



## **Harbor @ Whitten & Dustin Condominium Association**

### **Policy for the Issuance of Fines**

#### *Article III: Board of Directors, Section 1 (j)*

*(j) The Board of Directors shall have the right to assess a fine to any Unit Owner who fails, or whose tenants fail, to adhere to any Rule or By-Law after being notified in writing of being in violation of said Rule or By-Law. The Unit Owner shall immediately comply and/or remedy the violation after notification. The initial fine shall be \$25.00, the second fine for continued infraction shall be \$50.00 and each successive fine for continued violations will double until the violation is rectified. All of said fines assessed shall be set at the sole discretion of the Board of Directors and shall constitute a special assessment against the unit.*

We live in a community where everyone's cooperation with, and adherence to, the Rules and Regulations of the Condominium is essential for the smooth operation of our property. Compliance with these rules and regulations is intended to help maintain the property values of each Owner. In addition, they provide for a comfortable, peaceful, and attractive living environment. The Board of Directors at Harbor @ Whitten & Dustin Condominium Association wish to point out that most of the rules have been taken from the Condominium Documents and we ask that you give them the attention and importance they deserve.

Unfortunately, there are occasions when either unit owners or tenants may violate rules established by the association and fines must be levied in order to encourage compliance. In order to minimize subjectivity and to assure clarity and fairness, the Board of Directors has established this "policy for the issuance of fines" that will be communicated with all unit owners in advance of the issuance of any fines. This policy is written in compliance with the by-laws (excerpted above).

As an overarching principle, the Board of Directors understands inadvertent non-compliance and has included in the policy reasonable warnings and periods of time for corrective action. However, the Board of Directors has no tolerance for obvious, blatant and repeated rules violations. To that end, fines for repeated violations escalate and assessments accumulate. Once the accumulated assessment amount reaches a level that exceeds two months condominium fees, a lien will be placed on the unit owner's property.

In addition, it is not the responsibility of the Board of Directors or the Management Company to police compliance after notification of violation. This policy gives the unit owner the sole responsibility to notify the Board of Directors that non-compliant situations have been resolved. Should such notification be given and it comes to the attention of the Board of Directors that either a) the violation was not in fact been corrected or b) after correction the violation re-occurs, the fining process will continue to escalate from the fine level reached in the original fining process.

### **FINING LEVEL AND FREQUENCY**

Fining level and frequency has been categorized based on the severity of violation and the reasonable amount of time required to correct the violation after notice is given to the owner. Violations are categorized as minor daily violations, minor weekly violations or major safety violations. Fines can be levied either daily or weekly based on the category of the violation. Daily violations are those violations that can be corrected within 24 hours. Fines for such violations will be levied each day after 1<sup>st</sup> written warning and will escalate per the fining schedule each day until the owner notifies the Board of Directors that the violation has been corrected. Weekly violations are those violations that may require up to one full week to correct. Fines for such violations will be levied each week after 1<sup>st</sup> written warning and will escalate per the fining schedule each week until the owner notifies the Board of Directors that the violation has been corrected. Each type of violation will be considered separate and fines will be levied accordingly. There is no tolerance for any safety violation. On the first instance of such violation, fines will be levied without warning and will escalate per occurrence per the fining schedule. A list of examples of each violation type follows...

#### **MINOR DAILY VIOLATIONS**

Include but are not limited to; all parking violations, unregistered vehicle violations, inappropriate vehicles on property, snow removal violations, towels/laundry on railings, trash on decks, inappropriate storage in common areas, excessive noise, littering, the use of foul and offensive language, any illegal activity on the property

#### **MINOR WEEKLY VIOLATIONS**

Include but are not limited to; unauthorized pets, construction violations (inappropriate doors, windows)

#### **MAJOR SAFETY VIOLATIONS**

Include but are not limited to; any use of charcoal grills, fire pits, chiminea's or other such open flame on the property. Any use of fireworks on the property.

### **STATEMENT OF RULE COMPLIANCE**

It is the responsibility of the unit owner to provide a written statement of compliance (SOC) once a specific violation has been corrected. The SOC should be sent by registered mail to the management company or delivered directly to any member of the Board of Directors. Upon date of receipt, the fining process will cease. Should such notification be given and it comes to the attention of the Board of Directors that either a) the violation was not in fact corrected or b) after correction the violation re-occurs, the fining process will continue to escalate from the fine level reached in the original fining process.

**FINING PROCESS**

Upon notification of a rules violation by tenant or unit owner, the Management Company or Board of Directors shall provide the unit owner with a written notification detailing the fining process. The notification shall contain a description of the violation, the required resolution and the automatic schedule of fines to be levied until the infraction is resolved and a written statement of compliance is provided to the Management Company or the Board of Directors.

**PENALTIES FOR NON PAYMENT**

1. All fines are subject to late fees if not paid within 21 days.
2. Accumulated fines and late fees equaling 2 months condominium fees will cause a lien to be placed on the property.
3. All related legal fees or collection fees incurred for recovery of monies owed the Association will be assessed against the unit owner.

**FINE SCHEDULE**

**MINOR DAILY OR MINOR WEEKLY VIOLATIONS**

Violation Occurrence	Fine per Occurrence	Cumulative Assessment Against Unit
1 <sup>st</sup>	Written Warning	\$0
2 <sup>nd</sup>	\$25.00	\$25.00
3 <sup>rd</sup>	\$50.00	\$75.00
4 <sup>th</sup>	\$100.00	\$175.00
5 <sup>th</sup>	\$200.00	\$375.00
6 <sup>th</sup>	\$200.00	\$575.00
7 <sup>th</sup>	\$200.00	\$775.00
8 <sup>th</sup>	\$200.00	\$975.00
9 <sup>th</sup>	\$200.00	\$1,175.00
10 <sup>th</sup>	\$200.00	\$1,375.00

**Fines shall continue to be levied and accumulate at \$200.00 per occurrence until a statement of compliance is received from the unit owner**

**MAJOR SAFETY VIOLATIONS**

Violation Occurrence	Fine per Occurrence	Cumulative Assessment Against Unit
1 <sup>st</sup>	\$250.00	\$250.00
2 <sup>nd</sup>	\$500.00	\$750.00
3 <sup>rd</sup>	\$1,000.00	\$1,750.00
4 <sup>th</sup>	\$1,000.00	\$2,750.00
5 <sup>th</sup>	\$1,000.00	\$3,750.00

**Fines shall continue to be levied and accumulated at \$1,000.00 per occurrence until a statement of compliance is received from the unit owner**

Owners may communicate in writing with the Board by addressing letters to:

BOARD OF DIRECTORS  
HARBOR @ WHITTEN & DUSTIN CONDOMINIUM ASSOCIATION  
P.O. Box 1155  
HBurlington, MA 01803

[www.hwd48.com](http://www.hwd48.com)

Adopted by the Harbor @ Whitten & Dustin (aka Hampton Harbor) Condominium Association Board of Directors on December 2, 2007.