# SIR JOHNS HILL HOMEOWNERS' ASSOCIATION, INC.

# RULES & REGULATIONS HANDBOOK

March 2019



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### SIR JOHNS HILL HOMEOWNERS ASSOCIATION, INC

**Rules & Regulations Handbook** 

#### Section 1.1- Preface

This handbook provides information about the Sir John's Hill rules and regulations. Each homeowner should become thoroughly familiar with this handbook as well as the condominium Bylaws.

Adherence to the Rules and Regulations in this handbook and in the Bylaws combined with the spirit of consideration and willingness to work together will ensure the quality of life in a community in which all residents are happy to live.

The Bylaws contain information regarding ownership, elections, general rules, etc. that is not in this handbook. For a copy of the Bylaws, contact the Management Company **or visit the Sir** John's Hill website <u>https://sirjohnshill.wordpress.com</u> Owners can contact the board for login information.

Homeowners/residents are responsible and accountable for their own actions as well as the actions of their guests.

Homeowners who lease their property are responsible and accountable for the actions of their tenants.

Any violations of the rules and regulations herein are to be reported to the Management Company or any member of the Board of Directors.

Violations may result in a fine of up to <u>\$150 per day</u> per North Carolina Law.

See Section 17-1 on FINES

#### SIR JOHNS HILL HOMEOWNERS ASSOCIATION, INC

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### Section 2.1 - Board of Directors

Director/President Director/Vice President Director/Treasurer Director Recording Secretary

> The Board of Directors has responsibilities that are outlined in the Bylaws and duties for the dayto-day operation of Sir John's Hill. In addition, the Board supervises committees and approves all projects in the condominium complex.

The duties of the Secretary and/or Recording Secretary are to record the minutes of Board meetings and to keep accurate files on general condominium activities.

#### **Board Meetings:**

- Board meetings are held monthly at a location designated by the Board of Directors
- Homeowners who want to meet with the Board may request do so by contacting the management company or a Board Member.
- Request must be made at least 48 hours in advance of a meeting.
- Barring time restraint, items usually can be added to the next meeting agenda.
- The first 30 minutes of the Directors Meeting are reserved for executive session and this time is closed to non-Board members

# Sir John's Hill HOA Board of Director Mission Statement:

It is the mission of the Board of Directors of the Sir John's Hill HOA to guide and direct the activities of the Association in such a way as to:

- Maintain and increase property values.
- Enhance the quality of life for owners and residents living in the Sir John's Hill community.
- Foster open communications between the Board of Directors, the community management firm and property owners.
- Encourage the active participation of all property owners.
- Develop and work within an established budget

The Board of Directors are a group of volunteer property owners who give of their valuable time to serve the Sir John's Hill Community

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#### Section 3.1- Property Management Company

The operations of the Board are assisted by the Property Management Company.

The Management Company is:



Falcon One Properties, LLC 6303 Carmel Road, Suite 103 Charlotte, NC 28226 704-447-0159

The Community Association Manager is Tammy Burney Tammy can be reached by email at: <u>tammy@falcononeclt.com</u>

The twenty-four-hour (24 Hour) emergency access number is 704-447-0159.

#### Section 4.1- Monthly Assessments

Each homeowner is assed monthly for the operations of the Sir John's Hill Condominium Association. This assessment covers expensed, including but not limited to, water and sewer, outdoor lighting, exterior pest control, grounds maintenance, building exteriors, roofing, clubhouse maintenance, swimming pool, general maintenance and insurance.

The assessments are payable on the first of each month. There are several ways to pay your assessments.

1. <u>Check</u> –Payment should be made to <u>SIR JOHN'S HILL HOA</u> and mailed to:

Sir John's Hill HOA C/O Falcon One Properties, LLC. 6303 Carmel Road, Suite 103 Charlotte, NC 28226

### 2. Online Portal

Falcon One Properties offers a quick and easy way to pay your dues online. Please ensure that you have provided a valid email to us and we will send an Activation Link for your Homeowner Online Portal.

Monthly assessments for January 1 – June 30, 2019 are made according to the size of the unit as follows.

