

# HIDDEN LAKE CONDOMINIUM

## COMMUNITY RULES ASSESSING FINES

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### 1 FINES

- 1.1 **Fines; Authorization.** The Hidden Lake Board of Directors (“Board”) is authorized to assess a fine against unit owners who violate provisions in the condominium association declaration, the bylaws, or the association rules and regulations (collectively referred to herein as “Rules”. The assessment of a fine shall be in accordance with the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, section 57-8-37, the provisions of these community rules, and the rules and regulations adopted by the Board.
- 1.2 **Written Notice of Violation.** Before assessing a fine, the Board must give a written notice of the violation to the unit owner of the violation and inform the unit owner that a fine will be imposed if the violation is not cured within the time provided in the written notice. The written notice shall contain a description or brief summary of the Rule that has been violated and a description of the manner in which the Rule has been violated. If a violation is temporarily cured or stopped, but the same violation is repeated by the same unit owner or their tenant within 180 days from the date a written notice of violation is first served on the unit owner, the Board shall not be required, prior to assessing a fine, to serve another notice of violation upon the unit owner within the 180 day period, but may rely upon the notice provided in the first written notice of violation.
- 1.3 **Time to Cure.** In all instances, the violation must be cured within 48 hours of the written notice being delivered to the unit owner or the unit owner’s agent, unless such time period is extended by the Board for good cause. The member of the Board or their agent that serves the written notice of violation on the unit owner shall write on the notice of violation the date and time the notice of violation was served on the unit owner and the date and time by which the violation must be cured. If a unit owner repeats the violation more than 48 hours after receiving the written notice of violation but less than 180 days after receiving the notice, the unit owner shall be deemed to have not timely cured the violation.
- 1.4 **Fine.** If the violation is fully and completely cured within the time provided in the written notice of violation, and is not repeated within 180 days of the time the written notice is first served on the unit owner, no fine may be assessed by the Board. If the violation is not fully cured within the time provided, the Board shall, after confirming that the violation complained of has not been fully cured, impose a fine as provided in the CC&Rs, bylaws, or the rules and regulations, and any amendments thereto. If the same violation is repeated more than 48 hours but less than 180 days after the written notice of violation is first given, the Board shall impose a fine as provided in the CC&Rs, or the rules and regulations. The unit owner shall receive a written notice of fine from the Board informing the unit owner of the amount of the fine imposed.

1.5 **Manner of Providing Notice of Violation and Fine.** The notice of a violation of the Rules of the association and the notice of a fine imposed by the Board may be provided to the unit owner in any one or more of the following ways:

1.5.1 Delivering a copy to the unit owner personally; or

1.5.2 Sending a copy through first class mail, certified or registered mail (at the discretion of the Board), addressed to the unit owner at his or her place of residence, in which case an additional 48 hours shall be allowed to cure the violation; or

1.5.3 Leaving a copy with a person of suitable age and discretion at the unit owners unit;  
or

1.5.4 Affixing a copy in a conspicuous place on the unit; or

1.5.5 If the person committing the violation is a tenant of the unit owner, by (1) personally delivering a copy to the tenant living in the unit or affixing a copy in a conspicuous place on the unit if a person of suitable age or discretion could not be found, and by (2) mailing a copy to the unit owner at the address provided by the unit owner to the association.

1.6 **Non Unit Owner Occupied Units: Renters & Guests.** If cases where the unit is not occupied by the unit owner and the violation of the Rules is committed by a resident the unit, the unit owner shall be responsible for the failure of the resident to cure violations of the Rules. For purposes of the lease between the unit owner and the resident of the unit, the provisions of these community rules shall be incorporated by reference into the terms of the lease and the unit owner may collect from the resident of the unit any fines the unit owner becomes obligated to pay by virtue of the resident's actions. The unit owner shall be responsible for bringing a separate action to collect any such fines from the unit owner's tenant. U.C.A. § 57-8-34 states that "All unit owners, tenants of such owners, employees of owners and tenants, or any other person who may in any manner use the property or any part thereof submitted to the provisions of this act shall be subject to this act and to the declaration and bylaws adopted pursuant to the provisions of this act." Residents (defined herein as renters, tenants, guests of unit owners or renters, and any person who temporarily or permanently lives in a unit, but excluding unit owners), are subject to the Rules adopted by the condominium association. Unit owners are ultimately responsible for the activities of residents who reside in, visit, or in any manner use their condominium unit and the common area. Any fine assessed against a resident will be the responsibility of the unit owner of the unit in which the resident resides or is a guest. Because residents are subject to the provisions of the condominium Rules, residents are also subject to fines in the same manner as a unit owner. Any fine assessed against a resident may be collected by the unit owner from the resident. If a resident violates a Rule, both the resident and the unit owner shall be served a notice of violation as provided above. It shall be the responsibility of the unit owner to see that the resident cures the violation within the time allotted. Failure of the unit owner to have the resident timely cure the violation shall subject the unit owner to the fine as provided herein as if the unit owner committed the violation.

