daily accumulation of \$100, up to a maximum of \$1,000. The board will vote on the recommended fine or suspension.
7. A written notice of the recommended fine or suspension will be sent to the Owner and copied to the Fines Oversight Committee and a hearing date will be set for at least 14 days from the date of the notice.
 - a. The owner has the right to attend the hearing in person or by conference call, but is not obligated to attend at all.
8. This hearing will be noticed at least 48 hours in advance and take place in a public area of the clubhouse to confirm or reject the Board's fine or suspension recommendation and to allow the owner an opportunity to provide additional information or make a case for the penalty to be waived. The Fines Oversight Committee will then vote to accept or reject the fine.
 - a. If the Committee does not approve the proposed fine or suspension by majority vote, the fine or suspension may not be imposed.

- b. If the fine or suspension is approved by the Committee, **the fine payment is due to the Association 5 days after the date of the Committee meeting.** The Association will provide written notice of such fine or suspension by mail or hand delivery to the Owner and, if applicable to any tenant or guest.
- c. Florida Statute 718.303 outlines further procedures for failure to pay the fine.

DRAFT OF FINES SCHEDULE FOR VILLAGE PLAZA RULES VIOLATIONS – 9-19-18
Not official until voted on by the Board of Directors

RULE AND PAGE REFERENCE	VIOLATION	FINE SCHEDULE AND OTHER ACTION -
RESIDENCY STATUS		
Age restrictions p3	Failure to complete Residency Form and provide age documentation if requested (a census form must be completed every 2 years by all owners)	\$100 if not submitted within 60 days after written “past due” notice is given \$100 for each month after if still not submitted (unless there is a medical or other verified reason the owner cannot submit the form.
Background Check p3	Failure to provide background info and \$100 fee for all new residents	\$50 for not providing 30 days after written “past due” notice given. \$100 each month thereafter
Occupancy Limits p3	Having more than 4 in a 2 BR, more than 2 in a 1 BR without board approval	\$100 for each week that there are too many people occupying unit
LEASING/RESALE		
Renters/Lease p3	Failure to notify board of lease	\$100 for first violation, and \$100 for each subsequent violation
Resale/Purchase p4	Failure to notify board of sale/purchase	No permission will be given for closing. The sale is not technically legal until new residents are vetted and approved.
GUESTS/VISITORS		
Guest Registration When Owner Absent p5	Failure to notify board of guest when owner is absent or if guest exceeds the 45 day limit	\$50 if notice is not given within 1 week after first written warning and \$100 per week that the guest is there over the 45 day limit.
General Guest Rules p6	Guests in clubhouse w/o owner or board notification	\$25 after first written warning; an increase of \$25 for each subsequent violation

PET POLICIES		
Nuisance pets p6	Failure to pick up after pet; continuous barking, aggressive behavior	\$25 after first written warning and \$100 per additional incident.
Pet Size and Weight Restrictions p6	Pet size or number exceeding limits, unless a documented service dog or emotional support animal	Immediate removal of the pet or potential legal action, plus \$100 per week that the unapproved pet is in residence.
Service Animals/Companion Animals p6	Failure to supply emotional support animal Rx from a medical provider	\$50 after first written warning and \$100 per week that the pet is in residence until documentation provided
PARKING & VEHICLE RESTRICTIONS		
Allowed & Restricted Vehicles p7	Having a truck on premises not registered as a 1-week guest vehicle	\$50 after first written warning and \$50 per day that it is on premises
Vehicles of Temporary Visitors p8	Not registering a guest vehicle here more than two weeks	\$50 after first written warning, \$50 for each offense after that
	Parking violations: on grass, wrong way, etc.	\$25 for first offense, \$50 for each offense after that
	Taking someone's condo parking space without their permission	\$50 for first offense, and \$10 each day it remains there
	Vehicle under repair or bad plates or not moved in 90 days	\$50 for first offense, \$50 for each week offense continues
RECREATIONAL FACILITIES		
Clubhouse Facilities p8	Improper use of the clubhouse – using after hours, too many guests, causing damage or failing to clean up	\$50 for first offense and \$100 for each subsequent offense
Pool Rules p10	Failing to follow pool rules – glass containers, food, failing to shower before use, too many guests, etc.	\$25 for first offense after a written warning and an additional \$25 for each subsequent offense
Pickleball & Shuffle Board Courts p10	Playing on our courts without completing the liability waiver form.	\$10 for first offense after a written notice, and \$25 for each additional time playing without the signed waiver.

