

Burnt Store Lakes Property Owners' Association Rules and Regulations for Governing Documents Enforcement

WHEREAS Section 5.17 of Exhibit "D," The Amendment to the Amended and Restated Bylaws of Burnt Store Lakes Property Owner's Association, Inc. (I 0/2023), provides for enforcement of the Association's Declaration of Restrictions, Bylaws, or reasonable Rules and Regulations/Board Resolutions, and

WHEREAS The Board of Directors believes it is in the best interest of the Association to adopt Rules and Regulations, as contemplated by the above-referenced Governing Documents.

NOW THEREFORE the following Rules and Regulations regarding enforcement of the Deed Restrictions of the Association are adopted.

Background: Burnt Store Lakes is a deed-restricted community. Members of the Burnt Store Lakes Property Owners' Association (BSLPOA), their tenants, guests, and invitees are governed by the Association's Governing Documents, including the Declaration of Restrictions and Bylaws. The BSLPOA Board of Directors enforces compliance with the Governing Documents. The Association may levy reasonable fines for violations of the Association's Declaration, Bylaws, or reasonable Rules and Regulations/Board Resolutions.

Per Florida Statute Section 720.305(2), a minimum quorum of four Board Members (a majority) must meet, review the violation(s) and (if applicable) recommend a specific fine and/or suspension. This recommendation can be completed as part of a regularly scheduled Board Meeting or can be set up as a special noticed Board Meeting. Before a fine can be levied, the Board must establish a **Fining Committee** to review the violation(s) and the Board's recommended actions and determine if the fines/suspensions are warranted. The Fining Committee approval of the Board's recommendations requires a majority of the Fining Committee Members. The Fining Committee must have three or more Association Members who are not on the Board of Directors, residing with a Board Member, or relatives of Board Members.

Basic Requirements for Levying Violation Fines or Suspensions:

- 1) The Board must appoint a Fining Committee of three (3) members. Members of the Fining Committee cannot be Board members and may not be related to Board members.
- 2) An initial Violation Notice is sent to the Property Owner explaining the violation and containing a date for violation correction.
- 3) If the violation is not corrected within the specified timeframe, a recommendation for Fining is sent to the Board.
- 4) A quorum of the Board must recommend a fine or suspension to the Fining Committee.
- 5) The Property Owner must be provided with a written **14-day** notice of a Fining Hearing and be provided with an opportunity to participate if a fine or suspension is proposed.
- 6) The Fining Committee approves or rejects the fine and/or suspension.
- 7) If a fine is levied, the owner has 30 days to pay the fine.
- 8) While the Association may establish specific fines for specific violations, it is not necessary to set specific varying amounts, and the Association has the discretion to levy up to the maximum amount of \$200 per day per violation, up to a maximum of \$3,000 for an ongoing violation.

Procedures for Enforcement

Inspections: The BSLPOA Board of Directors have authorized the BSLPOA Community Association Manager (CAM) and/or office staff to identify violations through routine community inspections, verbal, or written notification from the Board of Directors, or by verbal or written notification from Association Members. The Community Association Manager and/or office staff will routinely inspect the following items on each single-family and multi-family lot:

- 1) Construction Sites: Adherence to the Clean Site Program, including the Construction Requirements and Guidelines for Contractors and/or this Violation Fining Procedure as appropriate.
- 2) Lot: No piles of trash, construction or building materials, overgrown trees, shrubs, bushes, unsightly growth, unkept landscaping, or visible trash containers. No inappropriately parked vehicles, trailers, RVs, boats, or kayaks. No storage sheds or containers.
- 3) Driveway: Clean, free of clutter. No mold or mildew stains. No unkempt painted or stamped surfaces. Pavers free of growing vegetation.
- 4) Roof: Clean, no mold or mildew stains, no missing tiles/shingles.
- 5) Paint: Clean, no fading, chipping, peeling, mold. or mildew stains.
- 6) Lawns and Landscaping: Adequate and well-maintained lawn and landscaping around all sides of new and existing homes -- including outer sides of fencing and pool cages.
- 7) Other: No unapproved fences, walls, enclosure shields, signage, nuisances, etc.

Violations Reporting: On a monthly basis, the CAM provides the Board of Director's with a **Deed Restriction Violation Report**. This contains:

- 1) A description of new violations.
- 2) The status of open and closed violations and the number and dates of notices sent.
- 3) Recommendations to the Board for any proposed fines or suspensions that should be levied against a member, a member's tenant, guest, or invitee for violations that have not been cured or that are repeat violations. The Board may decide to fine for the violation, after which the CAM will schedule a Fining Committee Hearing.

Violations Identification: When a violation is identified and confirmed, the CAM and/or office staff will:

- 1) Note the violation on the Inspection Checklist, including a description of the violation, the date, block/lot, address, and last name of the Owner and/or Contractor.
- 2) Collect and maintain at least one photo of the violation(s), any documentation, and any written complaints.

Violations Notification: When the violation has been logged, the CAM sends a written Violation Notification Letter to the owner regarding the violation. The letter must include:

- 1) The date the violation was documented.
- 2) A detailed description of the violation, including any photos and documentation.
- 3) The specific section(s) of the Declaration, Bylaws or Rules and Regulations being violated.
- 4) The specific action required to cure such violation, if applicable.
- 5) The timeframe for corrective action, if applicable. (See Violations Fining Schedule, attached)
- 6) Notification that if the violation is not corrected within the specified timeframe, a recommendation for Fining will be presented at the next Board of Directors' Meeting. The letter must be sent via regular and certified mail. Emailing the letter is optional but is encouraged.

Violations Tracking: After the notice timeframe for corrective action has expired, the CAM and/or staff shall re-inspect the property in non-compliance.

