

Bandanna Ranch Homeowner's Association

Pursuant to Utah Code Ann. § 57-8a-208, the Bandanna Ranch Homeowner's Association ("BRHOA") is authorized to levy fines as means of enforcing the provisions of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bandanna Ranch ("CC&R's"). The BRHOA Board of Trustees' objective was to develop notice of violation and schedule of fines procedures that comply with Utah law and are fair to all parties involved.

In accordance with the provisions of the BRHOA CC&R's, the following notice of violation and schedule of fines procedures were properly adopted by a vote of the Board on April 23, 2022.



Shane Tarbet, President BRHOA

BRHOA Notice of Violation & Schedule of Fines Procedures

1. Background & Applicability

- a. The Bandanna Ranch Homeowner's Association ("BRHOA") consistent with Utah Code Ann. § 57-8a-208 may levy and collect as an assessment fines for violations of said rules and regulations and for violations of any restrictions contained in the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bandanna Ranch ("CC&R's"). The CC&R's require the BRHOA Board ("Board") to adopt a schedule of fines specifying the amounts of such fines and any other provisions or procedures related to the issuance of such fines ("Schedule"). Any words capitalized in this Schedule but not defined have the same meaning as in the CC&R's.
- b. Each Owner, Member, tenant, occupant, guests, mortgagees, or any other person who may enter the Property and associated Owner's lot(s) shall comply with the provisions of the CC&R's and is subject to this Schedule. The Owner of any Lot is jointly and severally responsible for any violation of these Rules and Regulations with any person occupying his or her Lot and with any guests of, or persons associated with, any persons occupying his or her Lot. An Owner's responsibility under this section, is not limited if, for any reason, the Owner is not aware of the person(s) occupying or visiting his or her Lot.

2. Violation Notice & Process

- a. Any violation or continuing violation of these, the CC&R's, may result in any one or more of the following actions as deemed appropriate and reasonable by the Board or as otherwise required or allowed by the CC&R's: (i) Give a warning; (ii) Issue a fine (pursuant to the schedule and requirements below); (iii) Record a lien; (iv) Institute legal action for damages, injunction, etc.; (v) Enter into or upon any Lot to make repairs and to do other work necessary for the proper maintenance and operation of a project; (vi) Specially assess any repair cost incurred when repairing damage caused by a violation of the CC&R's and other Governing Documents; (vii) Take any other appropriate action including but not limited to, any action provided for in the CC&R's and other Governing Documents or herein.

- b. For a violation of the CC&R's, an Owner will first be issued a written notice of violation describing the violation, the provision violated, and if a continuing violation, a time for correcting the violation prior to a fine being issued. Written notice by either USPS first-class mail, electronic means (e.g., email), hand delivery, or delivery to the subject property is acceptable.
- c. If a violation is capable of being cured and is a continuing violation, an Owner may be given a minimum of forty-eight (48) hours to cure a violation before a fine is issued. The Board at its discretion may grant a longer cure period if it determines forty-eight (48) hours is an unreasonable time to cure the violation in question and may grant extensions to the original cure period.

3. Fines

- a. The Board may assess a fine against the Owner if (i) the violation is not cured (if capable of being cured) within the required or subsequently extended cure period stated in the written notice of violation, if one is listed, or (ii) within one year after the day on which the Board provides notice, the Owner commits another violation of the same rule or provision. A fine may be assessed for each and every specific type of violation of each and every specific provision, prohibition, and requirement of any of the CC&R's.
- b. After the Board assesses an initial fine against an Owner, the Board may, without further warning, assess additional fines against the lot Owner (as an additional "occurrence") each time that the Lot Owner (i) within one year after the day on which the Board assesses a fine, commits another violation of the same rule or provision, or (ii) for a continuing violation, allows the violation to continue for 10 days or longer after the day on which the Board assesses the fine.

