

BAYSHORES COMMUNITY ASSOCIATION

Rules and Regulations* **&** ***Policies**

The following Rules and Regulations and Policies have been compiled with the intent of protecting our property and assets, while providing an attractive, peaceful environment in which to enjoy our lifestyles in maximum comfort and with minimum inconvenience. The shared responsibility and the shared pleasures of our community can be a rewarding experience. Please remember that your cooperation and participation is essential.

Please read this booklet carefully and keep it within easy access. Periodically you may receive revisions and additions to the booklet. Make sure you, your family, guests and tenants fully understand these rules. If there are any questions, please contact the property manager at 949-363-1963.

If you are planning any home/landscaping improvements, please refer to the Architectural Guidelines.

Revision Date 08.16.17 (added the new rule for Saw Horses under Children's Park/Clubhouse/Beaches)

Revision Date 03.12.18 (added the new rules for Volleyball and Canopies)

Revision Date 6.30.21 (added approved boat storage rule adopted 5/21 and Dinghy tie-up clarification adopted 6/29/21)

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I. INTRODUCTION

Bayshores Community Association is a private community located in Newport Beach, California. The community is comprised of 249 residences. The Association owns their own streets and beaches. A map showing the streets and two private beaches is attached.

The Bayshore Apartments are neighbors but are not a part of Bayshores Community. The Newport Marina is in front of the Bayshore Apartments and is not a part of the Bayshores Community.

Included in Bayshores is The Irvine Company Marina and adjacent parking lot. The marina has a private parking lot for The Irvine Company only. It is not to be used as a playground or for parking by the residents or children of residents except marina tenants.

All homeowners are compulsory members of the "Bayshores Community Association." Bayshores community is supported by two major sources: 1) quarterly payment of homeowners' assessments, and 2) the volunteer work of the residents as community committee members and Board of Directors. The ongoing operation and management of the community is the responsibility of the Board of Directors of Bayshores Community Association, a non-profit, mutual benefit California corporation. The Board's primary responsibility is to administer the property for the benefit of the collective members of the Association. The Association contracts with a management company, one of whose duties is to administer the Association's Rules, per Board policy.

The overriding document governing the operation and maintenance of the Bayshores community is our Covenants, Conditions and Restrictions Declaration ("CC&Rs"). In addition, the Bylaws and these Association's Rules and Regulations provide further detail. Copies of the CC&Rs, Bylaws and Rules & Regulations are provided to each unit owner during the escrow period of their home purchase.

These Rules and Regulations shall apply to all persons living within Bayshores, whether they are owners, the family of owners, friends, guests or tenants. The Rules & Regulations do not supersede the CC&Rs or Bylaws in any way. Association members and residents are responsible for abiding by those documents as well as the Rules & Regulations set forth herein. In addition, unit owners are responsible for informing their guests and tenants of the use and restriction provisions of all three documents and are ultimately responsible for the conduct of their guests and tenants. One of the responsibilities of the Board of Directors is to enforce the Rules & Regulations. There are some issues, such as noise levels, where individual judgment about the nuisance may vary. The Board requests that complainants seek first to work out such problems with their neighbors.

These Rules and Regulations have been established for the purpose of safety, the preservation of the Association's value and property and the enjoyment and benefit of the Association's members and their guests. These Rules and Regulations are adopted pursuant to the authority granted by the Association's governing documents and applicable law. Additional matters relating to the governance and management of the Association, your obligations as a member of the Association, and restrictions on the use or improvement of your property and the Association's common areas are set forth in the Association's Articles of Incorporation, Bylaws and the CC&Rs.

The safety, security and overall desirability of our community ultimately are within the control of Bayshores members and their families and guests. Compliance with these Rules and Regulations by all members and their families and guests will materially assist in meeting these goals and objectives. Neither the Association nor the Board shall be liable for any injuries, loss or damage arising out of any breach of these Rules and Regulations by members, their families, guests or any other persons or entities who enter the community.

II. GENERAL INFORMATION

The Board of Directors is comprised of seven members elected by the general membership each September. The terms are staggered. The owner(s) of each residence have one vote to cast per seat up for election.