- 1) If the violation is curable and has been corrected the CAM notes the correction status and date on the violation letter and files it in the property owner's file. This can be used as documentation if the same violation occurs in the future.
- 2) If the violation is not corrected or not curable the CAM presents a recommendation for Fining at the next Board of Directors' Meeting.
 - a) The Board determines whether to move forward to the Fining Hearing. They establish the amount of any proposed fine/and or suspension to be levied. Up to \$200 per violation may be levied daily for each on-going violation up to a maximum of \$3,000,
 - b) The CAM forwards the Board's decision to the Fining Committee for a determination of whether or not the fines/suspensions are warranted.
 - c) The CAM provides the Owner with **14 days'** written notification that the Board has decided to send the violation to the Fining Committee. If the violation is corrected before the Fining Hearing, the Hearing is canceled, and a violation correction notification is placed in the Property Owners' file.

Fining Committee Hearing: If the Board has met and recommended a specific fine and/or suspension, a Fining Committee Hearing is scheduled. The Fining Hearing may be an open, noticed meeting, but that is not required per statute.

Preparation for the Fining Hearing:

- 1) The CAM provides the Board's recommendation and all backup documentation to the Fining Committee.
- 2) The CAM schedules the Fining Committee Hearing and provides a written Notice of Fining Hearing to the violation Owner. The **Notice of Fining Hearing Letter** must:
 - a) Inform the Owner of the specific violation and the fact it has not been resolved per the previous Violation Letter. Include the documentation sent in the Violation Letter.
 - b) Specify the date of the Fining Hearing. The date must be **14 days** from the date of the Fining Hearing Letter.

- c) Provide the Owner with an opportunity, if the violation can be cured, to resolve the violation before the Fining Hearing.
 - d) Disclose the possible maximum fine and/or suspension that may be levied.
 - e) Explain what happens at the Fining Hearing and the Owner's rights to actively participate in the Hearing.
 - f) The Notice of Fining Hearing must be sent in writing.
- 3) If the violation has not been addressed within the **14-day period**, conduct the **Fining Hearing**.
Note: If the Owner has cured the violation prior to the Hearing, the Association may still proceed with the Hearing so that if the violation occurs again, there can be a fine assessed. Associations may assess fines through this process repeatedly for the same continuing violation.

Conducting the Fining Hearing:

- 1) At the Fining Hearing the Office Manager presents the "case" to the Fining Committee, providing written and/or other kinds of evidence.
- 2) If the Owner or a representative is present, they may then provide their side of the story.
- 3) Once both sides are heard, the Fining Committee members may then ask questions of both sides.
- 4) Once all questions are asked and answered, the Office Manager and Owner leave, so the Fining Committee may discuss and reach their decision whether to institute the Board's recommendations or not. The Committee may affirm the fine, veto the fine or recommend another amount. A majority of the Fining Committee must agree on the decision.

Communication of Fining Hearing Results:

Within 7 days after the Fining Hearing a notice of the hearing results will be sent to the violator indicating the outcome of the hearing. If a fine is levied, the Notice of Levy will include a due date for payment which is 30 days from the hearing. Failure to comply with a levy may result in a lien on the property or be pursued in Small Claims Court. The Fining Committee Chair notifies the CAM, who sends written notice of the Committee's findings to the Owner. The notice details:

- 1) The Committee's findings related to the violation including any applicable fines or suspensions that the Committee approved or rejected.
- 2) How the Owner, occupant, licensee, or invitee of the lot may cure the violation, if applicable.
- 3) Notice that the fine payment is due 30 days after the notice of the Fining Hearing Results approval letter and where the fine payment must be delivered.
- 4) Steps to be taken by the Association if the fine is not paid when due.
- 5) The letter must be sent in writing.

Follow-up for Non-Payment of Fine: If the fine is not paid when due, several options are available to collect the fine.

- 1) Initially, the CAM sends a Collection Letter to the Owner. The letter specifies the fine and any interest due on the unpaid fine.
- 2) Any fine of \$1,000 or more not paid within **30 days** shall become a lien on the Owner's lot. Said lien may be foreclosed in the same manner as a lien for assessments.
- 3) If the Owner is more than **90 days** delinquent in paying the fine, the Association may, with Board approval:
 - a. Suspend the rights of the Owner, or the Owner's tenant, guest, or invitee, to use Common Areas and facilities until the fine is paid in full.
 - b. Suspend the voting rights of a parcel or Owner for the nonpayment of any fine until the fine is paid in full.
 - c. Go to Arbitration.
 - d. Go to Small Claims Court.
 - e. File a lawsuit in Charlotte County or Circuit Court to enforce the violation and the fine. The prevailing party is entitled to attorney's fees.

Burnt Store Lakes Property Owners' Association
Recommended Violation Compliance Timeframes
Effective May 15, 2025

When a Violation Notification Letter is sent to the Owner, the letter will specify a date by which corrective action must occur. This date is determined based on the type of violation and the anticipated timeframe it would normally take to complete the corrective action. The following table defines the recommended timeframes to be used in determining the compliance date specified in the letter.

Deed Restriction Violation	Compliance Timeframe (from date of letter)
Boats and Kayaks	3 days
Fences and Walls	20 days
Home Maintenance/Painting	10-30 days
Roof Maintenance	10-30 days
Driveways	10-15 days
Landscaping	15-30 days
Lawn Maintenance	5-10 days
Parking	3 days
RVs	3 days
Trailers	3 days
Vehicles	3 days
Garbage Cans/Recycle bins	2 days
Signs (oversize)	3 days
Nuisances	3 days

NOTE: Construction-related violations are defined and managed through the Burnt Store Lakes Clean Site Program including the Construction Requirements and Guidelines for Contractors, and/or this Violation Fining Procedure as appropriate