- 1287 Sq. Ft = \$223.30
- 1540 Sq. Ft = \$256.30
- 2148 Sq. Ft = \$313.50

Effective July 1, 2019 monthly assessments for 2019 will increase as follows according to the size of the unit:

- 1287 Sq. Ft. = \$229.61
- 1540 Sq. Ft. = \$264.20
- 2148 Sq. Ft. = \$322.96

The monthly assessment is determined by the Board of Directors and can be changed based upon requirements associated with upkeep and maintenance of the community property.

Contact the Management Company (704-447-0159) for any information concerning monthly assessments.

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### Section 5.1- Past Due Monthly Assessments

The Board will take steps to have a lien placed on any unit that is 60 days past due on monthly Assessments. Attorney's fees and other costs will be included as part of the lien.

### Assessment Policy

- 1. The Management Company prepares a list of past due monthly assessments for review by the Board of Directors at the monthly BOD meeting.
- 2. Monthly assessments are due on the 1<sup>st</sup> of each month (Due Date). Any assessment not paid on or before the 15<sup>th</sup> of each month will incur a late fee of 10% along with administrative fees incurred in collection of the assessment.
- Legal action on a past due monthly assessment begins on the 61<sup>st</sup> day (Article 10 (6) of the bylaws). If legal action is taken, filing fees, court costs and attorney's fees will be charged to the homeowner.
- 4. Payments received will be applied to any legal fees first, then late fees and/or any penalty fees; the balance will be applied to the outstanding assessment due. Please note this is very costly to the property owner and should be avoided.

\*Any assessment not paid within 30 days after the due date will be subject to annual interest.

### Procedure for taking Legal Act

If your dues and late fees are not paid within 45 days you will receive a **15-Day Demand** Letter, legally informing that a lien will be placed on your property on the <u> $61^{st}$  day late</u> and foreclosure proceeding will begin.

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### Section 6.1- Insurance

The Homeowners Association maintains a fire and casualty insurance policy, including Flood insurance, to cover building exteriors and common areas. The premium for this insurance coverage is paid by the Sir John's Hill Association. Each homeowner is encouraged to have his/her personal property insured for the contents of the unit. Homeowners are required to carry dwelling insurance that covers the interior surfaces and structures of the unit. Homeowners are also required to carry flood insurance covering same.

The Homeowner's Association is responsible for exterior damage and maintenance. Interior damage is the responsibility of the homeowner.

Any and all exterior damage or maintenance issue is to be reported to the management company immediately. They will determine the process for repair.

### Section 7.1- Clubhouse

The Clubhouse in its present condition is not currently available for use by Homeowners.

### Section 8.1 - Maintenance

Maintenance and repair work of the general common area and limited common areas are handled on a job-by-job basis under the direction of the Board.

If the general common area of your unit needs repair, please contact the management company. The Board of Directors establishes priorities for repair work on projects in excess of \$500.

If you call in for service, and the repair is determined not to be the Association's responsibility, you will be notified.

For emergencies such as a water main rupture or a fallen tree that occur after 5:00 PM or on weekends or holidays call **(704)447-0159**. The management company will be paged immediately.

If you do not receive a response from the Management Company, contact a member of the Board of Directors.

Always call 911 first in case of fire or an emergency of a critical nature

# SIR JOHNS HILL HOMEOWNERS ASSOCIATION, INC

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#### Section 9.1- Parking Rules

- 1. Each unit has two (2) designated parking spaces. These spaces are marked with the unit number. Residents of the unit are to park in these designated spaces only.
- 2. Residents with more than two (2) vehicles may request additional assigned parking spaces. Parking passes are available for \$100 per month and must be renewed each month, space is limited. Residents to whom this applies are encouraged to negotiate with residents who have an unused space. Residents are not to park in Visitor spaces. Spaces marked "Visitor" are for guests only. A visitor is defined as a person who is visiting a resident for a few hours but for a period no longer than two weeks. Vehicles in violation will be towed at the owner's expense without further notice.
- 3. Sir John's Hill is a residential community whose residents drive passenger vehicles. One ton or larger trucks and or commercially licensed vehicles are not allowed on Sir John's Hill property unless making deliveries, making repairs or for other business activities requested by homeowners. Residents/Owners/Visitors are not allowed to park vehicles with visible signs, advertising, stencils or verbiage of any kind anywhere on the property. This includes "For Sale" signs.
- 4. Boats, trailers, motor homes, campers, or any recreational vehicles are not allowed to be parked anywhere on the property.
- 5. Unlicensed vehicles, vehicles with expired license tags are prohibited on any area of the property. Vehicles that are not road operable (either temporary or permanent) or wrecked vehicles are prohibited on any area of the property. Vehicles in violation will be towed at the owner's expense without further notice.
- 6. Vehicle maintenance **is prohibited at all times** on the property. The only exception to this rule would be changing a flat tire or putting water directly into the vehicle. No vehicle is to be left on blocks, jacks, etc. If a homeowner, resident or visitor is found performing repairs other than the above-mentioned exceptions, they will be subject to fines plus the cost of damage that might result to the common area property. (Example: Oil spills on asphalt). The vehicle may be subject to towing at the owner's expense without further notice.