As of the publication of this document, the Board of Directors meets 12 times per year. Each meeting reserves time for a "Homeowners' Forum." During this forum, the Board will inform the community members of any new developments. Homeowners are encouraged to attend and to ask questions and provide suggestions and/or possible solutions during this time. This is your best opportunity to voice your thoughts and find out how your Association is being administered. Following the Homeowners' Forum, the Board will commence its regular business meeting. Homeowners are invited to attend but are asked to hold their questions until after the business portion of the meeting is completed.

III. COMMON AREA RULES

Visitors: Vehicles without current decals or passes or visitors not listed on a resident's permanent guest roster will not be allowed to enter Bayshores without a resident's approval. To minimize delays, residents must call the main gate and notify the guard in advance of visitors not listed on their permanent guest roster. The phone number of the main gate is 949-548-0120.

Parking: Whenever possible, residents and their guests should park in front of their or their host's home.

Red Zone: Parking is prohibited in the red zones; golf carts are accepted at the swim and play beaches only.

Golf Carts: Drivers must be 16 years old to operate golf carts within the community. Drivers must at all times operate their carts safely and in compliance with all applicable laws and regulations, including posted speed limits.

Moving Days: No moving vans are allowed on Sundays in Bayshores and during the week they must abide by the workers' hours. (No moving at night!)

Dogs: Newport Beach City Ordinance requires that dogs be restrained by a maximum 6-foot leash at all times. Dogs may not be allowed to run loose in Bayshores. The Ordinance further requires that any person walking a dog must have in their possession a container to remove droppings left by their dog and all dog "nuisances" must be removed immediately. You are responsible for your pet's behavior.

Contractors or Sub-contractors: The property owner is responsible for the conduct of the General Contractor, Sub-contractor or vendor.

1. Violation of the Bayshores' Contractors rules may result in fines, deposits being forfeited or workmen being denied access to Bayshores.
2. Recreational common areas are reserved for Bayshores residents and guests only. Workmen are required to take work breaks only on the job site.
3. Blocking of Bayshores streets and alleys by construction vehicles or equipment is prohibited. Streets and alleys must remain clear to allow the passage of emergency vehicles.
4. Hours for contractors, gardening, painting, auto detailing and washing, and similar workers are limited to: Monday through Friday, 7:00 a.m. to 6:00 p.m. No work is allowed on Saturdays, Sundays or the following holidays: New Year's Day, Presidents' Day, Memorial Day, Independence Day Observed, Labor Day, Thanksgiving Day and Christmas Day.

IV. BEACHES – BOATS – DOCK

Safety: The safety of children at the beaches and dock areas is the responsibility of their parents or caretakers. The Bayshores Community Association does not provide continuous lifeguard services at either of its two beaches at any time.

Boat Storage: Boat storage space is available, subject to limitations, at both beaches. Fees: Licensee agrees to pay Association the sum of **\$150.00** per paddleboard or kayak per year, payable in advance." The only storage permitted on the beach will be a maximum of two SUPs or Kayaks per family which must display Bayshores stickers and be paid current before the season begins. The Beaches, Boats & Park Committee will provide information of space available, fee schedule, etc. Please contact the property manager to obtain an application for boat storage.

Dock: The board has resolved to allow dinghy tie-ups on the leeward side of the T-dock, on a first-come, first-served basis. This use of the T-dock shall be free of charge to Bayshores residents.

Time Limit: Dinghy owners are not permitted to use the Bayshores dock as permanent storage space. An owner may tie up a dinghy to the dock for three (3) consecutive days maximum, after which he/she must remove the dinghy for a minimum of five (5) consecutive days. For purposes of this rule, a dinghy will be deemed to have been tied up to the dock on a particular day if it is tied up to the dock for more than two (2) hours total time that day.

Example: If a dinghy owner ties up his/her dinghy at the dock for one entire day, then ties up his/her dinghy at the dock for 18 hours on the second day, and then ties up his/her dinghy to the dock for three (3) hours on the third day, the owner will be deemed to have tied up his/her dinghy to the dock for three (3) consecutive days and he/she must then remove the dinghy for a minimum of five (5) consecutive days (but during those five (5) days the owner still may tie up his/her dinghy to the dock for not more than two (2) total hours time per day). Association will monitor dinghies and enforce the time limits.

Dinghy Size and Engine Restrictions: Dinghies to be tied at the T-dock may not exceed 14' in length or be higher than 4' above the waterline. Maximum engine size shall be 50 hp.

