



CITRUS SPRINGS, VILLAGE "E"

Complaints, Infractions, and Appeals

May 25th, 2019

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

1. Introduction. Each member and the member’s tenants, guests, and invitees are governed by, and shall comply with, Citrus Springs, Village “E” governing documents and the rules of the Association. The Board of Directors has the responsibility of establishing guidance for handling complaints and Infractions as well as any appeals. This guidance is provided to ensure that enforcement is both fair and consistent.

2. Enforcement Policy. Enforcement of the governing documents is the responsibility of each of the Board of Directors. From time to time, the Board or its agents may do property inspections to determine if infractions of the governing documents have occurred. Additionally, any member may file a verbal or written complaint.

3. Submission of Complaints by Members. Complaints may be submitted to any member of the Board or designated representative(s). .

3.1. Resident or Member reported infraction

3.1.1. Reporting. When infractions are observed by a member or resident, that member may submit a complaint to any member of the Board or designated representative(s). That Board member will be responsible for validating the complaint, if necessary take pictures, and then they will submit the report to the Board for appropriate action. All complaints need to be submitted to the Gmail account regardless so that it can become part of the HOA records. If the complaint involves a motor vehicle please include the following information, if available:

- Date and time of occurrence
- Identity or description of driver
- Vehicle plate number
- Description of the vehicle
- Location of the infraction
- Nature of the complaint

Regardless of whether the Board determines what action to take receipt of the complaint submission will be acknowledged.

3.1.2. Complaint Validation. A designated member(s) will review all complaints and determine what, if any, action is to be taken. If action is to be taken the specific HOA rule or covenant will be documented. Once the Board review activity has been completed the Board will determine next steps.

3.2. Inspections by the Board or Designated Representative. The Board is responsible for identifying parcels that are in non-compliance with existing governing documents. Roles and responsibilities are outlined in Exhibit (A). The infraction process is outlined in the process flow contained in Exhibit (B).

3.2.1. Frequency of Inspections. The Board or designated representative(s) may perform walk around inspections of Lake Tangelo at various times of the year.

3.2.2. Notice of Inspections. The Board or designated representatives) shall send notice of any inspection to the parcel’s owner and residents at least three (3) weeks prior to such inspection. Additionally

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

the inspection should occur at least 5 days prior to the next scheduled Board of Director’s meeting. The notice will list the items being given emphasis during that inspection. If there is a change to the inspection schedule a notice of such change will be sent to the residents.

3.2.3. Inspection. The Board or designated representative(s) will perform an inspection on the designated date with a focus on the items listed in the email notice. The inspection will also include items reported by any member/resident to verify that the infraction is valid. The inspection checklist shown in Exhibit (B) is a list of common infractions and can be used as a reference when recording infractions. It is not the intent that a form be completed for each home with an infraction.

3.2.4. Report. The Board shall compile and review the report prior to the next BOD meeting. The Board will determine what corrective action, if any, is to be taken. To facilitate easy downstream processing the following items need to be included in the report:

- House number
- Infraction reference, e.g. ARC 9.1 or CC&Rs 9.4.6.
- Concise description of infraction, e.g. “Excessive weeds in driveway”. This verbiage will be used in the Infraction Notice.

4. Fines Policy. The Association may levy reasonable fines. A fine cannot exceed \$100 per infraction against any member or any member’s tenant, or guest for the failure of the owner of the parcel or its occupant to comply with any provision of the governing documents. However, with a single notice the Board of Directors may impose a fine of \$100 per day of a continuing infraction. In all cases the owner/tenant will be given an opportunity for a hearing. In no case shall a fine exceed \$1000 in the aggregate. A fine of less than \$1000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party as determined by the court.

5. Infraction Procedures. Once an infraction has been determined to be valid the following procedures will apply.

5.1. First Notice of Infraction. A “Notice of Infraction Warning” will be emailed/mailed to the property owner for compliance within 30 days. The written notice of the infraction shall include:

- The specific provision(s) violated.
- Detailed description of the alleged infraction.
- Request a response within thirty (30) days of the date of the notice.
- Advise the alleged offender of options available (if any) to resolve the issue.
- Place “Infraction Notification” along with the street address in the subject line.
- Advise the alleged offender that if there is a failure to respond within the required timeframe, the infraction shall be considered valid.

5.2. After 30 days. On the 31st day, if the Board of Directors has not received an appeal or response from the offending owner/resident, the Board will verify if the situation has been resolved, and if the infraction remains unresolved, the fining process will continue. In the case of infractions observed by the Compliance Committee the committee will conduct a follow-up inspection to determine if the infraction is resolved. In all cases a valid infraction will be entered into the Infraction Log for tracking. If the infraction persists, the next step of the infraction process will be initiated.