#### Section 9.1- Parking Rules-Continued

- 7. Vehicles belonging to homeowners, residents or guests that cause damage or stains to the pavement are prohibited. The cost to repair the pavement will be the responsibility of the homeowner and the unit owner may be fined.
- 8. Homeowner/resident vehicles are the only ones allowed to be washed on the property. Washing vehicles more than once a week is not allowed.
- 9. All designated fire lanes and curbs with yellow markings are tow zones.
- 10. No vehicles such as moving vans or delivery trucks shall be parked, driven across or driven onto the lawn or walkways. Any damage resulting from the violation of this policy shall be at the direct expense of the unit owner.
- 11. No vehicle is to block the vehicle of any other resident or visitor. No double parking. No parking on grass or sidewalks.
- 12. No homeowner/resident is allowed to alter, modify, or make any attachment (either temporary or permanent) to any parking space.
- 14. Residents are responsible for informing their guests of the correct parking locations, and verifying that they have not parked in violation. Parking violations are to be reported to the Management Company.
- 15. For the safety of all residents and visitors, no one should drive in excess of 15 MPH.

### Section 10.1- Swimming Pool

The Board of Directors determines when the pool opens for the season. Generally, that will be from Memorial Day weekend to Labor Day weekend.

# \*\*NO GLASS ITEMS IN THE POOL AREA AT ANY TIME\*\*

Broken glass can cause the pool to be shut down and drained per the Health Department resulting in closure for several days.

# \*\*NO SMOKING OR TOBACCO RELATED PRODUCT'S ON COMMON PROPERTY INCLUDING THE POOL AND POOL PARKING LOT\*\*

- 1. Earlier or temporary closings are dependent on weather conditions, water quality, necessary repairs and availability of sufficient volunteers. Trespassing is not allowed.
- 2. No lifeguard on duty. Swim at your own risk. Anyone under 14 must be accompanied by an adult resident (over 18 years of age) of Sir John's Hill.
- 3. The pool is for homeowners and residents of Sir John's Hill only. Visitors including family members not living on the property must be accompanied by homeowner/resident. A homeowner/resident may have a maximum of four (4) guests at any given time and is responsible for their conduct.
- 4. The pool is not available for private parties. A pool party for homeowners/ residents can be organized only by the Association and its committees.
- 5. Shower and use restrooms before entering the pool. Facilities are near the pool in the back of the clubhouse. Wipe off excess suntan oil before swimming.
- 6. Animals, bicycles, skateboards, etc. are not allowed in the pool area.
- 7. Bring your drinks in **non-breakable plastic/metal contains**. Eat your food and snacks in the picnic area behind the pool. No one **under the age of 21** is allowed to consume alcoholic beverages.
- 8. No children in diapers are allowed in the pool.
- 9. No running, pushing, spitting or horseplay is allowed.

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#### Section 10.1- Swimming Pool – Continued

- 10. Close the gate to the pool when entering and leaving.
- 11. Leave all pool equipment (lifeline, shepherds crook, life preserves, hose, etc) undisturbed in its place except in an emergency. Safety equipment must be readily available in case of emergency. Keep pool furniture and personal items tow or three feet away from the pool edge.
- 12. Keep your radio next to you and keep its volume down. For safety reasons, bring only a battery-operated radio. Keep your voice at a low level.
- 13. Wear proper bathing attire in pool. No cut -offs.
- 14. Leave deck area, pool furniture, rest rooms and outside food area in a clean condition. Use trash cans.
- 15. Anyone abusing the facilities will be barred from further use. A fine may be imposed to the homeowner/resident responsible.
- 16. The foregoing rules are largely adapted to the pool regulations of the Heath Department who can close the pool if we are found in violation. The pool is inspected by the Heath Department at unspecified times.