Number of Dinghies: A maximum of four (4) dinghies will be permitted to tie up to the dock at any one time.

Dinghy Registration: All boats tied at the dock must have a current CF number and registration. Each boat must also be registered with the Bayshores Community Association, and the Bayshores registration sticker must be clearly visible.

Insurance: Boat owners must provide and maintain a current Certificate of Insurance showing proof of liability coverage (for boat owners) for bodily injury and property damage with a limit of \$500,000. The Certificate must name Bayshores Community Association as a Certificate Holder. Neither the Bayshores Community Association nor any of its officers, agents or employees shall have any liability for any loss or damage to any boat while it is tied to the T- dock, or if it is removed for failure to comply with the requirements of this policy.

Time Limit for Dinghies at end of dock and on windward side:

The dock is private. The dock's use is limited to Bayshores residents and their accompanied guests only. Tie-up is limited to 60 minutes. No overnight tie-up on the dock is permitted for either residents or visitors except on the leeward side, as specifically allowed by the Dinghy Policy.

V. BEACH PICNICKING AND BARBECUING

Reservations: The use of the beaches is for residents and their guests only.

Picnicking: Picnicking is permitted on both beaches until 10:00 p.m. throughout the year. Barbecuing/cooking is permitted at both beaches but only on the cement pad.

The entire Swim Beach is reserved for Sunday barbecuing between 4:00 p.m. and 10:00 p.m. during the summer season (between opening and closing days). Gas barbecue grills are provided and tables are available (you set up and remove). You are on your own for everything else – chairs, food, beverages, plates, utensils, cleanup and scintillating conversation.

Please observe the following:

Glass at the beaches and the park can be hazardous. Minimize its use; if unavoidable, exercise great care. Be thorough in cleaning.

Keep portable radio volume low so that those around you are not disturbed.

Bag and remove all your trash and garbage – take it home for disposal. Do not use the beach trash barrels; the fly problems they create are horrendous.

A liberal “eating on the beach” policy will work providing that everyone takes the responsibility for cleanup. Do more than your share, if necessary.

VI. CHILDREN'S PARK/CLUBHOUSE/BEACHES

Park: The park is for the exclusive use of young children.

Reservations: The park/clubhouse or beaches may be reserved for birthdays or other activities. A homeowner, through the property manager, must make an application for reservation of the park/clubhouse/beach facilities. The Board of Directors will review all applications at the Board of Directors meeting. Applications may be received by calling the property manager at 949-363-1963.

All requests must be in writing, sent in sufficient time to allow for the Board's consideration at least one month in advance of the requested date.

No fees are associated with the park's use and enjoyment providing that it is left clean and orderly. All trash must be bagged and placed in the utility area to the rear of the park. Party trash is not to be placed in the trash barrels; the barrels are large enough only for the incidental trash generated during the week – not party loads.

The use of the Bayshores Community Association facilities is for residents and their guests only. The homeowner who has arranged for use of the facility is responsible for his/her guests. The recorded homeowner is responsible for any and all damages to the facility.

Exclusive use of the park and beaches is not permitted. Homeowners are, however, allowed exclusive use of the clubhouse.

Requirements: A \$250.00 deposit will be required for all reservations at all locations. Insurance is required for apparatus only, and must be \$1,000,000.00 liability coverage. Noise permits from the City will be required for any events using bands or DJ's.

Cleanup Charges: Cleanup must be completed immediately after the function. In the event that the park is left in an unacceptable condition, the property manager will be notified, and they will dispatch a cleaning crew immediately to do the necessary cleanup. The cost will not be borne by the community but will be billed to the party using the park.

Volleyball: May 26th – September 15th, there is no volleyball play on Bayshores Swim Beach after 5:00pm Monday – Thursday, and after 4:00pm on Friday. Saturday and Sunday there is no volleyball play after 1:00pm. There is to be no volleyball play on Memorial Day, July Fourth, Labor Day or Opening Day with the exception of the Volleyball Finals Tournament on Opening Day. The volleyball court may be reserved anytime after 7:00 a.m. for that day only (first available time slot is 9:00 a.m.). Only residents may reserve the court. Residents must be present to utilize the reservation. No one from any one group can reserve two consecutive time slots (time slots are 90 minutes maximum). Please vacate court promptly when your time is up when others are waiting.