- 1.7 **Board Action.** Any action by the Board involving a notice of violation or a notice of fine may be taken by any officer of the Board if so authorized or later ratified by a quorum of the Board, consisting of 50% or more of the Board present at a meeting either in person or by telephone conference, or if not present at a meeting, members consenting to the action after conferring with other members of the Board.
- 1.8 **Violations for Which a Fine May be Assessed.** A fine may be assessed for the violation of a provision in the condominium Declaration or bylaws, the association Rules, any amendments thereto, or for a rule listed on Exhibit "A", which is attached and incorporated by this reference. The list of violations of a rule or regulations listed on Exhibit "A" may be modified by the Board pursuant to their power to enact rules governing conduct within a condominium project as contained in the Condominium Ownership Act, Utah Code Ann. 57-8-1 et seq. Only those violations listed on Exhibit "A" and those violations of rules adopted by the Board are the offenses which are subject to a fine. Exhibit "A" may be used to incorporate provisions in the Rules for which a violation may be assessed.
- 1.9 **Continuous Violations.** Each day (24 hour period) during which a violation of the Rules of the Association, or the rules listed on Exhibit "A", continues after the time period expires during which the unit owner is required to cure the violation, constitutes a separate violation and is subject to a fine in the amount listed in Exhibit "A". The violation of a provision in the Rules or a provision listed on Exhibit "A", which is temporarily cured within the time period required in the notice of violation, but which is violated again within 180 days of the date the original notice of violation was served, is deemed to be a continuous violation for which another notice of violation is not required to be served.
- 1.10 **Amount of Fines.** The amount of a fine for a violation of the Rules or the provisions listed on Exhibit "A", shall be in the amount listed on Exhibit "A", but in no case shall a single fine exceed \$500.00. A cumulative fine, which is a fine for a violation that is not timely cured or a fine that is repeatedly assessed due to repeated violations for which a notice of violation has previously been served, may not exceed \$500.00 per month.
- 1.11 **Late Fees on Fines not paid.** Fines not paid within 10 days shall accrue interest at the rate of 1% per month and a late fee of \$25.00. An additional late fee shall be assessed for each and every 30 day period the fine remains unpaid after it is due. No interest or late fees may accrue until 10 days after a hearing (if requested by the unit owner) has been conducted and a final decision has been rendered by the Board.
- 1.12 **Protesting the Fine.** A unit owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 30 days from the date the fine is assessed (which is the date written on the notice of fine). The unit owner protesting the fine shall request the informal hearing by delivering a written request to any member of the Board stating the grounds for the protest or dispute and setting forth in detail the following:
- 1.12.1 the grounds for the protest, including any unusual circumstances justifying a reduction in the standard fine;

- 1.12.2 the facts relied upon by the protesting unit owner with respect to the violation or non-violation of the Rules.
  - 1.12.3 the amount of the fine the unit owner claims should be paid and the reasons supporting that claim; and
  - 1.12.4 any errors made by the Board in calculating, assessing, or collecting the fine.
- 1.13 **Informal Hearing.** Within 21 days of receiving the written request for hearing, the Board shall schedule an informal hearing at which time the requesting unit owner will be given an opportunity to present evidence and witnesses supporting the unit owners position. No formal rules of evidence will be required, and the Board can receive the evidence submitted by the requesting unit owner and determine the probative value of such evidence. If it chooses and if it would be of benefit to the requesting unit owner, the Board may also produce evidence supporting its decision to fine the unit owner. However, the intent of the hearing is to listen to the violating unit owner’s explanation for his or her behavior or activities and not to have a trial. The Board may terminate the hearing at any time if any individual present becomes unruly, inconsiderate or rude.
- 1.14 **Decision of the Board.** The Board may, after the requesting unit owner has had the opportunity at the hearing to present the evidence desired, may either:
- 1.14.1 leave the amount of the fine as originally stated;
  - 1.14.2 reduce the fine to an amount agreed upon by a majority of the Board present at the hearing;
  - 1.14.3 reduce the fine to an amount agreed to by the offending unit owner with the agreement that the offending unit owner will pay the fine within 10 days and not appeal the fine in district court;
  - 1.14.4 suspend all or a portion of the fine conditioned on the unit owner not repeating the violation for 180 days; or
  - 1.14.5 forgive the fine.
- The Board shall render its written decision no later than ten (10) days after the date of the hearing.
- 1.15 **Appeals.** A unit owner may appeal a fine by initiating a civil action within 180 days after:
- 1.15.1 a hearing has been held and a final decision has been rendered by the Board, or
  - 1.15.2 the time to request an informal hearing has expired without the unit owner making such a request.