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

5.3. Second Notice of Infraction. Failure to take corrective action is grounds for the assessment of a fine. Prior to administering a fine the Board of Directors will review the nature of the infraction to assure a fine is warranted. If the fine is warranted, the Secretary will send the notice of the infraction approximately thirty-one (31) days after the first infraction notice. In the case of a repeat infraction the second notice will automatically be sent. The owner/tenant will be advised of the fine as shown in the following table. The owner/tenant will also be advised they have the option of appealing the fine to the Fine Review Committee. If an appeal is desired, the owner/tenant must contact the Board of Directors, in writing, within fourteen (14) days of receipt of the second notice of their plan to appeal.

Fine Schedule

| Type of Infraction | Maximum Time to Comply | Initial Fine | |
|--|--|---------------------|---|
| Failure to submit ARC Request | ARC Request must be submitted and approved prior to improvement being made | \$100 | |
| Parking Violation | 1 Day | Warning Issued | Subsequent violation within 6 months will result in towing of the vehicle |
| Landscaping | 30 days to correct | \$50 & \$50 a week | Up to a total of \$1,000 per violation |
| Non Landscaping | 1 Day | \$50 & \$50 a week | |
| Repeat of substantially similar landscaping issue within 6 months of previous infraction | 30 days to correct | \$100 & \$100 a day | Up to a total of \$1,000 per violation |
| Repeat of substantially similar non-landscaping issue within 6 months of previous infraction | 1 day | \$100 | |

5.4. Fine Review. The decision of the Fine Review Committee is final. The Fine Review Committee will follow the guidelines reflected below. The Committee will determine whether or not a fine was properly imposed in accordance with the relevant governing documents.

5.5. Notice of Fine. Once the Fine Review Committee completes their action, and is found to be properly imposed, the Notice of Fine will be sent advising the owner/tenant that the Fine Review Committee has upheld. The notice will reflect the amount of the fine imposed and that the infraction will

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

still need to be corrected. Checks will be made out to Citrus Springs, Village “E” and mailed to 565 Citrus Springs Blvd SW, Vero Beach, FL 32968.

6. Repeat Infractions. In the event that an owner/tenant is considered to be in violation of the Association Documents and the infraction is a repeat of a previous infraction or substantially similar to a previous infraction, then the Association may eliminate the First Notice of Infraction. Repeat infraction is one where the second infraction occurs within 6 months of the previous infraction. In this case, and after review of the Board, a second Notice of Infraction will be sent notifying the owner/tenant that a fine is being issued in the amount reflected in the fine schedule if the infraction is not corrected. The owner/tenant is advised that they can appeal the fine to Citrus Springs, Village “E”, Fine Review Committee. The appeal must be made to the Fine Review Committee in writing and it must be done within fourteen (14) days of receipt of the letter.

7. Special Circumstances. The Board of Directors may, at their discretion, eliminate the First Notice of Infraction step and immediately send the Second Note of Infraction. Any infraction that could have a negative impact on safety within the community or have a negative impact on the value of homes within the community could be subject to this paragraph. A couple of examples would include:

- Having an open wood/refuse fire on the property.
- Failure to follow the ARC Control process

8. Appeal/Review Procedures. Florida Statue 720 requires that a committee be established to hear any appeal submitted by a homeowner or tenant. The Citrus Springs, Village “E” shall operate under the following rules and procedures.

8.1. Fine Review Committee Membership. The Fine Review Committee Charter which outlines the roles and responsibilities of the committee is shown in Exhibit (D).

- Committee shall have a minimum of three (3) members as required by Statute.
- Members shall be Citrus Springs, Village “E” homeowners or spouses of Citrus Springs, Village “E” homeowners. No officer, director, employee of the association, or member of the Compliance Committee may serve on the Fine Review Committee. No spouse, parent, child, brother, sister, or dependent of any officer, director, employee of the association, or member of the Compliance Committee may serve on the Fine Review Committee.
- Fine Review Committee Responsibilities.
 - May decide whether or not to uphold an appealed fine or sanction by a majority vote. In the event that there is an even number of members on the Committee and the vote is tied, the decision will be in favor of the homeowner.
 - Decides whether or not a fine has been properly imposed in accordance with the relevant guideline, procedure, article, covenant, or by-law. The Committee does not rule on whether a guideline, procedure, article, covenant, or by-law is good, bad, right, or wrong. In the event that there is an even number of members on the Committee and the vote is tied, the decision will be in favor of the homeowner.
 - Will meet on an as required basis.

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

- May grant up to fifteen (15) days additional time for compliance if they decide that an extension is warranted but, in each case the Committee should consider time extensions previously approved by the Board of Directors.

- Evaluate the facts presented by the homeowner or tenant, requesting the appeal and facts supplied and/or presented by the Board of Directors representative and members of the Architectural Review and/or Compliance Committees, as appropriate.