Canopies: Canopies and tents are not allowed at Swim Beach May 26th – September 15th with the exception of use for Association/Windjammers events.

Saw Horses: The use of saw horses on the beach for volleyball is prohibited.

VII. GENERAL RULES

The speed limit in Bayshores is 15 mph and 10 mph in the area of the children's park and in all alleys. You must stop at ALL stop signs. DO NOT park in red zones; golf carts are an exception at the swim and play beaches only. Parking in red zones by the children's playground is prohibited by any vehicle.

Residents who do not wish to obtain a "vehicle transponder" will be required to enter the community via the vendor/guest lane at all times. Those residents who have not received a transponder must display a current Bayshores decal or pass (resident or marina) on the lower left side of the windshield. If the decal or pass is displayed properly, the vehicle will be signaled through the vendor/guest lane without delay, unless there are vehicles entering the resident lane at the same time.

The guard will stop all vehicles without a valid sticker, pass or transponder. If the person without a decal states that they are a resident, the residence will be verified by the guard using the database and the resident's proper identification.

The guard will stop all vehicles not listed on the database system or not displaying a current decal or transponder. These vehicles must have clearance into Bayshores by the resident or the guard will call for clearance. The vehicle will not be allowed to enter if clearance is not obtained.

The guard's sole responsibility is at the entrance and exit of Bayshores only. Any situations requiring internal action with residents, guests, children, workers or marina visitors should be directed to the Security Committee for action, as they may deem necessary.

If a resident feels that the police are required, he/she should call the police directly. The police will wish to speak directly with the resident. Do not call the guard or the Security Committee to ask them to call the police.

Rental or lease of any Bayshores property must be for a minimum of 30 days. Leasing of any residence in Bayshores is limited to a single individual or family. No multi-tenant or multi-family lease is allowed.

Property owners who rent or lease their properties shall:

- Notify the Management Co. of the name, address, email, telephone number of the tenant and the term of the rental/lease.
- Include in the lease or rental agreement a provision that the renter has been provided a copy of these Rules & Regulations, and that she/he will abide by all provisions therein.
- Be responsible for the conduct of their tenants and their adherence to these General Rules. This responsibility includes the payment of all fines and forfeitures that may be levied against their renter for violation of these Rules.
- Owners who no longer reside at the property may still enter, however use of all amenities transfers to the tenant.

Residents will park in front of their own homes and are not to park commercial vehicles in Bayshores.

Permanent or overnight parking in alleys is prohibited. This poses a hazard for emergency vehicle access.

Residents are not to drive backwards on Bayshores streets; it is illegal and dangerous. U-turns are discouraged because of our narrow streets.

Residents are not to give instructions to the guard. Instructions or concerns are to be channeled through the Security Committee.

Residents and children of residents are not allowed to loiter at the guard house. Residents are not allowed to use the phone at the guard house.

The guidelines heretofore stated apply equally to golf carts, except where noted.

Visitors and Workers: All visitors or workers must state their last name and destination. The guard shall record this information, along with the date, time, and license number.

1. Guest passes will be issued upon request of the homeowner. These passes may be obtained from the guard.
2. Workers who expect to be entering regularly will be issued extended passes. The pass will be issued after verification from the guard. Passes must be in plain view on the vehicle dashboard when entering and parked in Bayshores. These passes will be valid for the length of their stay while in Bayshores. Failure to follow Bayshores' rules will require forfeiture of the pass.
3. Workers are not permitted to enter Bayshores before 7:00 a.m. on weekdays. Workers are not permitted to enter Bayshores on Saturdays, Sundays or holidays (New Year's Day, Presidents' Day, Memorial Day, Independence Day Observed, Labor Day, Thanksgiving Day and Christmas Day). All workers must be out of Bayshores by 6:00 p.m. No workers other than emergency crews shall enter after 6:00 p.m. **NO MOVING VANS ARE ALLOWED ON SUNDAYS OR HOLIDAYS OR AFTER 6:00 PM WEEKDAYS (SATURDAYS 8:00 AM TO 5:00 PM). MOVING VANS MAY NOT PARK OVERNIGHT IN BAYSHORES.**
4. Workmen are not permitted to bring dogs into Bayshores.
5. Persons using the Irvine Company Marina are not permitted to use Bayshores beaches or other facilities or to park on Bayshores streets.