- 1.16 **Lien.** A fine assessed which remains unpaid after the time for appeal has expired becomes a lien against the unit owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under U.C.A. § 57-8-44.
- 1.17 **Promulgation of Additional Rules and Fines.** The Board is authorized to adopt and to amend the condominium administrative rules and regulations as may be necessary or desirable to insure the condominium is maintained and used in a manner consistent with the interests of the unit owners, to protect and enhance the quality of life in the condominium complex, to protect the property values of the condominium units, to ensure a quality and enjoyable lifestyle, and to respect the rights and privileges of all residents to be free from the annoyance, disturbance and nuisance of others. The method by which the Board may adopt new condominium rules shall be as follows:
- 1.17.1 New rules shall be adopted at a regular or special meeting of the Board. The rule shall be in writing and voted on and approved by a majority of the members of the Board. If the violation of the new rule shall have a fine associated with it, the amount of the fine shall be stated in the rule and included in Exhibit "A".
- 1.17.2 Prior to the new rule becoming enforceable, the Board shall cause to be delivered, personally or by regular U.S. mail, a copy of the new rule to each unit owner. If a unit owner is not living in his unit, the Board shall cause to be delivered to the tenant of that unit, or posted to the door of the unit, a copy of the new rule. In addition, the Board shall cause to be delivered a copy of the new rule, personally or by regular US mail to the address of record of the absentee owner. The new rule shall become enforceable five (5) days from the day it is mailed to each unit owner or posted on the door of an absentee unit owner.
- 1.17.3 Rules adopted in this manner shall deal only with the health, safety or welfare of condominium residents or condominium property. Rules adopted by the Board may also be used to clarify provisions in the declaration, bylaws, or rules and regulations, or to change the amount of a fine associated with the violation of a Rule.
- 1.17.4 Rules adopted by the Board shall have the same force and effect as rules contained in the declaration, the bylaws, or other Rules adopted by the condominium association, including the power to collect fines from those who violate these rules.
- 1.18 **SEVERABILITY** If any phrase contained in these Community Rules or provision of these Community Rules, or any paragraph, sentence, clause, phrase, or word, or the application thereof, in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Community Rules, or the phrase or paragraph in which it is contained, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

**EFFECTIVE DATE**

These Community Rules shall take effect five (5) days after they have been distributed to the unit owners and residents of Hidden Lake Condominiums.

**CERTIFICATION**

It is hereby certified that the Board of Hidden Lake Condominium at a duly called and constituted meeting of the Board approved and consented to the Community Rules stated herein.

This \_\_\_\_ day of June, 2014.

Hidden Lake Condominium Board

BY: \_\_\_\_\_  
Chair

*signed June 27, 2014 by Gene Mahalko*

**NOTICE OF VIOLATION**  
OF THE  
**RULES & REGULATIONS**  
OF  
**HIDDEN LAKE CONDOMINIUM**

TO: \_\_\_\_\_  
Name of Unit Owner(s)

\_\_\_\_\_  
Address of Unit Owner(s)

The Hidden Lake Condominium Board hereby notifies you that the following Rules and Regulations of Hidden Lake Condominium have been violated:

\_\_\_\_\_  
\_\_\_\_\_.

The above described Rules and Regulations have been violated as follows:

\_\_\_\_\_  
\_\_\_\_\_.

- If this violation is not cured within \_\_\_\_\_ hours (must be greater than 48 hours), you will be assessed a fine of \$ \_\_\_\_\_.
- If you continue to violate the Rules and Regulations described above, you will be assessed a fine of \$ \_\_\_\_\_ for each day (24 hour period) the violation remains uncured.

