

ISSUE #1

LWEPOA Rules, Violations and Penalties

March 12, 2020

This document is the LWEPOA Board of Directors (BOD) consolidated list of approved LWEPOA Rules and Regulations. The rules and penalties listed in this document are subject to change without notice.

MARKUP #1 ->

By-Law rules, signage rules and building construction rules not addressed in this document are still in effect and violations of those rules will be addressed on an individual basis.

Member Responsibilities

It is your responsibility as a LWEPOA member to make sure that you, your family, quests and/or friends abide by our rules. If you, your family, quests and/or friends violate a rule, you as the responsible member, will be notified by regular mail of the violation and any penalties that have been assessed. When fines are involved, you will receive an invoice for the fine. **Payment is due immediately.**

You may appeal your violation, penalty and/or fine to the Board of Directors (BOD) at the next scheduled BOD meeting. To request an appeal, send a written request immediately to the BOD and state your reason for the appeal. **"I didn't know"** is not an acceptable reason for an appeal.

Keep in mind that a violation of LWE rules or regulations and/or the destruction of LWE property may result in water shut-off, the loss of clubhouse privileges and/or boat dock/ramp privileges, the cost of replacement or repairs plus possible fines, administrative fees and/or legal fees for the responsible property owner.

Reference Article VI, Section 6.01 of LWEPOA By-Laws, all loss of privileges, fines, fees and court costs are at the discretion of the Board of Directors (BOD). Changes follow:

- Mar 28, 2012 - Member Responsibilities Statement Modified
- Mar 28, 2012 - Trespassing violation added
- June 26, 2012 - Docking in a "No Docking" area violation added
- Aug 1, 2012 - Failure to follow posted/published rules and/or regulations violation added
- Aug 1, 2012 - Change to MRV registration requirements
- Sept 4, 2012 - Clarify "Suspended Privileges" Ruling
- Nov 11, 2012 - Clarify "Failure to secure Clubhouse Facilities" Rule
- Sept 16,2015 - Clarify "Non-compliance with LWEPOA Hunting regulation"
- Nov 29, 2015 - Building on adjacent lot restriction added. 20 June 2018 - Rule modified.
- Mar 12, 2020 – Clarify “Placing...non-household garbage in the dumpster”; Increase of fines/penalties for violations of various rules.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Fining provision permits the imposition of fines without advance written notice and a statutory opportunity to be heard.

Statutory / Legal Reference: 68 Pa.C.S. § 5302(a)(11) (UPCA)

Statutory Comparison: Under 68 Pa.C.S. § 5302(a)(11) (UPCA), a Pennsylvania unit owners' association has the statutory power to levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association only "after notice and an opportunity to be heard." Provisions authorizing automatic, summary, or unilateral fines without prior notice and a hearing opportunity conflict with mandatory Pennsylvania statutory due process.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 68 Pa.C.S. § 5302(a)(11) (UPCA), no fine or disciplinary penalty shall be levied against any Unit Owner unless and until the Executive Board has provided the Unit Owner with prior written notice of the alleged violation and a reasonable opportunity to be heard before the Executive Board or its designated hearing tribunal.