Realtors: Real estate people desiring entry will be handled as visitors and must state a specific destination address. On Saturdays and Sundays, they are also to be handled as visitors and state a specific destination address. No signs such as OPEN HOUSE inviting the general public into Bayshores are permitted in the area of our entrance, and only one open house sign is permitted per home and must be placed only on the property for sale.

Boats and Trailers: Boats and trailers may not be left on the streets of Bayshores for more than 24 hours. No detached or empty trailers may be left parked, at any time, on the streets of Bayshores.

Garage Sales: Garage sales may be held in Bayshores for residents only and must be cleared by the Board of Directors.

Deliveries: Residents and/or contractors expecting large deliveries such as masonry, lumber, sod, cement, etc. should notify the guard in advance in order to expedite entry into Bayshores.

Normal household deliveries, including furniture, are permitted on Saturdays from 8:00 a.m. until 5:00 p.m. This does NOT include construction materials or equipment deliveries of any kind (this rule adopted at February 16, 2005 Bayshores Board Meeting and published in March 2005 *Breeze*).

Entertainment: Residents who plan parties and are expecting five or more guest automobiles are to provide the guard 24 hours prior to the party with a list including the host name, address, date and time of the party and ALPHABETIZED names of all guests. The guard will allow entry only to guests recorded on the guest check list.

Extremely large parties should be coordinated with the Security Committee for parking guidance.

Mobile Storage Units (i.e. PODs): Use of mobile storage is limited to a maximum of 96 hours. Mobile storage units must be placed directly in front of your property on blocks, and may not be placed in alleys or along red curbs. Notice must be given to the Association no less than 24 hours prior to delivery of the unit. (Published February 11, 2013 and Adopted March 27, 2013.)

VIII. SECURITY REGULATIONS

Residents Security Information Form: Since March 1991, Bayshores Community Association security information has been maintained on a database at the guard house. In order to accommodate this procedure, please be sure you have completed the Bayshores Community Association Resident Security Information Form and provide a copy to the guard house as well as a copy to property management.

Guest Passes: In order to provide easier/faster access, guest and/or vendor entry passes can be issued to your regular, long-term service personnel by written homeowner authorization. However, when considering authorization, bear in mind that those passes would also provide easier/speedier access to unauthorized persons if borrowed or stolen. Residents' authorization for guest or worker passes may be obtained from the security guard by way of a phone call to the guard at 949-548-0120 or entry on the dwellingLIVE website (<http://www.dwellinglive.com>).

Should you have absolute trust and unquestionable faith in an employee, authorization forms are available at the entry gate. Information to be provided will include the person's name, company name if applicable, the service they provide, address, phone number and vehicle license number.

Please be aware, should a person who was issued a pass leave your employment before the expiration date on that pass, it is your responsibility to retrieve it.

IX. VEHICLE TRANSPONDER POLICY AND GUEST/VENDOR ENTRY PASSES

To maintain the integrity of our security system, the following procedures have been adopted for issuing decals.

Vehicle transponders will be issued to all residents within Bayshores after completion of the Resident Transponder Application form. Forms may be obtained by contacting the security guard on duty.

When a residence is sold, please contact property management so that the applicable transponders can be deactivated.

Guest passes will be issued upon request of the homeowner. These will be obtained from the security guard.

X. COMMERCIAL VEHICLE RULE, PROHIBITION ON ALLEY PARKING (Published August 18, 2010 and Adopted October 20, 2010)

- A. Pursuant to Article X, Section 5 of the Association's recorded Declaration of CC&R's, delivery trucks, service vehicles and other commercial vehicles may not be parked upon Bayshores common area streets and alleys, except temporarily. Parking of vehicles outside of normal business hours (7:00 a.m. to 6:00 p.m.), including overnight parking, shall not constitute "temporary" parking. Overnight parking of commercial vehicles will be permitted as required only to provide emergency service to private residences.

