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# LA COSTA MEADOWRIDGE CONDOMINIUM ASSOCIATION

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Seabreeze Management Company, Inc. 39 Argonaut, Ste. 100 Aliso Viejo, CA 92656 949-855-1800

## **VIOLATION & FINE POLICY**

The La Costa Meadowridge Condominium Association's Board of Directors is considering the following policy for validating and addressing homeowner complaints and violations of the Covenants, Conditions and Restrictions (CC&R's), Bylaws or Rules & Regulations (Rules) of the Association.

### I. TYPES OF VIOLATIONS

Violations shall be separated into three (3) general categories:

- A. Architectural Violations shall include, but not limited to: failure to obtain architectural approval prior to initiating improvements and/or failure to construct improvements in accordance with the provisions of architectural approval.
- B. Visible Violations shall include, but not limited to: parking, vehicular restrictions and exterior maintenance.
- C. Nuisance Violations shall include, but not limited to: noise, odor, Common Area damage, behavior or control of pets, and/or behavior or control of Owner's children, family members or guests.

### II. OWNER RESPONSIBILITY

Each Owner is strictly liable for violations of the governing documents and adherence to the Rules committed by the Owner's household guests, household help and tenants. If a guest, household helper or tenant is in violation of the governing documents or a Rule, the Owner will receive notice of the violation in accordance with the policy set forth below and will be responsible for all fines and other enforcement penalties imposed.

### III. VERIFICATION OF COMPLAINT OR VIOLATION

Violations may come to the attention of the Board through owner complaint or through visual observations by one or more Board members or by Seabreeze Management Co., Inc.

- A. Owner Complaints: To advise the Association of a complaint or violation, the homeowner must file a formal written complaint and send it to La Costa Meadowridge Condominium Association in care of Seabreeze Management Co., Inc. The written complaint should comprehensively state the basis of the complaint or violation and must provide information regarding when, where, who, what and how the complaint arose or the violation occurred. Photographs should be submitted, evidencing the problem, whenever possible.

When the written complaint is received, Seabreeze Management Co., Inc will attempt to verify the complaint or violation by visual inspection or other appropriate means.

- B. Visual Observation:

When a Board member or Seabreeze Management Co., Inc observes a violation, the violation will be submitted to Seabreeze Management Co., Inc for enforcement.

#### IV. ENFORCEMENT PROCEDURES

Complaints and violations of the governing documents shall be handled as follows:

- A. First Notice: Seabreeze Management Co., Inc will send a formal written notice (the “First Notice”) to the offending Owner of record at the Owner’s last known address and, if the unit is rented, to the tenant. The First Notice will describe the general nature of the alleged violation and request correction of the violation by a stated date.
- B. Hearing Notice: If the violation is not corrected within two weeks form the First Notice, Seabreeze Management Co., Inc will send a formal written notice to the Owner of record at the Owner’s last known address and, if the unit is rented, to the tenant, setting a Board hearing on the violation and advising the Owner/tenant that monetary fines and penalties may be imposed. The Hearing Notice will contain the date time and place of the hearing, the nature of the alleged violation for which the Owner/tenant has a right to attend and may address the Board at the hearing.

The Hearing notice may include the amount of any monetary fines that may be imposed at the hearing if the violation is not corrected and shall include a description of other penalties that may be imposed, including, without limitation, the membership rights that may be revoked by Board decision at the hearing. The Hearing Notice may also include the amount of any additional monetary fines that may be imposed at the hearing for continuation and/or repetition of the violation. The Hearing Notice will be sent at least ten (10) days prior to the hearing.

- C. Hearing: If the violation is not corrected before the scheduled hearing, the Board will hold a hearing on the date and at the time and place set forth in the Hearing Notice. The Hearing will be conducted in an Executive Session of the Board.

The Hearing will be held regardless of whether the Owner and/or tenant attends the Hearing, and an appropriate monetary fine and other penalties may be imposed, including, without limitation, the revocation of membership rights in accordance with the governing documents. The Board may also determine what future penalties should be imposed if the Owner/tenant continues to be in violation. Any determination made by the Board is binding notwithstanding the absence of the Owner and/or tenant.

If the Owner/tenant has corrected the violation as of the date set for the Hearing, the Board will not impose any monetary fines or penalties and will close the complaint or violation procedure.

- D. Post-Hearing Notice of Discipline: If the Board imposes discipline on an Owner and/or tenant, the Board will provide the Owner and/or tenant with written notification of the disciplinary action (“Post-Hearing Notice”) within ten (10) days following the hearing.
- E. Verification of Continuing Violation: Seven (7) days following the giving of the Post-Hearing Notice, Seabreeze Management Co., Inc will verify whether the violation is continuing or reoccurring.
  - 1. If the violation has been corrected, no further fines or penalties shall be imposed, all revoking membership rights will be reinstated and the violation proceeding will be closed.
  - 2. If the violation has not been corrected, monetary fines and penalties will continue to be imposed in accordance with the terms set forth in the Post-Hearing Notice.
  - 3. If the violation is reoccurring, the violation will be deemed a new violation and the enforcement procedures set forth above will be followed.

- F. Notices: All notices required or sent pursuant to this Enforcement Policy shall be either personally delivered or sent by United States first class mail, postage prepaid, (1) to the offending Owner at the last known address listed with Seabreeze Management Co., Inc; and (2) to the tenant at the tenant's address within the Meadowridge community.

V. FINES AND PENALTIES

Amounts of Fines and Charges:

A. Fine Schedule:

1. Major Violations

- Proceeding with Architectural approval, i.e. erecting a structure without approval.
- Damage to common area, i.e. affixing anything or piercing the exterior of a building
- Violation of Pool Regulations, i.e. climbing pool fence.
- Damage to pool fence, damage to spa, damage to any part of pool areas.
- Under-age use of pool without and adult.
- Unauthorized use of pool entrance key.
- Health and Safety Violations, i.e. excessive speed of vehicles, motorized scooters, skateboards in the common areas.
- Noise Pollution, i.e. violation of homeowners' rights to a quiet enjoyment of their units and the common areas.

2. Minor Violation- \$100.00

- Housekeeping, i.e. violation of trash regulations, violation of garage door regulations.
- Exterior Maintenance, i.e. violation of animal control laws, including but not limited to cleaning up animal feces.

3. Subsequent Offenses

- Subsequent offenses of the same Rule may be fined at the original fine amount (\$100-\$250) times the number of offenses, including the first offense and the current offense.

4. Additional Charges

- In addition to fines, the Board shall impose on the offending homeowner/tenant any additional charges resulting from the violation, including, without limitation, the actual cost to the Association to repair the Association's property, or to correct the violation.

B. Other Penalties:

In addition to monetary fines for any violation of the Association's Governing Documents or Rules, the Board may determine to suspend the homeowner's rights and privileges including, without limitation, the homeowner's voting rights, the right to use the Association's recreational facilities, or any combination thereof. Any suspension shall not take place until at least five (5) days following the Hearing shall not exceed thirty (30) days in length.

C. Payment of Fines and Charges:

All fines and charges imposed against an Owner for a violation of the governing documents and/or Rules will be applied to the offending Owner's account and will appear on the Owner's next statement of account. Any unpaid balances will be subject to additional late fees and charges as set forth on the statement.