



Mesa Village Homeowners Association

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Violation and Fine Policy

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The following actions may be taken by the Association to enforce violations of the Governing Documents (CC&Rs, Bylaws, and any Rules and Regulations).

Once the Association receives a written notice as to a violation occurring within the Association, or a violation is noted in periodic walk-throughs by management, and its staff, the enforcement process may be started against the offending owner, as set forth below. However, nothing in this section shall obligate or require the Board, or any authorized committee to take such action. **Owners are responsible for the conduct of their family members, tenants, guests, invitees, contractors and occupants of their unit.**

Depending upon the severity and frequency of the violation, the choice of enforcement procedure(s) and/or the enforcement remedy utilized may vary.

A. ACTIONS THAT MAY BE TAKEN:

Penalties for violations of the Association's governing documents may include:

1. Possible hearing(s) and imposition of fine(s) in accordance with the fine schedule set forth below, after the offending owner has been provided with notice and opportunity to be heard on the violation(s), pursuant to the Due Process Requirements of Civil Codes § 5855, 5910 and Section(C) below Due Process Requirements.
2. Assessments to reimburse the Association for costs of repairing damage to the Common Area, or to reimburse the Association costs incurred in bringing the Owner's residence into compliance with the Governing Documents, including but not limited to legal fees, upon Due Process Requirements being followed. (*Please note, assessments to reimburse the Association for costs of repairing damage to the Common Area, may become a lien subject to foreclosure.*)
3. Suspension of voting rights or rights to use the Common Area facilities, upon Due Process Requirements being followed.
4. Instituting Internal Dispute Resolution (IDR) pursuant to Civil Code § 5900 et seq.
5. Instituting Alternative Dispute Resolution (ADR) pursuant to Civil Code § 5925 et seq.
6. A lawsuit pursuant to Civil Code § 5975, the prevailing party in any such action is entitled to recover their legal fees from the other party.
7. Other actions or a combination of actions, as permitted by law or the Governing Documents.

B. ENFORCEMENT:

Generally, though not necessarily, the Association will adhere to the following:

1. A formal Violation Letter will be sent to both the resident and owner of record.
2. Each offense will remain in the Association's records and will be active for 6 months from the last occurrence. During this 6 month period any violation with the same or similar offense will be considered a reoccurrence and another letter will be sent.
3. If the violation continues, reoccurs or is not corrected, an additional letter(s) may be sent notifying the owner of the possible imposition of a fine, individual reimbursement assessment and/or suspension of privileges, and will provide the owner with notice of the date, time and location of a meeting of the Board to consider imposing discipline for the violation. The owner shall receive the opportunity to address the allegations in person or writing.
4. If suspension of privileges is imposed, the suspension will remain in effect until the offending violations have been cleared and any fines paid in full.
5. If the violation continues, the Association may invite the homeowner to participate in Internal Dispute Resolution pursuant to Civil Code § 5900.

6. If the violation continues, the Association may offer to submit the dispute to Alternative Dispute Resolution (ADR) pursuant to Civil Code § 5925. Any costs incurred for the mediator or arbitrator are to be split among the parties.
7. The Association has the right to proceed with legal action to compel compliance with the documents. The prevailing party of any dispute is entitled to recovery of attorneys fees and costs.
8. These steps may vary and the Board of Directors has discretion to elect the remedy it chooses in every enforcement action. Legal action may be immediately sought in the form of a Temporary Restraining Order.

Payment of an assessment or fine, or completion of a suspension period does not eliminate the owner's obligation to correct the violation.

In addition to written Violation Letters, all parking violations are subject to being towed at the owner's expense, pursuant to Civil Code § 22658.2, the Association's posted parking/towing signs, and the Association's parking/towing policy. Vehicles may be towed **WITHOUT NOTICE** if parked in a marked fire lane, within fifteen (15) feet of a fire hydrant, in a handicap parking space without proper authority, or blocking ingress or egress within the Association.

C. DUE PROCESS (right to meet with the Board)

PRIOR TO IMPOSITION OF ANY FINE, INDIVIDUAL REIMBURSEMENT ASSESSMENT OR SUSPENSION OF PRIVILEGES THE OWNER SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO APPEAR IN PERSON OR IN WRITING BEFORE THE BOARD OF DIRECTORS. A NOTICE SHALL CONTAIN THE ALLEGED VIOLATION, THE DATE, TIME AND PLACE OF THE MEETING, WHICH MAY BE SCHEDULED IN AN EXECUTIVE SESSION CONCURRENT WITH ANY REGULAR OR SPECIAL MEETING, DURING A GENERAL SESSION, OR DURING ANNUAL MEETING, AND A STATEMENT THAT THE OWNER HAS THE RIGHT TO ATTEND THE MEETING AND ADDRESS THE BOARD. ALTERNATIVELY, THE OWNER MAY SUBMIT A RESPONSE IN WRITING. IF THE BOARD IMPOSES DISCIPLINARY ACTION ON THE OWNER, AFTER THE MEETING, THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE OWNER.

D. FINE SCHEDULE

1. Typically, fines are not imposed on the first Violation Letter; however, the Board reserves the right to impose a fine of up to \$500.00, impose an individual reimbursement assessment for costs incurred in compelling compliance and/or suspend privileges, on the first offense if the factual circumstances support the decision. Unresolved violations may result in additional violation letters with escalating fines.

Depending on the severity and frequency of the violation, the choice of the enforcement procedure(s) and/or the enforcement remedy utilized may vary. Fines will usually vary from \$25 to \$500 (in extreme cases, the fines may be substantially higher).

Fine and/or suspension of privileges will be imposed no later than 15 of days after the scheduled meeting time. The Association will send the homeowner (and tenant if applicable) notice of the fine and/or suspension and the reason(s).

The Association reserves the right to institute any of the above-referenced enforcement measures regardless of whether it is the first Violation Letter, second Violation Letter etc.