4. Hearing

- a. An Owner who is assessed a fine may request an informal hearing to protest or dispute the fine by mailing (or email) a written request to the Board within 30 days after the date of the fine notice. If a written request for the hearing is not received by the Board within that timeframe, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. If a hearing is requested, no interest or late fees shall accrue related to the fine until after the hearing has been conducted and a final decision has been rendered.
- b. The Board shall give at least 10 days advance notice of the date, time, and location of the hearing to the requesting Owner and the Board may establish and announce at or before the hearing any other reasonable rules regarding the hearing. Failure by a requesting Owner to appear at a hearing shall result in a waiver of the requesting Owner's right to hearing and the enforcement action shall be deemed uncontested.
- c. The informal hearing shall be conducted by at least three Board members. The Board shall allow an Owner, a Board member, or any other person involved in the hearing to participate in the hearing by means of electronic communication. The Owner shall be entitled to a maximum of fifteen minutes to present evidence to challenge the alleged violation. The Board may rely on any reasonable information and evidence in determining whether or not a violation has occurred both initially and after a hearing. The Board may render a decision at the conclusion of the hearing or take the dispute under advisement with a final decision no later than the next regularly scheduled Board meeting. Once a decision is rendered, the Board shall give written notice of their decision to the requesting Owner. All decisions of the Board are final.

- d. A fine which remains unpaid after the Board's decision, or after the time for requesting a hearing has expired without a hearing being requested, may be collected as an unpaid Assessment as set forth in the CC&R's and these rules.

Schedule of Fines

<u>Description</u>	<u>CC&R Section</u>	<u>Fine</u>
Use of a Lot for other than residential and/or recreational purposes.	3.1 B	\$200 per occurrence
Lot subdivided or more than one single-family residence on any one Lot.	3.1 C	\$200 per occurrence
Construction of single-family residence or other structures or additions/modifications to existing buildings without the approval of the Architectural Committee et al.	3.2	\$100 per occurrence
Construction of a structure without proper property line setbacks.	3.2 A	\$100 per occurrence
Construction/commencement/modification/improvement of any building or structure without the approval of the Architectural Committee.	3.2 C	\$100 per occurrence
Misuse of Common Areas.	3.2 D	\$50 per occurrence
Livestock on a Lot exceeds maximum of 2 farm animals.	3.3	\$50 per occurrence
Use of recreational and/or off-highway vehicles on anyone else's Lot without written permission from the Owner.	3.4	\$50 per occurrence
Noxious or offensive activity (i.e., excessive noise, littered/trashy Lot, lack of control of pets) occurring on a Lot.	3.5	\$50 per occurrence
Unlawful and hazardous activities conducted on a Lot.	3.6	\$100 per occurrence
Accumulation/storage of trash, rubbish, garbage, or other waste on a Lot except in sanitary containers. Discarded/unserviceable vehicles of any kind, boats, trailers, appliances, etc., stripped down, partially wrecked or sizeable parts thereof, parked or maintained on any ranch road, common area, or Lot. Use of dumpsters for other than household garbage.	3.7	\$100 per occurrence
Installation of a driveway without a properly sized culvert or an approved culvert variance from the Architectural Committee.	3.9	\$50 per occurrence
Use of fireworks. Recreational fires not contained in an improved barbecue unit, outdoor fireplace, or improved fire pit. Failure to comply with posted fire restrictions.	3.10	\$100 per occurrence
Excessive speed of a motorized/recreational vehicle on ranch roadways.	3.11	\$25 per occurrence

Overnight parking of motorized/recreational vehicles, boats, camp trailers on ranch roadways or at dumpster locations.	3.12	\$25 per vehicle
Hunting or shooting within the ranch Subdivision.	3.13	\$100 per occurrence
Horseback riding on a Lot owned by someone else without written permission.	3.14	\$25 per occurrence
Commercial signs displayed to public view on a Lot.	3.15	\$25 per occurrence
Short term/vacation rental on a Lot for less than 30 consecutive days.	3.16	\$200 per occurrence.
Oil development, quarrying, mining on a Lot.	3.19	\$200 per occurrence
Unauthorized exterior materials/colors on a building or structure.	4.1 A,B,C	\$100 per occurrence
Unauthorized exterior lighting on a Lot.	4.1 D	\$100 per occurrence
Unauthorized fences or walls on a Lot.	4.1 E	\$100 per occurrence
Use of a mobile home as a structure on a Lot.	4.1 F	\$200 per occurrence
Use of a travel trailer, motor home, or recreational vehicle as a permanent fixture or dwelling that is permanently attached to power, water, or a septic tank.	4.1 G	\$200 per occurrence
Failure to obtain the required building permit from the Duchesne County Dept. of Building Safety for a structure or modification to a structure.	4.5	\$100 per occurrence
Failure of an Owner to keep their Lot and all improvements in a clean, safe, and tidy condition and maintain all improvements in good repair.	5.1	\$100 per occurrence
Other violations of the CC&R's, Bylaws or rules of the BRHOA not set forth above.		\$50 per occurrence