

**VIOLATIONS AND FINING POLICY**  
**Deerlake Village Community Association**

**The Board's right to levy fines is defined by the following:**

**Section 47F-3-102 NC General Statues under Powers of Owners' Associations**

"...the association may...(12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the association."

**2006 Declaration of Covenants**

**ARTICLE VI Section 6. Trees.** No living tree or shrubs which form a hedge along a community sidewalk may be removed without the written approval of the LRC in accordance with the Rules and Regulations. Notwithstanding the above, any tree which poses an immediate threat to life or property may be removed without the written consent of the LRC. Following an emergency tree removal, the owner must notify the LRC of the action. Should a party remove any tree or hedge as herein provided without the above-described written approval, the Board may fine a party up to the sum of one hundred dollars (\$100.00) for every tree cut without permission, and thereafter one hundred dollars (\$100.00) per tree for each day that a replacement plan acceptable to the LRC or Board is not completed. In addition to the above remedies, the Association and its agents may enter the property to replace the removed tree or hedge and charge the violating owner the costs of such replacement.

**ARTICLE VI Section 25. Leasing or Renting.** A Lot Owner may lease or rent the family residence owned by such Owner; provided, however, that the tenant or lessee shall be bound by all covenants and restrictions contained herein. All leases shall have a minimum term of six (6) months. At no time may a Lot Owner lease or rent a portion of the family dwelling unit unless the entire family dwelling unit is leased or rented. Every lessee or tenant shall in all respects be subject to the terms and conditions of this Declaration, the Bylaws, and the Rules and

Regulations adopted hereunder. In the event of noncompliance by the tenant or his/her guests, all costs associated therewith, including **fines** and legal fees, will be assessed against the owner and the owner's property.

**2006 Bylaws**

**ARTICLE V 5.14 Powers and Duties of the Board**

(o) To impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable **fines** for violations of the Declaration, these Bylaws, or the Rules and Regulations. Any assessments, charges or **fines** levied against members shall specifically relate to the need to preserve and fulfill the purposes set forth in DVCA's Articles of Incorporation and are applied to owners of Lots in their capacity as owners-members rather than in some other capacity such as customers for services.

**ARTICLE X Compliance, Enforcement, Fines and Penalties, Other Than Assessment Liens**

10.1. Default and Remedies. Failure by any Lot Owner or occupant to comply with any provisions of the Declaration, Bylaws and/or Rules and Regulations, as the same may be amended from time to time, shall be grounds for relief. The relief may include the same or such remedies as **fines** and penalties determined by the Board, sums for damages, injunctions or a combination thereof. The relief may be sought by the Association, an aggrieved resident or by any person or class of persons adversely affected. If any occupant or Lot Owner fails to perform any obligation under the Act, the Declaration, these Bylaws or the Rules and Regulations, the Association may perform the same for the Owner's account; it may enter that person's lot and make necessary repairs, advance sums to cure the default and may levy a special assessment against the Owner to cover the costs thereof. The Board shall be entitled to suspend the right of the Owner and/or occupant to use the Common Elements and its facilities until the default is cured. The process for notifying an owner of a violation and providing for an appeal to the Board shall be defined in the Rules and Regulations.

**Owner Responsibility:** Under the Deerlake Village Community Association's governing documents and North Carolina law, lot owners within Deerlake are responsible for complying with the governing documents, which include the Declaration of Covenants, Bylaws and the Rules and Regulations and Policies established by the Board of Directors and as amended from time to time. Owners are required to give their tenants, if any, copies of the governing documents and of amendments and new rules as they are adopted, and are responsible for ensuring that their tenants comply with the governing documents. In the case of violations by tenants, the Association will notify the owners of the property. Any fines or other reimbursement for non-compliance will be imposed against the owner.

**Sanctions:**

Sanctions imposed may include, but are not limited to, a monetary penalty in accordance with the Schedule of Fines adopted by the Board. If the DVCA is required to spend monies to bring the owner or his/her tenants, guests, or invitees into compliance, the owner shall be responsible to the DVCA for such charges..

**Schedule of Fines:**

- A fine of no less than \$100 will be levied for a first offense.
- A fine of no less than \$100 will be levied for each additional instance of the same violation.
- A fine of no less than \$100 will be levied if an offense is not corrected within the time frame recommended by the Board and no less than \$100 monthly, but no greater than \$100 per day, for each day thereafter until the violation is corrected.<sup>1</sup>
- Fines may be accompanied by a requirement to restore the property to its original state.
- Alternative fine: When the cost of damage exceeds the amount of the fine imposed, the DVCA Board may impose the actual amount of the cost to repair the damage caused by the violation. All fines collected shall be placed in the DVCA's general fund.
- Suspension of privileges for use of amenities may be levied in place of and/or in addition to fines.

**Other Remedies:** The DVCA Board reserves the right to avail itself of any other remedy permitted by law and the governing documents, rules and regulations, and policies of the Association. These remedies include, but are not necessarily limited to bringing an action in any court of law, filing and foreclosing claims of lien, etc. Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the DVCA Board from electing at a later date to pursue another remedy.

**Delinquent Assessments.** This instrument shall not apply to the collection of delinquent assessments, which shall be controlled by the governing documents and the Planned Community Act (Chapter 47F of the North Carolina General Statutes).

***This VIOLATIONS AND FINING POLICY was approved by the DVCA Board of Directors on the 11th day of September 2014.***

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<sup>1</sup> In the case of hearings: If a hearing is held and if it is decided that a fine should be imposed, a fine not to exceed \$100 per day for each day more than five days after the appeal decision that the violation has occurred shall be charged. If it is decided that a suspension of privileges or services should be imposed, the suspension may be continued without further hearing until the violation is cured.