### Section 11.1- Pets

Pursuant to the Bylaws, homeowners/residents are allowed to have two (2) animals per unit. Exceptions are animals confined to cages and aquariums inside the unit. No snakes. No animal can be kept confined in the limited common area. Owners will be liable for any injuries, property damage or disturbances inflicted or caused by their pets.

The leash law of the City of Charlotte is in force on the common grounds of Sir John's Hill. **NO PETS ARE TO BE WALKED ON COMMON GROUNDS WITHOUT A LEASH**. Pets cannot be left unattended in the common areas.

Animals must be on a leash when being walked. Keep them away from landscaped (grass and shrubs) areas in front of the buildings, parking spaces, Clubhouse and picnic area behind the swimming pool. **Clean up after your pet. Carry a pooper scooper or plastic bag.** All animals roaming free are subject to capture by Animal Control.

Do not feed or provide shelter to stray animals of any kind. Violators will be reported to the Animal Control Bureau of The City of Charlotte and the Animal Licensing Center. You will be responsible for licensing fees, rabies vaccinations, spaying and neutering and other related costs.

Visiting pets are subject to the same regulations as resident pets.

Pets may not be kept or bred for commercial purposes. Livestock and other non-household pets are not permitted.

Pet houses or pens are not permitted in the limited common areas or the general common area or the general common areas.

### Section 12.1- Trash/Recycling

Regularly scheduled roll-out container garbage, trash pickup is every THURSDAY for Winding Creek Lane and WEDNESDAY for Maple Glen Lane. Recycle pick up follows the city code orange schedule and is every other week. Holiday collection schedules will be announced in city publications and through the news media. Below I the City of Charlotte trash and recycle policy. If you have any additional questions please call 311 for assistance. If you have bulky items (ex, Furniture) please call 311 to schedule the pick-up. The link to the Mecklenburg County Recycling Calendar is: <u>Https://charlottenc.gov/SWS/Pages?Recycling-Follection-Schedule.aspx</u>

- Each household is assigned one 96-gallon garbage rollout cart. The rollout chart is for disposing of regular household garbage only; recyclables and yard waste should <u>not</u> be placed in the rollout carts.
- Please place your cart at the top of your parking space and with the handle toward your property. To avoid property damage, please space collection items at least 3 feet apart. Also please allow 3 feet between your rollout cart, recycling bins, yard waste, bulky items and other obstacles such as mailboxes, telephone pools and automobiles.
- Please place your rollout car at the curb no later than 6:30AM the day of your scheduled collection day. Your cart must be removed from the curb by midnight on the day of collection. A minimum **\$50 citation** may be issued if you leave your cart at the curb past midnight on your collection day.

### What to place in the rollout cart?

- Regular household garbage
- Old clothing
- Paper products
- Dried paint cans without lids
- Kitty litter and soiled infant diapers (doubled bagged)
- Other miscellaneous items

Please <u>**BAG</u>** all items prior to placing them in carts; items placed **outside** carts will NOT be collected.</u>

Garbage placed **outside** the rollout cart will <u>NOT</u> be collected. All garbage should be placed in plastic bags, prior to placing in the rollout cart. Cardboard and cardboard boxes can be recycled.

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### Section 12.1- Trash/Recycling - Continued

# What NOT to place in the rollout cart?

- Deal animals
- Empty cardboard (please cut, do **NOT** fold, cut cardboard into 3x3 feet pieces and <u>stack</u> <u>cardboard neatly at curbside</u>).
- Recyclable materials please place in recycling bin
- Yard waste
- Hot ashes
- Motor oil
- o Solvents
- Wet paint
- Pool chemicals
- Flammable liquids
- Other hazardous materials not previously mention.

### Household Hazard Waste

The City of Charlotte crews will only collect the following household hazardous waste materials:

- Dried paint cans with lids removed
- Kitty litter double bagged in plastic and securely tied
- Soiled infant diapers, rinsed and placed in double plastic bags and securely tied.

