

Resolution

I. Date Approved: September 9, 2014

II. Title: Interim Procedure for Enforcing Article V (Annoyance or Nuisance Regulation), Section 2 of the Bylaws.

III. Organization: Parkwood Association Board of Directors

IV. Resolution Number 01-2014

V. Basis for the Resolution

WHEREAS Article V, Section 2 of the Parkwood Association bylaws requires that the community standards committee investigate complaints made against Parkwood homeowners and determining when homes or properties are judged to be in violation of community standards, and

WHEREAS the Parkwood Association board of directors has not been able to find a sufficient number of homeowners to staff the CSC, and

WHEREAS the Parkwood Board of Directors is responsible for enforcing the rules and penalties specified in the restrictive covenants and bylaws.

THEREFORE, BE IT RESOLVED that the following procedure for identifying and correcting violations of the community standards will be followed until a new procedure is approved by the membership.

VI. Description of the Interim Enforcement Procedure

(A) Recording the Complaint

The complaining homeowner can submit his complaint either orally, in writing (letter or email) or using the form on the PA website. The Parkwood Association office administrator will log in the complaint on the Standards Worksheet Folder.

(B) Processing the Complaint

(1) Investigating the Complaint

The office administrator or a Director (preferably one from the district where the property is located) will investigate the complaint to determine if it is a violation of the restrictive covenants and bylaws. When conducting this investigation, the Parkwood Association Director and the office administrator shall have the right to enter upon the property where the possible violation exists.

(2) Complaints Referred to NIS.

If the investigation shows that the complaint involves a matter that should be handled by the Neighborhood Improvement Service of the City of Durham, the office administrator will submit the complaint to NIS and record the action in the Standards Worksheet Folder. The office administrator will follow up with the NIS to determine the status of correcting the complaint.

(3) Complaints Retained by the Parkwood Association

(a) If the investigation shows that the complaint is something that should be handled by the Parkwood Association, and NIS has indicated that it does not intend to pursue the matter, the office administrator will draft a letter to the offending homeowner identifying the violation and remedial action required. The letter will be sent to the homeowner by first-class mail. It will identify the nature of the violation, the specific provision of the restrictive covenants or bylaws that has been violated and provide a specific date by which corrective action must be taken. (The date for taking correction action will normally be 15 days after the letter is mailed, but a shorter or longer time to correct the violation may be used for special cases. The letter will also include a copy of the specific provision of the restrictive covenants or bylaws and a photo or other information that might help the homeowner correct the violation.

(b) If the homeowner has not notified the Association that he has corrected the violation or otherwise responded to the letter by the response date specified in 3(a) above, the office administrator or a Director will investigate the situation and determine if corrective action has been taken.

(c) If the violation has not been corrected, a second warning letter will be sent to the homeowner. This letter will state that they were sent a warning letter which has been ignored and inform the homeowner that a show cause hearing will be held before the full board and that a fine may be imposed for the violation. The time and the place of the hearing will be stated in the letter. The letter will also inform the homeowner that the homeowner has the right to bring an attorney to the meeting. The homeowner will also be advised that he may avoid the hearing by correcting the situation within 15 days of the date of the letter.

(1) If corrective action has not been taken by the time specified in Step 3(c) above and the homeowner has not informed the board that he wishes to appear before the board, the board will meet at the time and place specified for the hearing and determine if a fine should be levied and the appropriate amount of the fine (up to \$100 per day per violation). The homeowner will then be notified in writing of the board's decision and the date upon which a daily fine will commence if a fine was imposed. The board will allow the homeowner at least seven days after the hearing before levying a fine. The homeowner may still remedy the violation and avoid a fine until that deadline is reached.) If the violation is not remedied, a fine against the property will be started. The homeowner will receive an invoice monthly for the fine. The fine will be an assessment secured by a lien under G.S. 47F-3-116.

(2) If corrective action has not been taken by the time specified in Step 3(c) above and the homeowner has informed the board that he wishes to appear before the board, the board will meet at the time and place specified for the hearing. The homeowner will be asked to explain either why the complaint is not a violation of the restrictive covenants or bylaws or, if it is, why he should not be fined. After presenting his case, the homeowner will be excused and the board will determine if a fine should be levied and the appropriate amount of the fine (up to \$100 per day per violation). The homeowner will then be notified in writing of the board's decision and the date upon which a daily fine will commence if a fine was imposed. The board will allow the homeowner at least seven days after the hearing before levying a fine. The homeowner may still remedy the violation and avoid a fine until that deadline is reached. If the violation is not remedied, a fine against the property will be started. The homeowner will receive an invoice monthly for the fine. The fine will be an assessment secured by a lien under G.S. 47F-3-116.