

## **Section 4. Enforcement of Rules and Judicial Procedures**

The power to enforce the rules described in this HVL POA Handbook is contained in the restrictive covenants as recorded in each lot owner's Chain of Title and the remedies available for enforcement are both legal and equitable. The HVL POA Articles of Incorporation and By-Laws contain additional information about the authority of HVL POA to:

- Promulgate rules and regulations for the use of all streets, right-of-ways, common lands, parks, recreational facilities, swimming pools, etc. which shall be binding upon all property owners in HVL, their families, guests and their invitees.
- Promulgate rules and regulations controlling the construction of improvements on lots within Hidden Valley Lake Subdivision.

### **A. Violation Notices (Citations)**

- 1) Violation notices for alleged violation of the rules and regulations of the HVL POA may be issued by any on-duty security personnel (HVL POA Deputies) or other HVL POA employees authorized by the HVL POA Board of Directors.
- 2) HVL POA Deputies or authorized HVL POA employees may issue a violation notice based upon their personal knowledge of the alleged violation or upon the personal knowledge of a witness to the alleged violation. If the violation notice is issued based upon the personal knowledge of a witness, then such a witness account of the incident shall be reduced to writing and signed by the witness.
- 3) Violation notices shall be issued at the time of the alleged violation, except if any individual covered under this article shall remove or secrete himself in an attempt to thwart the HVL POA personnel in carrying out their duties or the alleged violator is not present at the time the alleged violation occurs. In these cases, the violation notice may be issued and forwarded to the alleged violator by mail.
- 4) A copy of each violation shall be returned to the HVL POA office and entered on a docket known as the Judicial Panel Docket.

### **B. HVL POA Judicial Panel**

- 1) Based on the Articles of Amendment (dated 4/27/95) to the Articles of Incorporation, the purpose of the HVL POA Judicial Panel is to enforce the rules and regulations of the HVL POA, specifically:
  - a. Requesting the appearance before the HVL POA Judicial Panel of members of the HVL POA and their families for the purpose of offering testimony in a given case.
  - b. Determining in all cases brought before the HVL POA Judicial Panel whether or not a violation of the rules and regulations of HVL POA has taken place.
  - c. Issuing warnings to, levying fines upon, suspending the privileges of members of the HVL POA, their families and guests, and others, according to the schedule of offenses and penalties set forth in Subsection G below and in Section XX of this Handbook, and recommending to the HVL POA Board of Directors pursuit of such other actions as may be available, including legal action, against persons who violate the HVL POA rules and regulations and/or provisions of this article.
  - d. Representing the HVL POA Judicial Panel before the HVL POA Board of Directors in the event of an appeal of the HVL POA Judicial Panel's actions in a given case.
  - e. Interpreting this article and making recommendations to the HVL POA Board of Directors for its amendment.

### **C. Rules Enforcement Procedure**

- 1) Each and every violation notice shall be acted upon by the HVL POA Judicial Panel, and no violation notice shall be considered a violation of the HVL POA rules and regulations until it has been acted upon and determined to be a violation of the HVL POA rules and regulations.
- 2) In those cases in which the HVL POA Judicial Panel determines that a violation of the HVL POA rules and regulations has taken place, the HVL POA Judicial Panel shall then impose a penalty or penalties upon the violator in accordance with Section XX in this Handbook.
- 3) In cases involving alleged violations committed by minor children, other dependents or guests of an HVL POA member, the HVL POA member shall be responsible for the payment of all monetary penalties (fines). HVL POA members shall receive notice by the HVL POA office of an alleged violation involving their minor children, other dependents or guests. The HVL POA member shall receive this notification by the first Monday of the month.
- 4) The procedure for HVL POA rules enforcement is as follows:
  - a. A violation notice (citation) is issued by an HVL POA Deputy or authorized HVL POA employee.