### **Building Materials**

Building materials resulting from homeowner repair <u>MUST BE SCHDULED</u> for bulky item collection and it will be collected by City of Charlotte crew. Call **311** for scheduling.

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#### Section 13.1- Leasing

- 1. A unit for lease requires occupancy by a single family (lessee). Any unit owner intending to make a bona fide sale or lease of his unit shall first give written notice to the Board of Directors of such intention, such notice will include the name and address of the intended purchaser or lessee. No such proposal shall be deemed bona fide unless there is written contract of sale or lease executed by all parties thereto. All leases of Units shall be written on standard forms furnished by the HOA which may not be modified without the written consent of the HOA. (Article XIII, (1) of the By-laws). (Article XII, (1) of the By-laws).
- 2. A unit listed for lease is subject to the Declaration, Bylaws and the current Rules and Regulations (the present Handbook) of the Association. The listing homeowner and or its appointed agent are required to provide a copy and familiarize a prospective lessee with the terms of the present Rules and Regulations. All leases must be written on the standard Sir John's Hill form. (Article XII, (1) of the By Laws).
- 3. The lease of a unit to individuals not of the same family requires the notification of the Board of Directors, **before signing an agreement.** (Article XIII, (1) of the By-Laws)
- 4. The owner of a leased condominium unit must file a copy of the lease with the Management of the Association and provide a signed statement verifying the delivery of the Rules and Regulations to the tenant.
- 4. No rooms may be rented except as part of the entire unit, and no transient tenants may be accommodated. (Article XIII, (10) of the By-Laws)
- 5. Effective 7/1/11 all owners are required to submit a background check of all potential tenants with the copy of the lease to the HOA **prior** to renting the unit.
- 6. Violations may result in a fine of up to \$150 per day per North Carolina Law. See Section 17-1 on fines.

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### Section 14.1- Sale of Unit

- 1. Any unit owner intending to make a bona fide sale or lease of his unit shall first give written notice to the Board of Directors of such intention, which notice will include the name and address of the intended purchaser or lessee. No such proposal shall be deemed bona fide unless there is written contract of sale or lease executed by all parties thereto. All leases of Units shall be written on standard forms furnished by the HOA which may not be modified without the written consent of the HOA. (Article XII, (1) of the By-Laws)
- 2. One standard SJH sign is the only authorized window sign. Signs are available for a nominal fee at Winning Awards in Waxhaw (704) 256-3446 or info@winningawards.net. Contact the management company or a member of the Board for further information regarding approved community signage. (Article XIII, (3) of the By-Laws).
- 3. Prior to closing, the seller must make available to the buyer the Declarations, By-Laws with amendments and the current Rules and Regulations.

### Section 15.1- General Rules

- Per the By-Laws, exterior alternations, corrections or repairs on the building inkling limited common areas are made only with the Board's approval.
- Fireplace wood must be stacked above the ground at least 18 inches away from the buildings to prevent termite damage. Do <u>NOT</u> stack firewood in your entranceway. **If you cover it, use a dark-colored tarp.**
- Nothing is to be hung on the balconies, such as clothes, laundry, towels, shades, hoses, lights, etc.
- No fireworks are allowed at any time on the property.
- Homeowners/residents are required to keep the area in the front (entranceway & parking spaces) and in the back (concrete slab) of their units clean and free of litter, discarded garbage.
- Window treatments and other changes that may affect the outside appearance of the condominiums are not allowed. Decorative flags are <u>not</u> allowed anywhere on the property except in the enclosed patio area. The "American Flag" is the only acceptable flag to be attached to the outside of the building.
- It is the responsibility of the owners to keep the Association and Falcon One Properties LLC informed of their current address, telephone number and email. The Sir John's Hill Homeowner Associations and Falcon One's obligation to contact owners ends with the attempt to contact the owner at their last known address and telephone number.
- The Management Company and or contractors must have access to the limited common areas, including the enclosed patio at all times. Except in an emergency situation, residents will be informed in advance when access will be required.
- No firearms are to be discharged on the property.
- No homeowner/resident is permitted to water any grassy areas at any time.
- Personal belongings such as yard tools and children's toys should not be left in any common area, including parking areas, when not in use.