Delivery trucks, service vehicles and other commercial vehicles shall be defined and include, but not necessarily be limited to the following:

1. Dump trucks, cement mixers, delivery trucks, and other trucks or vehicles of greater than three-quarter (3/4) ton capacity used in connection with a trade or business.
2. Vehicles designed and used primarily for commercial passenger transport, such as vans designed to accommodate ten (10) or more people;
3. Vehicles designed and used primarily for the transportation of property and/or equipment;
4. Vehicles and vehicular equipment, mobile or otherwise, equipped with ladder racks, tool boxes, storage compartments, air compressors, or other types of mechanical or electrical equipment, parts, supplies, and the like used in connection with a trade or business.
5. Residents' personal vehicles shall not be permitted to display commercial signage. Such vehicles should be parked wholly within private garages.
6. The type of motor vehicle license plate shall not be material to the foregoing definition.

Delivery trucks, service vehicles and other commercial vehicles belonging to Residents, may not be parked at any time within the Bayshores Community Association, except wholly upon a separate interest Lot (i.e., not upon common area streets and alleys). Commercial vehicles belonging to Residents may be parked on garage aprons provided that no part of the vehicle encroaches upon or obstructs an alley.

B. ALLEY PARKING

No vehicle, including golf carts, passenger vehicles or commercial vehicles may be parked upon any alley way, except temporarily (not to exceed one hour). Golf carts may be parked entirely upon garage aprons or side yards, if available.

XI. TRAFFIC CONES RULE

**(Published in June and August 2011 and Adopted October 19, 2011,
Repealed and Replaced on January 25, 2013 by "PROHIBITION OF CONES RULE"
(as a stipulation of a lawsuit Settlement Agreement to take effect on February 25, 2013)**

Within thirty (30) days of the execution of this Agreement, the Association shall repeal the Traffic Cone Rule in its entirety, and replace it with a new "Prohibition of Cones Rule." The Prohibition of Cones Rule shall state that "common area" parking is available on a first-come, first-served basis and shall expressly prohibit the use of traffic cones and all other items or implements to reserve or block-off "common area" parking in the Bayshores development, including the "common area" street parking in Bayshores.

The only exception to this Prohibition of Cones Rule shall be to allow limited, short-term reservation of parking in cases of significant need arising out of medical or health necessity, physical impairment, or other extraordinary circumstance. This exception shall require prior written authorization from an express designee of the Bayshores Board of Directors and the use of Bayshores-issued traffic cones. In all such instances, such cone use shall be limited to a maximum of twenty-five feet of common area parking in front of the resident's home and shall not otherwise exceed the

requirements of the extraordinary circumstance. The Bayshores Board of Directors and/or its designee shall be required to document all authorizations relating to such use of traffic cones to reserve parking, and the basis for such authorizations. The exception to the Prohibition of Cones Rule set forth herein is designed to address temporary needs only and is not to be utilized to permit or otherwise authorize an extended or prolonged use of cones or other reservation of parking in the common areas.

In enforcement of the “Prohibition of Cones Rule,” any traffic cones or other items improperly left in the common area streets will be confiscated.

VIOLATION POLICY

(Published May 1, 2013 and Adopted June 26, 2013)

1. Notice shall be sent to the homeowner advising the nature of the violation, the portion of the governing documents pertaining to such violation, and a time limit to rectify the violation.
2. Homeowners failing to comply with the request to rectify the violation shall be sent a Notice of Hearing. Such Notice shall be postmarked at least fifteen days prior to the scheduled hearing, and will allow said homeowner an opportunity to meet with the Board to discuss the violation in executive session.
3. If the violation is sanctioned at the Hearing, the Board of Directors may take one or more of the following actions:
 - A. Levy a Compliance Assessment in the amount of \$50.00;
 - B. Suspend said Member's voting privileges as a Member;
 - C. Suspend or condition the Member's right to use any recreational facilities owned, operated or maintained by the Association.
4. If the violation persists following the above listed corrective action, the Board of Directors may proceed further by increasing the fine assessment. If the Board opts to assess the above noted \$50.00 to an account for which the violation persists, another \$100.00 may be assessed the following month. If the violation again persists, another \$150.00 may be assessed.
5. If the violation continues after the third fine has been assessed, the Board may take legal action, including small claims action on behalf of the Association to recover said monies, or take other proper action for relief.
6. If a violation persists for a period of two (2) years, fines may increase after Notice and Hearing to \$1,000.00 per sanctioned violation.

The Board of Directors reserves the right to contact an attorney at any point during the violation process, regardless of what other steps have or have not been taken.