

### III. ENFORCEMENT OF REGULATIONS

#### A. Enforcement Procedures

##### 1) Enforcement Officers

a) The following persons are Enforcement Officers:

- General Manager
- Designated TPCA Managers
- Architectural Control Committee Members\*
- Golf Course Rangers and Starters
- Golf Center Personnel
- Staff with Pool Monitor Duties
- Designated Security Officers

\*Authority of the members of the Architectural Control Committee is limited to those items that are the responsibility of the Architectural Control Committee.

b) An Enforcement Officer can order individuals from Community Facilities for just cause.

##### 2) Incident Report

a) Any Enforcement Officer or Resident who witnesses a violation of a Regulation by any Resident or Renter may complete an Incident Report.

b) The Incident Report is turned into Administration where the complaint is documented, including witnesses' statements and other corroborating evidence.

c) In the situation where one Resident files an Incident Report against another Resident, there must be a corroborating statement by another witness to the incident or other clear and convincing evidence that the facts alleged in the Incident Report are true. Clear and convincing evidence includes but is not limited to independent witness statements, photographs, audio and video recordings, documentary evidence, other physical evidence or an admission by the offender that the facts as alleged are true. In the absence of corroboration or clear and convincing evidence, the report will be dismissed.

##### 3) Investigations

a) Upon receipt of an Incident Report other than for a traffic violation reported by a Designated Security Officer, the General Manager shall designate a TPCA Manager to initiate a thorough investigation within five (5) business days of the receipt of the Incident Report.

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- b) The investigation conducted by the designated TPCA Manager shall include but not be limited to interviewing and identifying by name, all parties to the alleged incident as well as all witnesses to the alleged incident.
  - c) Upon conclusion of the investigation, the TPCA Manager shall submit his/her findings, in writing, to the General Manager, together with a recommendation regarding the disposition of the alleged incident.
  - d) The General Manager will review the recommendation submitted by the Enforcement Officer, and will determine whether to take no action, issue a warning to the alleged violator(s), or recommend to the Board of Directors that a Citation be issued.
- 4) Citations
- a) Citations approved by the Board of Directors and issued by the General Manager will specify the Regulation violated and shall clearly define the offense.
  - b) Recipients of Citations have fourteen (14) calendar days to pay the fine or file an appeal with the Appeals Review Committee.
  - c) Copies of the Citation and supporting documentation shall be filed in the Administration office.

#### B. Appeal Process

- 1) Violators may appeal the Citation within fourteen (14) calendar days from the date of issue. An appeal letter should be completed and delivered to Administration where it shall be forwarded to the Appeals Review Committee.
- 2) The Appeals Review Committee is comprised of seven (7) Village Representatives or alternates, selected from the Village Representatives at large, who will serve in that capacity for no more than two (2) consecutive years. Members of the Appeals Review Committee, who are no longer current Village Representatives, may complete their term on the Appeals Review Committee.
- 3) The Appeals Review Committee will conduct an appeal hearing at the meeting to be called within fourteen (14) days of the date of receipt of an appeal request letter.
- 4) Residents may be represented by legal counsel and must so indicate in the appeal letter.

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- 5) The decision of the Appeals Review Committee will be by majority vote. The decision of the Committee is final and is not subject to further appeal other than through civil court.
- 6) Failure to appear for the appeal hearing at the scheduled time will result in an automatic denial of the appeal.
- 7) Penalties subject to the appeal process will be held in abeyance until the Appeals Review Committee has made a ruling. Any penalty or fine associated with the appealed citation shall become effective and due immediately upon the Committee's ruling against the aggrieved Resident.

#### C. Explanation of Penalties

- 1) The categories of penalties and associated fines are:

<u>Category</u>	<u>Fine</u>	<u>Loss of use of ALL common areas and facilities</u>
1	\$ 10	One (1) Week
2	\$ 25	Two (2) Weeks
3	\$ 50	Four (4) Weeks
4	\$100	Eight (8) Weeks

- 2) A Warning Letter issued by the General Manager carries no penalty, but will remain on file for a period of one (1) year from the date of issue. A repeat violation of the same or similar regulation within that period will require the issuance of a citation.
- 3) Except as provided in Section V. Part E. Personal Conduct #1, the first citation received for a violation of a regulation may carry only the fine indicated for the applicable category. A second citation received for a violation of the same or similar regulations within 365 days of the first citation will carry the fine and loss of the use of ALL common areas and facilities indicated for the applicable category. (A second citation received for a violation of the same or similar regulations beyond 365 days of the first citation will be considered as a "first" violation for penalty assessment purposes.)
- 4) Repeat violations of the same or similar regulations within 365 days of the second citation will result in both the previous fine and the loss of the use of ALL common areas and facilities time being doubled. Florida Statute F.S.720.305(2) limits fees up to \$100 per violation. However, there is no limit as to the length of time a Resident may lose privileges and use of facilities for repeat violations within the prescribed time periods.

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#### **D. Late Payment**

- 1) Unpaid fines in arrears for thirty (30) days will result in an additional citation and loss of the use of ALL common areas and facilities issued from the Board of Directors in accordance with the Master Documents.
- 2) A fine may be levied for each day of a continuing violation, with a single notice and opportunity for a hearing. No such fine shall exceed One Thousand Dollars (\$1,000) in the aggregate.

#### **E. Damage to Property or Loss of Revenue**

- 1) The payment for damage to property shall be in addition to the penalties. The penalties shall also be in addition to reimbursement for lost TPCA revenue.

#### **F. Publication**

- 1) The name(s) of all violators of TPCA Rules & Regulations shall be published on the official bulletin board located in the Lodge for a period equal to the loss of the use of ALL common areas and facilities time. This notice shall include the violator's name, village, rule violated, category of penalty, fine and duration of loss of the use of ALL common areas and facilities. The notice shall be posted on the 14<sup>th</sup> day after the violator has been notified unless the violator files for an appeal. If the violator appeals, the notice shall be posted the day after the Appeals Committee notifies the BOD that the appeal has been rejected. If the appeal is successful, the violation will not be posted.