

# TRI-PAR ESTATES PARK AND RECREATION DISTRICT

## POLICY AND PROCEDURE MANUAL

### ITEM 5.34 FINE LEVYING PROCEDURES AND SUSPENSIONS

1. **AUTHORITY:** The Board of Trustees has the authority to levy fines and suspend privileges against property owners and their tenant, guest or invitee of their mobile home who fail to comply with any provision of the deed restrictions or properly promulgated rules or regulations of the District.
2. **FINES & SUSPENSIONS:** The Board of Trustees may levy fines according to the schedule of fines against any property owner, tenant, guest or invitee for the failure to comply with the rules and regulations of the District.

#### a) Procedure for Fines & Suspensions

- (1) A property owner/tenant/guest/invitee that is in violation of the Deed Restrictions, rules or regulations can be recommended by the Park Manager or Trustees to be submitted to the Board for consideration of fines and/or suspensions. The Meeting may be a regularly scheduled Board Meeting or a Special Board Meeting.
- (2) The Chair will call a Special Trustee Board Meeting or place the item on the agenda for a regularly scheduled Board Meeting. Regular notification of the meeting will take place in either case. A fine may be levied by the Board for each day of a continuing violation but may not exceed a cumulative total maximum of \$1,000. A suspension of rights to use common areas or facilities may not exceed 10 days per violation. The Board's consideration may include: the nature and severity of the violation, previous occurrences, precedence setting and/or impact on Tri-Par Estates' ability to enforce future violations. Decisions at Special Trustee Board Meetings or regularly scheduled meeting will then be handed over to the Compliance Committee for further and final action.
- (3) A hearing will then be scheduled before the Compliance Committee to consider the proposed fine or suspension. A letter will be sent to the property owner/tenant/guest/invitee at least 14 days prior to the hearing.

#### b) Procedure for the Compliance Meeting

- (1) Minutes will be taken and a copy included in resident's file.
- (2) The Park Manager will explain the circumstances that led to the levying of the fine or suspension (5 minutes).
- (3) Question/Answer Period: The Committee members may pose questions to the Park Manager.
- (4) The respondent (owner, tenant, guest, or invitee) will provide (if desired) information to the Committee regarding the violation (5 minutes). If the respondent chooses not to attend the hearing, it will be held in absentia.
- (5) Questions/Answer Period: The Committee members may pose questions to the respondent.
- (6) Resident Comment: Only those residents with firsthand knowledge of the violation will be allowed to comment. Such residents shall be given a 3-minute opportunity to speak to the Committee regarding the violation. The Committee and respondent are allotted 3 minutes to examine each witness.

## SECTION 5: POLICY AND PROCEDURE

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(7) Final Argument (3 minutes each segment):

- (i) Park Manager shall summarize the violation and make a recommendation to the Committee.
  - (ii) The respondent may speak to the matter of the violation and proposed fine/suspension.
- c) **Deliberation:** The Committee will deliberate to determine whether to confirm or reject the fine or suspension levied by the Board.
- d) **Final Notification:** The Committee will send a written determination to the violator by certified letter or hand delivered mail. Payment is due within 5 days after receipt of the letter.

### 3. **DELINQUENT PAYMENT:**

- a) If an owner, tenant, guest or invitee is more than 90 days delinquent in paying a monetary obligation due to the District the Board of Trustees, at a scheduled Board Meeting, may suspend the rights of the property owner, tenant guest, or invitee to use common areas and recreational facilities until the monetary obligation is paid in full. This does not include that portion of common areas used to provide access or utility services to the property. Suspension does not impair the right of an owner or tenant of the property to have vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park. Suspension of rights includes all areas accessed by the keyless security system (FOB). The notice and hearing requirements identified in Subsection 2)a) above do not apply to suspension for delinquent payments.
- b) Fines may not become a lien against the owners property in Tri-Par Estates, however, they may be added to the estoppel fees along with 18% interest. These fees would then be paid when the property is sold or changes ownership.

4. **RESTORATION:** Restoration of rights that were suspended because of a delinquent monetary obligation to the District will be restored immediately upon receipt of payment in full of the amount due.

Adopted by Trustees – 10/20/2020

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