8.2. Appeals Process

- The appeal hearing is not an open process. Only the individual requesting an appeal and designated representative(s) of the Board of Directors and a Member(s) of the Architectural Review and/or Compliance Committees, as appropriate will be present at the hearing.
- The Board of Directors shall provide a complete set of data for each participating member of the Fine Review Committee as least seventy-two (72) hours prior to such meeting.
- Any owner or tenant that plans to be represented by an attorney must notify the Board of Directors, in writing, no less than six (6) working days prior to the scheduled Fine Review Committee meeting.
- The decision on the appealed fine shall then be as to whether or not the fine was properly imposed.
- The Fine Review Committee shall comply with the section 720.302 Florida Statutes as it relates to property owners fines and appeals. The Board of Directors shall provide each committee member with a copy of the relevant sections of the Statute, if requested.
- Once the Fine Review Committee has reviewed all the relevant information presented at the hearing everyone will be dismissed and the committee will adjourn to discuss and finalize their decision. That decision will be passed to the Board of Directors so that appropriate action can be taken.
- The chairperson of the Committee will create minutes of the meetings for the record. The minutes will also contain a list of those residents who were fined but did not elect to appeal.

9. Loss of Voting Interests. Any owner that is more than 90 days delinquent in paying any fine will have their Voting Interests suspended. The suspension will end upon full payment of all obligations currently due or overdue to the Association or sixty (60) days, whichever occurs first.

10. Failure to Pay Fine. Failure to pay the fine in the timeframe outlined in the Notice of Fine will result in an administrative late fee of \$25 and will start to accrue interest at a rate of 10% per annum.

CITRUS SPRINGS, VILLAGE "E"