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#### Section 15.1- General Rules - Continued

- Small satellite dishes may be permitted but location must be approved by the Board of Directors. No dishes may be affixed to the building or roof. See website for additional information. No receiving or transmitting device of any kind is allowed to be attached to the building or common areas.
- Individual homeowner/resident yard sales on the property are prohibited. Community yard sales are subject to Board approval.
- No homeowner or resident is allowed to paint or in any other manner improve or deface the common area. The maintenance of general and limited common areas as well as parking and landscaped areas is the obligation, duty and responsibility of the homeowner's association.
- No attachments, awnings or enclosures of any type are allowed in the common areas without prior board approval. Any unapproved alterations or additions to the common area may result in fines and removal by the Association at the expense of the owner.
- Bedding plants are allowed in the front of the units and walkways; however, vegetables are not.
- Smoking and all tobacco related products are restricted to limited common property and not allowed on general common property including the pool and parking lots.
- Pursuant to the City ordinance on outdoor grills in multifamily complexes: "no gas or charcoal grills are allowed to be operated within 10 feet of any flammable building surface. Electric grills are allowed."

#### Section 16.1- Definitions

Association: Sir John's Hill Homeowners Association.

Board: Sir John's Hill Homeowners Association Board of Directors.

<u>Common Area:</u> All of the Condominium Property after excluding units. Common Area includes both the "General" and "Limited" Common Areas and facilities.

<u>General Common Area</u>: Consists of the entire Condominium Property and every part thereof, other than the units and the Limited Common Areas.

<u>Limited Common Area</u>: Consists of those areas reserved for the specific use of unit owners to the exclusion of others. Examples are: enclosed patios and storage areas, front and back porches, balconies, and assigned parking spaces.

Condominium Documents: Sir John's Hill Declaration, By-Laws and Rules and Regulations.

Unit: One of the seventy-eight residential units in the buildings.

Note: For more comprehensive definitions, refer to the Declaration and By-Laws

### Section 17.1- Fines

Under the By-Laws and Covenants of the Sir John's Hill Home Owners Association and in accordance with the Laws of the State of North Carolina, the Board of Directors may develop, publish and enforce Rules and Regulations. It is the stated mission of the Board of Directors to take whatever actions are necessary to enhance the quality of life in our community and to increase the values of the entire Sir John's Hill Condominium Community.

It is the responsibility of the Board of Directors to enforce the By-Laws and Rules and Regulations of the Association. The only enforcement method available to the Board of Directors is to levy fines for violations and or as a final resort to take legal action against the unit owner.

In an effort to communicate the guidelines for levying fines, the following guidelines will be followed:

- With the exception of parking offences, anyone \* in violation of the Rules and Regulations will receive a letter allowing them the opportunity to correct the problem.
- If the violation is not corrected within 72 hours, a hearing notice will be sent to the unit owner. The owner will be required to either attend the hearing or correct the problem. The hearing will take place at the date and time on the notice whether or not the owner appears. You will then receive a hearing determination letter outlining the outcome of the hearing. There may be fines imposed at this point. In addition, any expense incurred by the Association in remedying the problem will be billed to the unit owner.
- The first fine will be in the amount of \$50. Each occurrence of the same violation going forward will not warrant a hearing but a fine of \$100 per occurrence. According to North Carolina State law, fines may be levied as high as \$150 per day per occurrence.
- Fines must be paid within 30 days of their being issued (postmark of letter). Failure to do so will cause the addition of late fees.

\*Tenants will not be notified or fined. Owners of leased units are notified of violations by their tenants and ultimately are responsible for the actions of their tenants. Owners, not tenants, are responsible for the actions of their tenants. Owners, not tenants, are responsible for payment of the fine. **Fines are paid first before dues.** 

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#### Section 17.1- Fines (Parking Violations -Continue

- 1. Vehicles that are found to violate rules and regulations will first be warned with a sticker notification or letter to remedy the violation.
- 2. The owner of the vehicle will have 24 hours to remedy the violation after which time the vehicle may be towed at the owner's expense.
- 3. Repeat offenders are subject to immediate towing without any further notice.
- 4. At the discretion of the Board of Directors, owners may be sent a Hearing Notice. It is important to remember that fines may be levied in addition to vehicle towing.
- 5. Fines are minimum **\$25 per day** and up to **\$150 per day** at the discretion of the Board.