- b. A copy of each citation shall be returned to the HVL POA office on a weekly basis and entered on the Judicial Panel Docket.
- c. The citations along with the Judicial Panel Docket shall be presented to the HVL POA Judicial Panel for their decisions during their regularly scheduled meetings.
- d. The HVL POA Judicial Panel shall determine whether or not violations of the rules and regulations of HVL POA have taken place and, if so, the amount of the penalties or fines are entered on the Judicial Panel Docket and returned to the HVL POA office with the citations.
- e. If an alleged violator is not present at the regularly scheduled HVL POA Judicial Panel meeting, and is an HVL property owner and the decision of the HVL POA Judicial Panel is to issue a fine, the HVL POA office shall invoice that party's account for the fine amount.
- f. If an alleged violator is not present at the regularly scheduled HVL POA Judicial Panel meeting, and is not an HVL property owner and the decision of the HVL POA Judicial Panel is to issue a fine, the HVL POA office shall mail an invoice for the fine amount to that party and send a copy to the HVL property owner as appropriate.
- g. If an alleged violator is present at the regularly scheduled HVL POA Judicial Panel meeting, and is an HVL property owner, and the decision of the HVL POA Judicial Panel is to issue a fine and the alleged violator does not contest the fine, the HVL POA office shall invoice that party's account for the fine amount.
- h. If an alleged violator is present at the regularly scheduled HVL POA Judicial Panel meeting, and is not an HVL property owner, and the decision of the HVL POA Judicial Panel is to issue a fine and the alleged violator does not contest the fine, the HVL POA office shall mail an invoice for the fine amount to that party and send a copy to the HVL property owner as appropriate.
- i. If the alleged violator wishes to contest the citation, the procedure listed in Subsection D of this section of the Handbook must be followed.
- j. In the event the violator of an HVL POA rule or regulation shall fail to comply with the terms of the penalties imposed by the HVL POA Judicial Panel, then the HVL POA Judicial Panel shall report the failure to comply to the HVL POA Board of Directors, together with the recommendations for appropriate legal sanctions, including but not limited to the filing of a lien and assessment against said violator.

#### **D. Contesting a Citation to the HVL POA Judicial Panel**

- 1) Any person who receives a citation has the right to a hearing before the HVL POA Judicial Panel to contest a citation, but said hearing shall be held only at the request of the accused person, and upon his or her written notification to the HVL POA office of his or her desire to exercise this right, which request shall be duly entered upon the Judicial Panel Docket.
- 2) The hearing must be scheduled no more than two consecutive regularly scheduled HVL POA Judicial Panel meetings after the meeting in which the citation was originally presented and requests for a hearing must be made to the HVL POA office no later than the Friday prior to the regularly scheduled HVL POA Judicial Panel meeting. If the alleged violator originally received the citation by letter, the HVL POA office must be notified of the request for a hearing within five (5) days of the date of the letter.
- 3) During the hearing the alleged violator has the right to:
  - a. Question the HVL POA Deputy or authorized employee.
  - b. Call witnesses in his or her behalf.
  - c. Be represented by an attorney.
  - d. Present any evidence to support his or her defense
- 4) During the HVL POA Judicial Panel meetings, any alleged violator scheduled for a hearing must sign in upon his or her arrival at the meeting. Citations being contested are heard on a first-come-first-served basis and will be heard one at a time.
- 5) Only those persons involved with the current citation hearing will be present during the hearing.
- 6) After the HVL POA Judicial Panel has heard the case, a majority vote will determine their decision.
- 7) If an alleged violator requested a hearing to contest a citation through the HVL POA office but was unable to attend the original hearing date, he or she can request a new hearing date up to two (2) consecutive HVL POA Judicial Panel meetings from the original hearing date. For example, if an alleged violator was issued a citation in January, he or she could schedule a hearing in February. The new date can be requested for March or April.

