

## **PROPOSED SEAPOINTE REGULATION AMENDMENT**

### **V. Noise, Nuisances, Disciplinary Action/Fines**

The Seapointe Village Master Council has the ultimate authority on issues of interpretation of these Rules and Regulations. All homeowners, residents, renters, and guests are expected to follow these rules as set forth below and in other sections. Violations may lead to financial penalties.

#### **A. Noise and Nuisances**

1. All owners and residents have the right to quiet enjoyment of the condominium and community facilities. No unit homeowner, resident, renter, or guest shall make or permit to be made any unreasonable noise or disturbance that will affect rights of others to the quiet enjoyment.
2. All unit homeowners, residents, renters and guests shall reduce noise levels between the hours of 10:00pm and 8:00am so that neighbors are not disturbed.
3. No unit homeowner, resident, renter or guest shall engage in or permit others to engage in activity creating a nuisance. A nuisance, as defined by Webster's dictionary is an offensive, annoying, unpleasant or obnoxious thing or practice.
4. No unit homeowner, resident, renter or guest may use or maintain his or her unit, or balcony or deck, or the common areas, or facilities for any purpose or in any manner which is contrary to any applicable law, rules or regulations of any governmental entity or for any purposes which would constitute a nuisance or be offensive to others.
5. No violations of applicable law, rules or regulations of any governmental entity shall be permitted in any unit, balcony or deck, or in common areas. Any violation of law, rules or regulations of any governmental authority shall constitute a violation of these rules and regulations and, in addition to any action taken by the appropriate Seapointe entity, may be reported to the local police department. Lower Township ordinances supercede these rules and regulations.
6. Parents shall be deemed responsible for violations of the rules committed by their children.

#### **B. Procedures**

1. The Covenants Committee (Committee) of the Seapointe Master Council shall receive all complaints regarding violations of these rules and regulations.
2. Complaints shall be in writing on forms supplied by the Committee and shall be signed by the person(s) initiating the complaint and a management officer or a security officer.
3. If a resident, renter or guest is involved, notice of the alleged rule(s) violation(s) shall also be transmitted to the owner of the unit.

4. The individual(s) against whom the complaint is filed shall have the opportunity to be heard before the Committee.
5. A copy of the complaint and a notice of a date to be heard before the Committee shall be mailed by certified mail or hand delivered to the individual against whom the complaint is filed. This action shall take place no later than five days after the filing of the written complaint.
6. The individual against whom the complaint is filed shall respond to the allegations in the complaint within ten days of receipt of the complaint.
7. The Committee shall make every effort to hear the complaint on a date agreeable to both the Committee and the individual(s) against whom the complaint is filed. However, if such a date cannot be reached after reasonable accommodations are made by the Committee to the individual against whom the complaint is filed, the complaint shall be heard by the Committee within ten days of that individual's written response to the complaint.
8. The individual(s) entitled to be heard before the Committee but who do not appear on the designated date, may submit any written documentation supporting his or her case. The Committee shall consider this and any and all other evidence presented in the matter.
9. In the event an individual entitled to be heard before the Committee fails to respond to the allegations in the written complaint in the time allotted, he or she shall be presumed to have admitted to the violation and shall be subject to all penalties determined by the Committee for the occurrence of the violation of the rules.
10. In the event an individual entitled to be heard before the Committee fails to appear before the Committee on the mutually agreed upon designated date, the Committee will consider any written documentation submitted by that individual in making its determination.
11. The individual against whom the complaint is filed may present witnesses and/or written documentation asserting innocence of the filed charges.
12. The individual filing the complaint may present witnesses and/or written documentation asserting that a violation did, in fact, occur.
13. Basic principles of fairness will govern. Each side may question the other side's witnesses in an appropriate manner which shall be both non aggressive and non intimidating. The Committee shall determine whether the questions are appropriate.
14. Any witnesses heard before the Committee may be questioned by members of the Committee.
15. The Committee shall make a determination of whether the individual against whom the complaint is filed violated the rules as alleged in the complaint. This determination shall be reached within 24 hours of the date of the hearing, unless more time is necessary to verify certain facts.
16. Once the Committee's decision is made, all concerned parties as well as the management office and the Master Council shall be notified in writing or by personal service within ten days of the decision. The management office shall attend to the delivery requirements.

17. If the complaint is found to be valid, a penalty shall be assessed by the Committee.
18. A written determination from the Committee shall consist of the nature of the violation, the identity of the person making the complaint, the identity of the person against whom the charges were filed, the identity of witnesses, if any, and a list of any written documents that were submitted to the Committee by both parties, the Committee's decision, and the assessment of any fines.

### **C. Disciplinary Actions/ Fines**

1. Warning: A certified letter of warning shall be issued by the management office upon receipt of a written complaint after a determination that the charges appear to be valid. An owner, renter, resident or guest who receives such a certified letter but who does not agree that a violation has taken place must call the management office within five days of receipt of said letter to file an appeal. Appeal procedures will follow the due process procedures.
2. A record will be kept of each and every violation for a period of one year from the date of the violation. With respect to each violation, the homeowner will be subject to the next most serious offense following a determination of any violation. (For example, in the event that a letter of warning is issued, and the same or similar violation occurs within one year of the date of that warning, then the subsequent violation will be determined to be a first offense violation, etc.)
3. First offense: Up to and including a \$150 fine;
4. Second offense: Up to and including a \$300 fine;
5. Third Offense: Up to and including a \$500 fine.
6. If the violator is a homeowner, all fines assessed by the Committee shall be collected in the same manner as unpaid dues or assessments including, but not limited to, the placement of liens on the condo unit until the fine is paid, and attorney fees for collection, if necessary.
7. If the violator is not a homeowner, then the homeowner shall be notified of the assessed penalty, as well as the realty office which handled the rental transaction, if one was used. The Master Council reserves the right to pursue any and all legal remedies available under the law against this violator until said fine is fully paid, as well as for the payment of attorney fees for collection, if necessary.
8. Unless appealed, each fine shall be paid within ten days of notification of the penalty assessment. If the penalty is not paid within the specified timeframe, each day after the payment deadline that the fine remains unpaid shall constitute a separate rules violation and the violator shall be fined the amount of the initial fine for each and every day that the fine remains unpaid. This Paragraph shall be specifically written into the Committee's determination so that the individual against whom the fine is assessed shall have due notice of the consequences of non payment of the assessed fines.

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