

# SANCTION GUIDELINES

## Briar Chapel Community Association Sanction Guidelines

### **Purpose**

The Briar Chapel Community Association desires that its members resolve violations and breach of provisions of any governing document in a timely and appropriate manner. In instances when violations are not resolved in a timely and appropriate manner, the Association shall have the right to levy reasonable fines and/or suspend the privileges of the Owner, or any person acting by, through, or under the owner, according to North Carolina Law and Briar Chapel governing documents. This policy contains guidelines for imposing fines of unresolved or repeated violations.

### **Authority**

Under North Carolina General Statutes, Chapter 47 “North Carolina Planned Community Act”, the Association has the responsibility, the authority, and a legal process to enforce its governing documents.

North Carolina General Statute §47F-3-107.1 “Procedure for fines and suspension of planned community privileges or services” includes requirements for imposing fines and suspension of services. A fine not to exceed one hundred dollars (\$100) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs.

### **Briar Chapel Violation Process**

The protocol for the violation process is provided in the Covenants Committee Charter. If, after a Courtesy and/or Violation Notice to the homeowner, the issue is unresolved, the BCCA General Manager will coordinate a hearing date with the Covenants Committee and issue a Notice of Hearing to the homeowner in violation. At the hearing the homeowner presents their case and how they plan to remediate the problem. The Covenants Committee will review the infraction and determine sanctions (if any) and inform the Board, who is responsible for the enforcement. The homeowner shall have the right to appeal the decision to the Board. The Board will have the ultimate authority to determine appropriate remediation.

### **Sanction Guidelines**

Following a Hearing, the Covenants Committee may use the Guidelines in the tables below to determine any proposed sanction.

1. Violations are grouped into 6 categories:
  - a. Immediate need to cure violations
  - b. Cosmetic violations
  - c. Design Review and Design Standard Violations
  - d. Use of home violations
  - e. Common area violations
  - f. Interpersonal violations
2. The sanctions recommended in the following table are for first time violations. Repeat violations for the same activity should be increased accordingly. Sanctions for violations of different activities within a year should be increased. The below sanctions in the tables are recommendations only. The Covenants Committee has the authority to issue sanctions of up to \$100/day per North Carolina law based on the severity of the violation.

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Violation CATEGORY	Definition	Examples	BCCA Management Actions	Recommended Sanctions
<b>IMMEDIATE NEED TO CURE</b>	Violations involving endangerment to health and safety, imminent property damage, and/or illegal activities. Emergency (911) calls may be necessary.	<ul style="list-style-type: none"> <li>• Using drones;</li> <li>• Burning trash leaves or other materials;</li> <li>• Discharging fireworks;</li> <li>• Discharging firearms;</li> <li>• Storage of fuels in unreasonable amounts;</li> <li>• Dog off leash threatening individuals/personal property;</li> <li>• Activities that threaten health and/or safety;</li> <li>• Disturbing the peace;</li> <li>• Activity which emits foul/obnoxious odors from a unit;</li> <li>• Raising, breeding animals, livestock, or poultry</li> </ul>	<ol style="list-style-type: none"> <li>1. No Courtesy Notice issued</li> <li>2. Notice of Violation Issued</li> <li>3. Notice of Hearing issued for second violation</li> </ol>	<p><b>-\$100 for single event</b>  <b>-\$100/day for ongoing event until cured</b>  <b>-Suspension of privileges considered</b></p>
<b>COSMETIC</b>	Violations due to failure to maintain the structure and/or property in accordance with acceptable standards of the governing documents	<ul style="list-style-type: none"> <li>• Not maintaining landscaping or landscaping on right-of-way within 15 feet of boundary;</li> <li>• Not maintaining unit and improvements;</li> <li>• Not repairing or reconstructing damages on unit within 180 days;</li> <li>• Not maintaining owner’s side of party fence;</li> <li>• Not maintaining owner’s side of party structure;</li> <li>• Accumulation of rubbish or trash on property;</li> <li>• Waste and recycle containers not stored properly;</li> <li>• Not properly screening statuary;</li> <li>• Placing an unapproved sign or flag on any unit;</li> <li>• Unsightly nuisance or seasonal items;</li> <li>• Clothesline installed;</li> <li>• For Sale and political election signs not meeting DRC guidelines</li> </ul>	<ol style="list-style-type: none"> <li>1. Courtesy Notice issued with 30 days to cure.</li> <li>2. Notice of Violation (if needed) issued with 30 days to cure</li> <li>3. Notice of Hearing issued if needed</li> </ol>	<p><b>-\$20/day until cured</b>  <b>-Suspension of privileges considered</b></p>