Date this Notice of Violation was given: \_\_\_\_ / \_\_\_\_ / 201\_\_

Time this Notice of violation was given: \_\_\_\_\_ a.m. p.m.

Date by which the violation must be cured: \_\_\_\_ / \_\_\_\_ / 201\_\_

Time by which the violation must be cured: \_\_\_\_\_ a.m. p.m.

By: \_\_\_\_\_  
HIDDEN LAKE CONDOMINIUM BOARD

# NOTICE OF FINE

## HIDDEN LAKE CONDOMINIUM

Date of this notice: \_\_\_\_\_

TO: \_\_\_\_\_  
Name of Unit Owner(s)

\_\_\_\_\_  
Address of Unit Owner(s)

The Hidden Lake Condominium Board hereby notifies you that as of the date of this notice and as the result of failing to cure the violation of the condominium rules and regulations within the time period provided in the Notice of Violation previously given to you, the Board has assessed a fine against you in the amount of \$ \_\_\_\_\_ .

Under the provisions of the condominium bylaws and rules and regulations, you may request an informal hearing before the Board to protest or dispute this fine. If you desire to have a hearing, you must make a written request to the Board within 30 days from the date of this notice. Your request should be addressed to the Board and be sent or delivered to the following address:

\_\_\_\_\_  
\_\_\_\_\_

After the request is received you will be contacted personally or in writing within ten days to inform you of the date, time and place of the hearing. The hearing will be conducted in the manner and according to the standards and procedures set forth in the bylaws, a copy of which has been previously provided to all unit owners. For a nominal copying charge you may obtain an additional copy of the bylaws by contacting the condominium association secretary. You will be provided written notice of the decision of the Board within 5 working days of the hearing.

Date this notice was delivered/mailed to unit owner: \_\_\_\_ / \_\_\_\_ / 201 \_\_\_\_

By: \_\_\_\_\_  
HIDDEN LAKE CONDOMINIUM BOARD

# NOTICE OF DECISION

## HIDDEN LAKE CONDOMINIUM

Date of this notice: \_\_\_\_\_

TO: \_\_\_\_\_  
Name of Unit Owner(s)

\_\_\_\_\_  
Address of Unit Owner(s)

Hidden Lake Condominium Board hereby notifies you it has made a final decision following the informal hearing you requested to protest or dispute the fine that was assessed by the Board.

Based on the evidence and arguments presented at the hearing, the Board:

\_\_\_\_\_ Reaffirms the fine in the amount of \$ \_\_\_\_\_ as previously assessed.

\_\_\_\_\_ Reduce the fine. The modified fine amount is \$ \_\_\_\_\_.

\_\_\_\_\_ Reduce the fine to an amount agreed to by the offending unit owner with the agreement that the offending unit owner will pay the fine within 10 days and not appeal the fine in district court.

\_\_\_\_\_ Suspends all or a portion \$ \_\_\_\_\_ of the fine, conditioned on the unit owner not repeating the violation for 180 days.

\_\_\_\_\_ Cancels the fine.

This fine is due and payable to the condominium association within 10 days of the date of this notice. If this fine is not paid by that date it shall incur a late charge of \$ \_\_\_\_\_. There shall be added to the fine additional late charges of like amount for each and every month (30 day period) the fine remains unpaid.

Date this notice was delivered/mailed to unit owner: \_\_\_\_\_ / \_\_\_\_\_ / 201 \_\_\_\_\_

By: \_\_\_\_\_  
HIDDEN LAKE CONDOMINIUM BOARD

# NOTICE OF APPEAL

## HIDDEN LAKE CONDOMINIUM

Date of this notice: \_\_\_\_\_

TO: Hidden Lake Condominium Board:

FROM:

\_\_\_\_\_  
Name of Unit Owner(s)

\_\_\_\_\_  
Address of Unit Owner(s)

The above named Unit Owner(s) hereby notifies the Hidden Lake Condominium Board that it appeals the fine which was assessed on (date) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

According to the provisions of the condominium bylaws, rules and regulations, the above named Unit Owner is supplying the information set forth below as the basis for the appeal:

1. The grounds for the appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
2. Any unusual circumstances justifying a reduction in the standard fine: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. Facts relied upon by the protesting unit owner with respect to the violation or non-violation of the bylaw, rules or regulations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. The amount of the fine the unit owner claims should be paid and the reasons supporting that claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
5. Any errors made by the Board in calculating, assessing, or collecting the fine: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Signature