

# **Compliance Policy & Schedule of Fines For the Minors West Homeowners Association**

The purpose of this compliance policy (hereafter the “Policy”) is to provide homeowners of the Minors West Homeowners Association (the “HOA”) with information regarding the procedures for the handling of alleged violation(s) of the HOA’s governing documents, and to provide for an orderly, fair manner in which to enforce these documents. It is also the purpose of this Policy to establish a compliance committee whose responsibilities will be governed by the provisions contained herein. This Policy and corresponding schedule of fines (“Schedule of Fines”) will list possible violations of the HOA’s deed restrictions, rules, and regulations and provide for the response to such violations.

1. There shall be a committee of the Board of Directors (the “BOD”) of the HOA which shall be called the Compliance Committee (the “Committee”). The Committee shall consist of no less than three individuals, of which at least one must be an active HOA BOD member.
2. Information concerning alleged violations of this Policy may be received from BOD members, Committee members, or homeowners. Reports of violations must be in writing (via mail to P.O. Box 683, Mukwonago, WI 53149 or email at [minorswest@yahoo.com](mailto:minorswest@yahoo.com)).
3. On receipt of notice of an alleged violation, the Committee will investigate the alleged violation within a reasonable time thereafter. If the Committee determines that a violation has probably occurred, the Committee will take the following actions:
  - a) Mail a letter to the owner of the property, setting forth the alleged violation and requesting corrective action be taken within a specified time period. This letter shall be referred to as an “Initial Notification Letter”.
  - b) If no corrective action has been taken within the timeframe specified within the “Initial Notification Letter”, the Committee will impose a first offense fine, in accordance with the Schedule of Fines, and send a “2nd Notification Letter”.
  - c) If no corrective action has been taken within the timeframe specified within the “2nd Notification Letter”, the Committee will impose a second offense fine in accordance with the Schedule of Fines. At this time, the Committee, at its discretion, may mail the owner of the property a “Notice of Hearing” regarding whether to impose further discipline in connection with the alleged violation.

- d) At any point after being notified of an alleged violation, the owner may request a hearing with the BOD. Hearing requests must be received in writing prior to the later of 5 days after the date of the Notification Letter or expiration of the timeframe for correction indicated in the Notification Letter. Hearing request received in a timely fashion will temporarily suspend imposition of a fine(s) until the hearing is conducted. Requests for hearings received after the expiration of the timeframe for correction may be denied by the BOD.
  - e) Hearings will take place at the next regularly scheduled BOD meeting. A quorum of the BOD is required for all hearings. The hearing will commence with a recital of the Committee's reasons for determining a violation has occurred. The owner may then provide evidence either in writing or orally. The owner may present witnesses. The BOD, having performed its own investigation and presented its own findings, is not required to identify the source of the person or persons who brought the matter to the Committee's attention, although the BOD may do so if it deems such disclosure is in the best interests of the neighborhood. Neither the HOA nor the owner shall be entitled to legal counsel during the hearing. Deliberation of the BOD after the hearing need not be undertaken in the presence of the owner or in open session. Within 14 days after the hearing, the BOD will provide written notice to the owner of its decision. If the BOD decides to impose corrective action, the corrective action shall not take effect until 7 days after the BOD notifies the owner of its decision.
  - f) If the owner fails to appear, the BOD must nevertheless consider evidence presented to it in connection with its investigation, and it must determine whether or not a violation has occurred. If the violation is found to have occurred, the BOD must determine what corrective action to impose, if any.
  - g) A hearing is required before imposition of the suspension of voting rights or other homeowner rights for failure to pay any assessment or for reductions or deferment of fines imposed pursuant to the "Schedule of Fines" attached hereto.
4. The following items do not require a hearing before imposition:
- a) Notification letters.
  - b) Institution of legal proceedings.
  - c) Emergency entry of a lot to remedy a health or safety problem, as determined by a majority vote of the BOD.
  - d) Initiation of alternative dispute resolution proceedings.
  - e) Collection of overdue assessments.
  - f) Removal of any vehicle, trailer, etc. improperly parked or stored on common areas at the owner's expense.

5. Violations that are continuous in nature, such as an unremedied landscaping or architectural violation, may result in the imposition of periodic successive fines as described in the Schedule of Fines without further hearing by the BOD. In each case where a periodic fine is assessed, the periodic fine commences the day after the hearing in which it is determined to assess the fine for a continuous violation.
6. Multiple violations of the same restriction require hearings for each alleged violation. A determination by the BOD that there have been multiple violations of the same restriction may subject the owner to increased fines.
7. Owners are required to notify the Committee in writing upon the correction of any alleged offense so that the Committee may inspect and verify the correction.
8. The BOD may, at any time it deems such appropriate, file a civil action to obtain compliance with the governing documents; the BOD need not fine an owner first. In a court action, the BOD may seek either, or both, injunctive relief (that is, a court order requiring an owner to obey the governing documents) and or recovery of fines, if any.
9. Occasionally violations are committed by tenants or guests of the owner. The owner is responsible for those violations. The Notification Letter and or Notice of Hearing will be sent to the owner, although the Committee may, should it desire, send a copy to the tenant as well. Correspondence will be mailed to the owner of the property at the property address as well as any other address which the owner has supplied to the HOA for the purpose of receipt of correspondence.
10. The BOD and or Committee may, at any time it deems appropriate, perform a review for compliance with HOA governing documents without receipt of notice of a violation. Any alleged violations identified as part of this review will be subject to the same process indicated herein.

# Schedule of Fines<sup>1</sup>

## **Landscaping Violations (i.e. trees, lawn, etc.):**

- ◆ Failure to comply with Initial Notification Letter - First Offense: \$25.00.
- ◆ Failure to comply with 2<sup>nd</sup> Notification Letter or repeat violation of same offense: \$100.00.
- ◆ Continuous Violations: \$300.00, plus a periodic continuing fee of \$5.00 per day until compliance is achieved.

## **Construction / Architectural Control Violations (i.e. lamppost, mailbox, driveway, unapproved structure, etc.):**

- ◆ Failure to comply with Initial Notification Letter - First Offense: \$25.00.
- ◆ Failure to comply with 2<sup>nd</sup> Notification Letter or repeat violation of same offense: \$100.00.
- ◆ Continuous Violations: \$300.00, plus a periodic continuing fee of \$5.00 per day until compliance is achieved.

## **Violations of Other Use Restrictions (i.e. storage of vehicles/trailers, unauthorized animals, pools, etc.):**

- ◆ Failure to comply with Initial Notification Letter - First Offense: \$25.00
- ◆ Failure to comply with 2<sup>nd</sup> Notification Letter or repeat violation of same offense: \$100.00.
- ◆ Continuous Violations: \$300.00, plus a periodic continuing fee of \$5.00 per day until compliance is achieved.

## **Violations That Create an Immediate Danger to Person or Property:**

- ◆ Failure to comply with Initial Notification Letter - First Offense: \$500.00
- ◆ Failure to comply with 2<sup>nd</sup> Notification Letter or repeat violation of same offense: \$1,000.00.
- ◆ Continuous Violations: A periodic continuing fee of \$100.00 per day until compliance is achieved.

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<sup>1</sup>Fines are imposed per violation.