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<b><u>Violation CATEGORY</u></b>	<b><u>Definition</u></b>	<b><u>Examples</u></b>	<b><u>BCC Management Action</u></b>	<b><u>Recommended Sanctions</u></b>
<b>DESIGN REVIEW and DESIGN STANDARD</b>	Violations due to placing, erecting, or installing any structure or thing upon any Unit or property, or making improvements or doing other work, exterior alterations of existing improvements, or planting, or major removal of landscaping without DRC approval.	<p>If DRC approval is not received:</p> <ul style="list-style-type: none"> <li>• Obstructing or rechanneling drainage flows after location and installation of approved drainage;</li> <li>• Making improvements to Unit after closing;</li> <li>• Changing lighting;</li> <li>• Changing equipment, utilities, and/or vents;</li> <li>• Installing above ground swimming pool, swimming pool, hot tub, or spa;</li> <li>• Adding gardens;</li> <li>• Installing permanent barbecue or outdoor kitchen;</li> <li>• Changing colors of exterior of unit and/or structures attached to or on property,</li> <li>• Installing satellite dish or solar panel;</li> <li>• Preparing site for building or landscaping; not meeting rules for rain barrels;</li> <li>• Not meeting rules for recreation items;</li> <li>• Not meeting rules for mailboxes</li> </ul>	<ol style="list-style-type: none"> <li>1. Courtesy Notice issued with 30 days to cure</li> <li>2. Notice of Violation (if needed) issued with 30 days to cure</li> <li>2. Notice of Hearing issued if needed</li> </ol>	<p><b>-\$50/day until cured</b>  <b>-Suspension of privileges considered</b></p>

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<p><b>USE of HOME</b></p>	<p>Violations of home use as allowed by governing documents</p>	<ul style="list-style-type: none"> <li>• No permission to lease unit;</li> <li>• Not following rules after leasing unit;</li> <li>• Conversion of garage for use as an apartment or living area;</li> <li>• Use of unit for time sharing, fraction sharing, or similar rental program;</li> <li>• Not obtaining approval for business use of unit or not following rules for business use of unit after obtaining approval;</li> <li>• Storage in garage which precludes its use for parking of that number of vehicles for which it was intended.</li> </ul>	<ol style="list-style-type: none"> <li>1. Courtesy Notice issued with 30 days to cure</li> <li>2. Notice of Violation (if needed) issued with 30 days to cure</li> <li>3. Notice of Hearing issued if needed</li> </ol>	<p><b>-\$25/day until cured</b> <b>-Suspension of privileges considered</b></p>
<p><b>COMMON AREA</b></p>	<p>Violations of rules for use of common areas in Briar Chapel</p>	<ul style="list-style-type: none"> <li>• Dumping clippings, leaves, grass, or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances anywhere within Briar Chapel;</li> <li>• Swimming or use of personal flotation devices in any stream, pond, or other body of water within the community or fishing or boating except for any policies established by the Board;</li> <li>• Not keeping dog on leash-dogs roaming;</li> <li>• Not cleaning up after dogs;</li> <li>• Not following parking rules for personal, commercial and large vehicles;</li> <li>• Not following trail and park rules;</li> <li>• Not following fitness center rules;</li> <li>• Not following pool rules;</li> <li>• Not following sports complex rules</li> </ul>	<ol style="list-style-type: none"> <li>1. Courtesy Notice issued with 30 days to cure</li> <li>2. Notice of Violation (if needed) issued with 30 days to cure</li> <li>3. Notice of Hearing issued if needed</li> </ol>	<p><b>-\$25 for single event</b> <b>-\$25/day for ongoing event until cured</b> <b>-Suspension of privileges considered</b></p>

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<p><b>INTERPERSONAL</b></p>	<p>Violations due to communications issues, or responsibility issues.</p>	<ul style="list-style-type: none"> <li>• Failure to reimburse adjacent owner for repair or replacement of shared structure;</li> <li>• Not maintaining property insurance for full replacement costs;</li> <li>• Yard sale, moving sale, or similar activity without authorization</li> </ul>	<ol style="list-style-type: none"> <li>1. Courtesy Notice issued with 30 days to cure</li> <li>2. Notice of Violation (if needed) issued with 30 days to cure</li> <li>3. Notice of Hearing issued if needed</li> </ol>	<p><b>-\$25 for single event</b>  <b>-\$25/day for ongoing event until cured</b>  <b>-Suspension of privileges considered</b></p>
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