- 8) The HVL POA Judicial Panel will not hear a contest of a citation unless it has been scheduled through the HVL POA office. A written notice requesting a new hearing date to contest a citation must be submitted to the HVL POA office no later than the close of the last business day of the month prior to the HVL POA Judicial Panel meeting in which they are eligible to attend. For example, if a hearing was originally scheduled for an HVL POA Judicial Panel meeting in February but the alleged violator was unable to attend, the request to attend the April meeting must be submitted to the HVL POA office by close of last business day in March.
- 9) If an alleged violator notified the HVL POA office that he or she would attend a scheduled HVL POA Judicial Panel meeting to contest a citation and was unable to attend that meeting, their right to reschedule a new meeting is automatically terminated unless he or she notifies the HVL POA office by 12:00 p.m. (noon) the day of the scheduled meeting. If notification is not received by the HVL POA office prior to this time, the alleged violator shall be subject to an additional fine.

#### **E. Appealing an HVL POA Judicial Panel Decision to the HVL POA Judicial Panel**

- 1) An alleged violator has the right to appeal an HVL POA Judicial Panel's initial decision to the HVL POA Judicial Panel whether or not the alleged violator attended the meeting in which the initial decision on the citation was made.
- 2) The HVL POA Judicial Panel will not hear an appeal to an initial decision unless it has been scheduled through the HVL POA office. The alleged violator will be allowed only one (1) opportunity to reschedule the appeal hearing. To schedule a hearing to appeal the initial decision the HVL POA Judicial Panel, the alleged violator must either provide written notice to or phone the HVL POA office no later than the Friday before the regularly scheduled HVL POA Judicial Panel meeting.
- 3) If an alleged violator notified the HVL POA office that he or she would attend a scheduled HVL POA Judicial Panel meeting to contest a citation and was unable to attend that meeting, their right to reschedule a new meeting is automatically terminated unless he or she notifies the HVL POA office by 12:00 p.m. (noon) the day of the scheduled meeting.

#### **F. Appealing an HVL POA Judicial Panel Decision to the HVL POA Board of Directors**

- 1) All alleged violators who receive a violation notice have the right to appeal the action of the HVL POA Judicial Panel to the HVL POA Board of Directors.
- 2) Before an appeal of an HVL POA Judicial Panel decision to the HVL POA Board of Directors shall be scheduled, the appellant must first appear at least once before the HVL POA Judicial Panel.
- 3) An appeal to the HVL POA Board of Directors of a decision made by the HVL POA Judicial Panel must be scheduled within three (3) consecutive HVL POA Board of Directors' meetings from the date the alleged violator attended the HVL POA Judicial Panel meeting.
- 4) To schedule the appeal, a written notice requesting an appeal must be given to the POA office no later than the close of business on the Friday before the regularly scheduled HVL POA Board of Directors meeting.

#### **G. Schedule of Violations Subject to Fines**

The following schedule includes, but is not limited to, a list of HVL POA rules and regulations violations subject to penalties and/or fines. The HVL POA Judicial Panel and the HVL POA Board of Directors reserves the right to change this schedule at any time. The most current schedule is available from the HVL POA office. Multiple citations may be subject to increased fines.

- 1) **Traffic and Vehicle Operation – General Rules**
  - a. Disregarding a traffic control device
  - b. Speeding
  - c. Reckless operation
  - d. Spinning tires - excessive acceleration of a vehicle
  - e. Fish tailing - excessive acceleration of a vehicle
  - f. Loud noise which causes annoyance
  - g. Improper or illegal parking (fire zone, handicap parking, snow emergency, etc.)
  - h. Failure to comply with lawful order of an HVL POA Deputy
  - i. Fleeing and eluding a HVL POA Deputy
  - j. Abandoned vehicle
  - k. Operating a vehicle over 7,000 pounds gross vehicle weight on Hidden Valley Drive or posted areas
  - l. Invalid, expired, lack of or no license plate and/or driver's license

