



Waterford Homeowners' Association

Policy on Non-Compliance Fines and Penalties

Purpose:

The purpose of this policy is to establish clear fines and penalties for homeowners within the Waterford community who fail to comply with the Article II of Covenants, Conditions, and Restrictions (CC&R) established by the Waterford Homeowners' Association (HOA). These rules are essential for maintaining the aesthetic appeal, safety, and harmony of our neighborhood. Infractions for the following non-compliance will be as follows:

Fines of more than \$25.00 imposed by the HOA as outlined in this Policy must have a majority vote of the Board of Directors.

1. Visible Parking:

Parking of utility trailers, equipment, disabled vehicles, recreational vehicles (RVs), including but not limited to snowmobiles, ATV's, watercraft, camp trailers and similar vehicles, is strictly prohibited in the front of homeowner's house or on the street, except under specific circumstances (i.e. construction, moving, etc.) with prior authorization and for a specific timeframe. RV trailers and campers may be parked in front of the property for less than 72 hours when in preparation for travel. Non-compliance with this rule, or if parked for more than 72 hours, will result in the following fines:

- ❖ **First Offense:** Written warning and a fine of \$25.00 per day.
- ❖ **Second Offense or Failure to Move the Vehicle or Equipment as required in written warning:** Fine of \$100.00 and a mandatory HOA Review Meeting.
- ❖ **Third Offense:** Fine of \$200.00, towing at owner's expense, and a mandatory HOA Review Meeting.

2. Garbage Cans:

Garbage and Recycling cans must not be left outside except on designated collection days. Can must not be set out more than 24 hours in advance. Following the collection, garbage cans must be returned to a concealed location within 24 hours. No written notice will be given after the first written warning.

Non-compliance will result in the following fines:

- ❖ **First Offense:** Written warning.
- ❖ **Second Offense within 12 a month period:** Fine of \$25.00, with no written notice.
- ❖ **Three or More Offenses within 12 a month period:** Fine of \$50.00 for each subsequent offense.

3. Lawn Maintenance:

Homeowners are responsible for maintaining their lawns in an orderly and well-kept manner. This includes regular mowing, trimming, weeding, and watering, as well as eliminating nuisances such as voles and obnoxious weeds and trash. Egregious failure to do so will result in the following fines:



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- ❖ **First Offense:** Written warning with a 72 hour deadline to rectify the issue. If the issue is not resolved within 72 hours a fine of \$25.00 will be assessed.
- ❖ **Second Offense:** Fine of \$50.00 and a mandatory HOA Review Meeting.
- ❖ **Third Offense:** Fine of \$100.00 up to \$1,000.00 and possible third-party lawn maintenance at the homeowner's expense.

4. Homeowners' Failure to Comply with Article II of the CC&R's

Homeowners may be notified of failure to comply with sections of Article II not otherwise identified herein. At the discretion of the Compliance Committee a written warning may be issued to the homeowner. Failure to Comply in a timely manner as outlined in the warning may result in the following fines:

- ❖ **First Offense:** Written warning with a specific remediation deadline.
- ❖ **Failure to Comply within written timeline:** Fine of no less than \$25.00 but not more than \$1,000.00 and a mandatory HOA Review Meeting.
- ❖ **Failure to Comply with terms agreed upon in Review Meeting:** Fine of \$1,000.00.

5. Failure to Submit Plans for Construction, Hardscaping, Tree Plantings, and Other Improvements:

Homeowners planning construction, hardscaping, tree plantings, or other significant improvements to their property must submit detailed plans to the HOA for review and approval before commencing work. Failure to do so will result in the following fines:

- ❖ **Failure to Submit Plans:** Written warning and a fine of \$50.00.
- ❖ **Commencement of Work Without Approval:** Fine of \$100.00 and immediate cessation of work until proper approvals are obtained.
- ❖ **Continued Non-Compliance:** Fine of \$200.00 and additional fines for each subsequent violation until compliance is met.

6. Reconsideration of Fines:

The HOA Board may, at their discretion, waive or adjust fines assessed under this policy upon receipt of a written request for reconsideration from the homeowner. The request must be received within fourteen (14) days and should provide a detailed explanation of the circumstances surrounding the violation, steps taken to rectify the situation, and any other relevant information, including actions needed to be taken by others before your issue can be resolved. The HOA Board will review the request and make a determination based on the merits of the individual case.

7. Lien Placement for Unpaid Fines:

Homeowners with unpaid fines and penalties will have a lien placed on their property. The HOA will initiate the lien process 60 days from the date of the first notification. The lien will include the unpaid fines, associated administrative costs, interest, and legal fees.



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Definitions:

Egregious is a conduct by a person intentionally committing an act or omission that involves a nuisance or violation of Covenants Conditions and Restrictions of the Waterford Homeowners' Association which negatively affect the association or its members.

General Provisions:

- ❖ Fines will be billed to the homeowner and are due within 30 days of issuance.
- ❖ Homeowners have the right to appeal fines in writing within 14 days of issuance. The HOA Board will review appeals and make a final decision.
- ❖ Repeated violations may lead to cumulative fines and more severe actions.
- ❖ The HOA reserves the right to take additional legal action if necessary.

Enforcement:

The Waterford Homeowners' Association Board and members of the Compliance Committee will conduct random inspections of the neighborhood to ensure compliance with the CC&R. If a member contacts the HOA with a non-compliance matter concerning another member, the Board and members of the Compliance Committee will conduct an inspection and move forward if the violation merits attention. If a homeowner fails to appear at a mandatory review a maximum penalty of up to \$1,000.00 may be assessed.

This policy is subject to change by the Waterford Homeowners' Association Board as deemed necessary. Homeowners will be informed of any policy updates in a timely manner.

Homeowners may also be subject to City of Idaho Falls Code Enforcement. City code violations that are not brought into compliance are subject to fines each day the property is out of compliance. The city's fine for the first day is \$35.00. The second day is \$75.00. The third day and any subsequent day is \$150.00 per day. Unresolved fees may result in a lien being placed on the property. Unresolved violations may result in a misdemeanor citation.