

PROPOSED AMENDMENTS TO RULES AND REGULATIONS (6/29/17)

IX. GENERAL ENFORCEMENT RULES AND REGULATIONS

4. Bird Feeders (seed and nectar) are permitted so that unit owners may enjoy wild bird watching, subject to the following restrictions:

- a) Bird feeder cannot be attached to the unit;
- b) A seed bird feeder must have a tray to keep seeds from falling to the ground and rooting or drawing in rodents;
- c) Seed and nectar bird feeders must be positioned in a location which does not cause birds to fly over adjacent unit owner's property causing an interference of their use and enjoyment of their property;
- d) Unit owner must clean the bird feeder and area around the bird feeder on a regular basis;
- e) Unit owner may be asked to remove the bird feeder if there is spilled seed, an accumulation of bird feces, and if the feeder is damaged, moldy, dirty, or unsightly in appearance; and
- f) Unit owner may be asked to remove the bird feeder if there is an indirect nuisance of an odor emanating from the feeder, an overgrowth of plants and weeds from spilled bird seed which can easily spread to neighboring lawns ruining or killing expensive landscaping, if there is evidence of attraction of rodents, deer or bears, or if there are complaints from neighbors.

5. Any failure to submit an Alteration Form and receive approval for such alteration from the Board prior to commencing work on the alteration will result in the assessment of a \$25.00 fine and be subject to the Rules Enforcement Procedures contained herein.

XI. RULES ENFORCEMENT PROCEDURES

This policy is to be used by the Board in all cases of alleged violations of the Documents. The Board must have documentation of the alleged violation. This documentation can be in the form of a letter or completed Rule Violation Form, from any Unit owner or a report from the management representative. The documentation should state essentially the following:

1. The nature of the violation;

2. The date and approximate time of the violation;
3. The approximate location of the violation
4. **5. and 6. REDACTED. Violation letters to unit owners do NOT include the name & address of the person reporting the violation in order to maintain confidentiality. Violation letters to unit owners will NOT include a verification statement that the person reporting the violation actually saw the violation.**

The management representative will send a letter by regular mail to the offending party and/or unit owner describing the alleged violation, asking (1) that any such violation cease immediately and (2), if appropriate, the common element that was damaged by the violation be restored.

If the violating party does not comply with the warning letter, and continues thereafter to violate the Documents, the Board or its authorized agent shall cause to be sent to the offending party by regular mail a written notice of the violation and pending fine indicating (1) the nature of the violation, (2) a demand that the violation immediately cease and that any damage to the common elements be restored, within a ten (10) day period, (3) statement that the fine in the amount of \$25.00 is imposed on the offending party, (4) a statement that if the offender wishes to appeal the fine, he/she must contact the managing agent in writing, within **seven (7) days** from the date of the notice of violation, requesting a hearing before the Board, **(8) If unit owners fail to respond to the initial violation letter within seven (7) days, subsequent fines may be assessed weekly as the Board deems appropriate.**

If any fines imposed under this policy are not paid within sixty (60) days, the matter **will** be referred to legal counsel for appropriate legal action. **Unit owners have seven (7) days from receipt of the attorney's letter of collection to respond to the attorney. If no response is received by the attorney within seven (7) days, a law suit for collection will be filed with the magistrate.** If the matter is referred to legal counsel, all reasonable attorney's fees, interest and costs incurred shall be assessed and collected against the offending party.

The association may enter the property of any unit owner in order to correct any unresolved violation of the Documents and any and all expenses incurred in the correction of any unresolved violation will be the responsibility of the unit owner.