

5. ENFORCEMENT OF COVENANTS AND RULES, INCLUDING NOTICE AND HEARING PROCEDURES AND SCHEDULE OF FINES

1. The Board shall have the power to enforce the Declaration.
2. In addition to any other remedies available to it, the Board may levy fines, as it deems necessary.
3. The Owner shall have the primary obligation to pay fines imposed for their actions or the actions of their tenants, family members, invitees and guests. Fines imposed pursuant to these enforcement policies and procedures shall become an Assessment imposed against the Lot and enforceable as provided in the Declaration.
4. In the case of conflict, the Board will follow the standards regarding Mediation as described by the Act.
5. Notwithstanding anything contained in the Declaration, Articles of Incorporation or Bylaws to the contrary, Owners shall have the following notice and hearing rights:
 - (a) Notice. Prior to imposition of any fine, the Board of Directors or its delegate shall serve the alleged violator with written notice describing (i) the nature of the alleged violation, (ii) the proposed fine to be imposed, (iii) a period of not less than ten (10) days within which the alleged violator may present a written request to the Board of Directors for a hearing; and (iv) a statement that the proposed fine shall be imposed as contained in the notice unless a challenge is begun within ten (10) days of the notice. If a timely challenge is not made, the fine stated in the notice shall be imposed.
 - (b) Hearing. If a hearing is requested within the allotted ten (10) day period, the hearing shall be held in executive session affording the alleged violator a reasonable opportunity to be heard. Prior to the effectiveness of any fine, proof of proper notice shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the fine, if any, imposed. The Board of Directors may, but shall not be obligated to, suspend any proposed fine if the violation is cured within the ten (10) day period. Such suspension shall not constitute a waiver of the right to fine future violations of the same or other provisions and rules by any person or entity.