Section 1: [Rules and Regulations, Article VIII, Section 2] Compliance Enforcement and Immediate Fine Assessment by

The Connestee Falls Security and Compliance Department is authorized to issue immediate monetary citations and fines of up to $150.00 per offense for any violation of community traffic, parking, noise, pet, or architectural rules observed on any Lot or private roadway, which fine shall be immediately billed to the Owner's POA account and become payable within fifteen (15) days.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause authorizes fines exceeding North Carolina's statutory $100 per violation / $100 per day cap under N.C. Gen. Stat. § 47F-3-107.1.

Statutory / Legal Reference: N.C. Gen. Stat. § 47F-3-107.1

Statutory Comparison: Under N.C. Gen. Stat. § 47F-3-107.1, a lot or unit owner may not be fined or have planned community/condominium privileges or services suspended unless the owner is given notice of the charge, an opportunity to be heard and to present evidence, and notice of the decision before an adjudicatory panel appointed by the executive board (whose members must contain no officers, directors, or their immediate family members) or before the executive board itself. If a violation is found, the fine may not exceed one hundred dollars ($100.00) for the violation, plus up to one hundred dollars ($100.00) per day for any continuing violation occurring more than five (5) days after the decision is communicated to the owner.

CURRENT WORDING IN DOCUMENT:

[Rules and Regulations, Article VIII, Section 2] Compliance Enforcement and Immediate Fine Assessment by The Connestee Falls Security and Compliance Department is authorized to issue immediate monetary citations and fines of up to $150.00 per offense for any violation of community traffic, parking, noise, pet, or architectural rules observed on any Lot or private roadway, which fine shall be immediately billed to the Owner's POA account and become payable within fifteen (15) days.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to N.C. Gen. Stat. § 47F-3-107.1, no fine or suspension of community privileges or services shall be imposed until the owner has been given written notice of the alleged violation and an opportunity to be heard and present evidence before the Executive Board or an adjudicatory panel composed of members who are neither officers nor directors of the Association. Any fine imposed shall not exceed One Hundred Dollars ($100.00) for a single violation, and for a continuing violation may not exceed One Hundred Dollars ($100.00) per day beginning more than five (5) days after the decision is communicated that the violation occurs. The owner may appeal an adjudicatory panel decision to the full Executive Board within fifteen (15) days.