PRIVATE USE OF CLUBHOUSE MEETING ROOM		
One-time Private Events p11	Using the clubhouse for private functions without getting written permission from the board.	\$50 for first offense and an additional \$100 for each subsequent offense
On-going Private Functions p12	Failing to pay the annual usage fee of \$200.	An additional \$50 will be charged each month until the usage fee is paid.
GENERAL		
Estate, Carport, Garage and Yard Sales p12	Holding a private garage sale without board approval.	\$100 for first offence and an additional \$100 for each subsequent offense
Garage Doors p12	Failing to repair a visibly broken garage door	\$10 if not repaired within 15 days of a written notice. \$10 for each week it is not repaired.
No Citrus Fruit p12	Growing critris plants on courtyards or on common grounds.	\$50 for first offense; \$50 for each additional month it remains
No Bird Feeders p12	Placing bird feeders with seeds on courtyards or on common elements.	\$50 for first offense; \$50 for each additional month it remains
No Washers & Dryers in Condos p12	Installing a washer and dryer in a condo unit (regardless of fixtures that may have been there from a previous owner)	\$100 if there 30 days after the written notice Increasing by \$100 for each month it remains. Owners will also be responsible for all damage to condo units from these appliances. No unit will be approved for resale while in place.
Laundry Rooms p12	Misuse of the laundry room – leaving clothes in machines for several hours, damaging machines, etc.	\$25 for any offense after first written notice. Owner will also be accountable for cost of any repairs for damage they cause beyond normal wear and tear.
Screens & Windows p13	Failure to repair broken windows or screens.	After 30 days from a written notice, the Association may take steps to have these repairs made and charge the owner.

Solicitations p13	Going door to door soliciting other residents for commercial, religious, or political purposes without written permission from the board.	\$100 for first offense with an increase of \$100 for each additional offense.
Architectural Changes p13	Making changes to external areas w/o obtaining board written approval. Making structural changes to internal unit without obtaining board written approval and/or using licensed contractors and obtaining building permits.	\$100 per violation; Separately, if the violation is outside the architectural guidelines: \$100 per month for each month that the violation remains. Unit will not be approved for resale with the unapproved violation in place. Further legal action may also be taken to force removal of unapproved or unpermitted changes.
Landscaping Modifications p13	Making changes to landscaping on common elements without obtaining board written approval.	\$50 per violation. Association may have the items removed at owner's expense if outside approved guidelines.
No Personal Items in Common Areas p13	Placing personal items outside unit boundaries, including planters, sculptures, and garden tools.	\$50 if still there 30 days after written notice. \$100 per week for each week still there. Owners may give the Association approval to remove any item outside of a unit to avoid a fine.
- No Private Patios in Common Areas p13	Taking over common area space for personal use by placing pavers or decking beyond "incidental landscaping pavers" for water and soil erosion. (Note that pavers in place prior to the July 2015 "Clean Slate" letter do not have to be removed until the unit is sold, but cannot be used as a private patio.)	\$100 fine for creation of a private patio on common elements or placement of any personal items (i.e. furniture, grills, planters) on such spots and \$100 per week that they remain there after a written notice. Units will not be approved for resale until common area put back to original status at owner's expense.

Barbeque Grills p13		
- Condos p14	Use or storage of grills or propane in condo balconies, porches, or lanais	\$100 for first offense and \$200 for each additional week it remains after a written warning. Owners will also be responsible for any fines levied by the Sarasota County Fire Dept. (can be \$500 per day).
- Villas (four units attached) p14	Use of any type of grill within 10 ft of a 4-unit villa and/or storage of more than 4.5 lb of propane on villa courtyard. Also storage of propane in a villa garage.	\$100 for first offense and \$200 for each additional week it remains after a written warning. Owners will also be responsible for any fines levied by the Sarasota County Fire Dept. (can be \$500 per day).
- Villas (2 units attached) p14	Storage of propane in 2-unit villa garage. (2-unit villas may store propane tanks on their outside courtyards, but not on their lanais or in their garages.)	\$100 for first offense and \$200 for each additional week it remains after a written warning. Owners could also be held personal liable for any damage to other units if a fire or explosion occurs.

PARKING VIOLATION – VILLAGE PLAZA CONDO ASSOCIATION

Date(s) of Violation: _____ License Plate Number: _____

Time: _____ Make: _____ Model: _____

Address where violation occurred: _____

Owner at location where vehicle is parked: _____

Phone _____ Email: _____

This is to inform you that this vehicle is in violation of at least one of the Village Plaza Rules & Regulations checked below. If the violation occurs again, the unit owner is subject to a \$100 per incident fine, and the vehicle could be subject to towing at the vehicle owner's expense.

PARKING VIOLATIONS:

- | | |
|---|--|
| <input type="checkbox"/> Parked on the street overnight | <input type="checkbox"/> Parked in someone else's space |
| <input type="checkbox"/> Parked on the grass (repairs to any damaged sprinkler heads will be charged to owner) | <input type="checkbox"/> Backed into a space other than a driveway |
| <input type="checkbox"/> Parked illegally (in wrong direction, too close to the corner, blocking a driveway or carport) | <input type="checkbox"/> Encroached on someone else's space |
| <input type="checkbox"/> Other: _____ | |

VEHICLE VIOLATIONS:

- | | |
|---|---|
| <input type="checkbox"/> Pick-up truck parked overnight w/o Guest Registration Request or exceeding the 7-day limit | <input type="checkbox"/> Commercial vehicle parked overnight |
| <input type="checkbox"/> Tags are out of date | <input type="checkbox"/> Vehicle under repair |
| <input type="checkbox"/> Motorcycle, RV, Boat, other unapproved vehicle | <input type="checkbox"/> Vehicle with ladders, tool boxes, and/or commercial signs parked overnight |
| <input type="checkbox"/> Vehicle leaking oil (cleanup may be charged to owner) | |
| <input type="checkbox"/> Other: _____ | |

For questions, contact Mike Miller of Miller Management: 941-923-5811, millermgt@mindspring.com