COMPLAINTS, INFRACTIONS, AND APPEALS

Infraction Process Flow

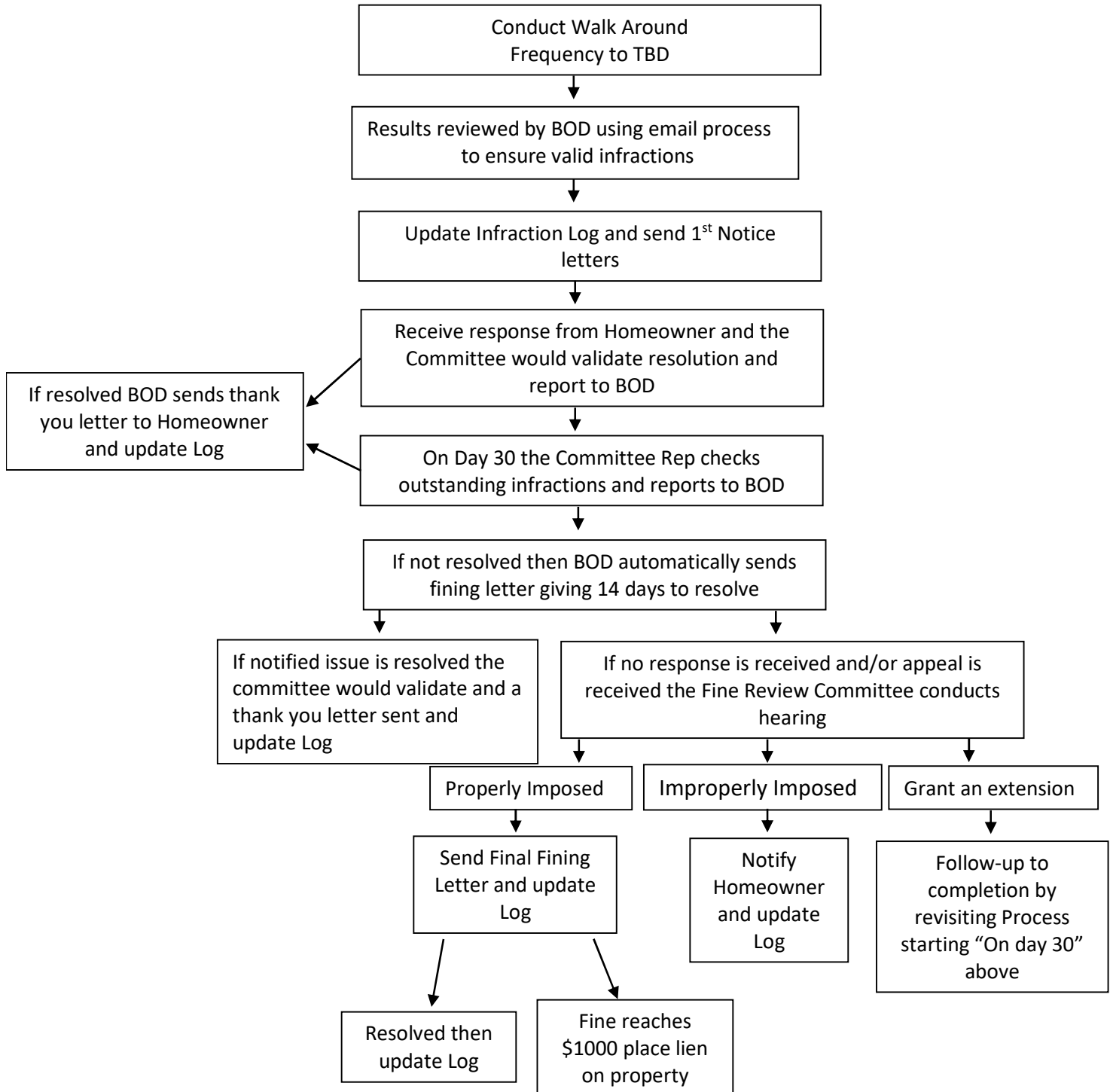


EXHIBIT A

CITRUS SPRINGS, VILLAGE “E”
COMPLAINTS, INFRACTIONS, AND APPEALS

Citrus Springs Village “E” HOA Infraction Checklist

| Landscaping Standards | Reference | Comments |
|---|-----------|----------|
| Driveway - Free of weeds, grasses, mold & stains - Approach to front entry clean of dirt, weeds & stains | ARC 9.1 | |
| Garden Hose - Neatly stored | ARC 9.2 | |
| Irrigation -functional automated irrigation system | ARC 9.3 | |
| Lawn Ornaments | ARC 9.4 | |
| Landscape - Clean and uncluttered - St Augustine/Flora tam sod - Trimmed and edged - No landscaping or trees beyond property line - Air conditioner units, generators, pumps e.g. must have landscaping blocking view from street | ARC 9.5 | |
| Mulch - Beds must have mulch or decorative stone (river rock or lava stone) | ARC 9.8 | |
| Shrubs/hedges - No more than 18 inches from window sill - Hedges not to exceed 5 feet | ARC 9.9 | |

CITRUS SPRINGS, VILLAGE "E"

COMPLAINTS, INFRACTIONS, AND APPEALS

| | | |
|---|------------------------------------|--|
| <p>Trees</p> <ul style="list-style-type: none"> - Minimum of 3 trees in front - Minimum 1 tree in back - No trees within 6 ft of street/sidewalk | ARC 9.10 | |
| <p>Vegetable gardens</p> <ul style="list-style-type: none"> - No vegetable gardens permitted | ARC 9.11 | |
| <p>Weeds</p> <ul style="list-style-type: none"> - Landscaping shall be maintained and weed free | ARC 9.13 | |
| <p>Vehicles improperly Parked</p> <ul style="list-style-type: none"> - No advertising or logos on vehicles - No parking between midnight to 6am | CC&Rs 9.4.16.1 & 9.4.16.8 | |
| <p>Trees blocking street lights</p> | ARC 9.5 | |
| <p>Trees overgrowing onto sidewalk (Fronds)</p> | ARC 9.5 | |
| <p>Exterior Lights broken or need painting</p> | ARC 11 | |

EXHIBIT B

CITRUS SPRINGS, VILLAGE “E”

COMPLAINTS, INFRACTIONS, AND APPEALS

FINE REVIEW COMMITTEE

Date

The Fine Review Committee is a standing committee whose purpose is to approve or disapprove an appealed fine and to rule on whether or not a fine was properly imposed by the Board.

1. The Committee shall consist of at least three members, a quorum which will be three (3) members who report to the BOD.
2. The Committee members shall be HOA homeowners who are not officers, directors, members, or the spouse, parent, child, brother, or sister of an officer, director.
3. The Committee members shall be approved by the BOD.
4. The Committee shall select a Committee Chairman.
5. The committee members shall be familiar with HOA governing documents to include the Complaints, Infractions, and Appeals Process.
6. The committee shall meet as needed.
7. The Committee Chairman is responsible for determining the location and time of the meetings.
8. The Committee Chairman will cause meeting minutes to be created for the HOA official files.
9. The committee may decide whether or not to uphold an appealed fine or sanction by a majority vote. In the event that there is an even number of members on the Committee and the vote is tied, the decision will be in favor of the homeowner.
10. The Committee will determine whether or not a fine has been properly imposed by the Board and is in accordance with governing documents.
11. The Committee may grant up to fifteen (15) additional days for compliance if they decide that an extension is warranted but, in each case, the Committee should consider time extensions previously approved by the BOD.
12. The Committee shall review all the documentation relevant to the fine. The Board is responsible for providing all the necessary documentation to the Committee not later than 3 days prior to the scheduled hearing.
13. The Committee shall evaluate the facts presented by the homeowner requesting the appeal and facts supplied and/or presented by the representatives of the Board and the Compliance or Architectural Review Committees (as applicable).