- m. Road moratorium violation
  - n. Operating unsafe vehicle
  - o. Operating a motor vehicle in greenbelt areas without permission
- 2) Traffic and Vehicle Operation - Motorized Bicycles (MOPEDS), All-Terrain Vehicles (ATV)/Off-Road Vehicles, Motor Scooters/Motorized Skateboards and Motorcycles Rules**
- a. Operating in greenbelt areas without permission
  - b. Not equipped with muffler
  - c. Improper or no head, tail, stop or turn signal lights
  - d. Operating motorcycle or moped on dam, beach or parking lot (except to park)
  - e. Reckless operation/operating motorcycle without both front and rear wheels in contact with surface of road simultaneously
  - f. Failure to wear protective equipment while operating (under 18 and passenger)
  - g. Excessive speed
  - h. All mechanical equipment violations
  - i. Operators permit, age restriction, seating capacity or license violation
  - j. Operating a modified motorcycle or moped
- 3) Traffic and Vehicle Operations - Stopping, Standing and Parking Rules**
- a. Restriction of road usage
  - b. Exceeding limited parking (8 hours)
- 4) Persons, Property, Curfew, Signs and Solicitation Rules**
- a. Littering
  - b. Abuse and/or harassment of HVL POA employee, agent and/or volunteer
  - c. Fluid leaks (oil or gas) on HVL POA property
  - d. Sign violations
  - e. Sign affixed to community property within HVL, trees, signs, etc.
  - f. Curfew violations
  - g. Disorderly conduct
  - h. Mischief
  - i. Vandalism
  - j. Trespassing
  - k. Property damage
  - l. Invalid or lack of HVL POA identification card
  - m. Failure to comply with HVL POA regulations or lawful order of an HVL POA Deputy
  - n. Firearm violation
- 5) Burning Rules**
- a. Unattended burn
  - b. After dark burn
  - c. Burning of material other than wood or paper
  - d. Burning in improper container, or no container
  - e. Burns out of control (requires Deputy and/or Fire Department)
- 6) Dog Control Rules**
- a. Dog control violations
  - b. Dog running free and unsupervised
  - c. Dog trespassing on improved lots where landscaping has begun
  - d. Dog being public nuisance
- 7) Lakes and Water Craft Rules**
- a. Operating boat in excess of 35 mph or high speed boating
  - b. Reckless operation/failure to yield right of way
  - c. Not maintaining minimum of 300 ft. to rear of a water skier
  - d. Going the wrong way in wake zone
  - e. Powerboat failing to yield right of way to non-power boat
  - f. No wake zone violation
  - g. Discarding or discharging waste into lake or littering
  - h. Non-property owner using property owner's boat without written permission from owner
  - i. Non-property owner boating on lake
  - j. Boat sticker not secured and properly displayed by May 1<sup>st</sup>
  - k. Boat sticker not secured and properly displayed by June 1<sup>st</sup>
  - l. Skiing, tubing or flotation violation
  - m. Lake status violation
  - n. No wake/idle speed only during regulated hours violation
  - o. Boat/trailer parking violation

- p. Required equipment violation
- q. Possession of boat and/or trailer without permission of owner
- r. Unlawful swimming
- s. Hunting and fishing violations

**8) Architecture – Roadside Ditches and Entrances to Property Rules**

- a. Culvert/driveway not prepared before digging starts
- b. Not using prepared driveway to enter lot
- c. Ingress not properly established or installed
- d. Culvert improperly installed
- e. Undersize culvert
- f. Incorrect culvert material
- g. Culvert bent or plugged to disrupt proper flow
- h. Ditch line blocked in any manner
- i. Insufficient gravel

**9) Architecture – Dearborn County Building Permits Rules**

- a. Improper or not displaying permits
- b. Affixed to trees
- c. Affixed to community property within HVL

**10) Architecture – General Rules**

- a. Mud on street
- b. Debris fallen or blown on street
- c. Unsightly construction site/area
- d. Stop work orders
- e. Violations including but not limited to violations of Architecture approval
- f. Unauthorized use of electric and/or water

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