

BYC Violation Resolution Process for OWNER-OCCUPIED UNITS

BYC Board Approved - 10-19-21

This document defines:

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- **The Compliance Policy & Process** – pg. 3
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This document addresses **OWNER-OCCUPIED** units.

TYPES OF VIOLATIONS

Specific information about *Common Expectations* can be found on the BYC website at *Community Resources: Policies & Guidelines*. **The following compliance guidelines provide steps to respond to perceived violations of these rules and policies by community members or their visitors.** The appropriate person to contact in the event of a violation may depend on the seriousness and frequency of the violation and whether the location of the violation is an owner-occupied or rented unit, or on common property such as the beach or on the trails.

The following information is to be used if the location is an **owner-occupied unit**.

It is incumbent upon owners to respond to and correct violations that occur at their cottages in a timely and effective manner. For violations reported to the BYCCA Director or BYCCA Board, the following the *Compliance Policy and Process* is outlined below.

Minor Violations

Minor violations of community and rental rules and polices often have to do with noise after the 10PM quiet hour. Loud conversations and laughter on screened porches, playing music loudly, leaving car engines running, and repeated door slamming upon late arrival are some examples. Minor violations can usually be managed effectively by making direct contact with the offending party at the time of the occurrence.

If minor violations happen at a particular cottage with regularity, and if direct requests to the offending party to mitigate problems are not effective, then formally reporting the violation may be in order. In such cases **if the offending party is a cottage owner**, a report can be made in writing to the BYCCA Director. In making a formal complaint, it is important to provide as much detail as possible (date, time, place, persons involved, specific events).

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TYPES OF VIOLATIONS - Continued

More Serious Violations

Examples of more serious violations of community rules and policies include exceeding the occupancy limit at rental units, parking violations (e.g. more than two cars at a unit, cars parked in the roadway or in adjacent grassy areas, parked trailers, ATVs or snowmobiles), destruction of common area trees or plants, lighting fires or fireworks adjacent to cottages, the presence of pets at rental units, pets being left unattended on porches, and excessively loud noise long after the 10PM quiet hour.

Discretion may be used in deciding how to respond to more serious violations. If the offending party is a cottage owner they may be receptive to resolving the matter informally. If not, the violation should be reported to the BYC Property Director and/or BYCCA Board with as much detail as possible (date, time, place, persons involved, specific events).

Violations on Community Property not adjacent to a Cottages (e.g. beach, shelter, trails, roads)

While it may be difficult to identify the offending party, it is important to report rule violations that occur on common use property like the beach, shelter, trails and roads. Uncontrolled or menacing dogs, use of threatening or abusive language, driving at excessive speeds on community roads, abandoned fires in the fire pit, failure to remove trash from the beach or shelter area, damage to the shelter, kayak rack or wood shed, and theft of property are examples of behaviors that should be reported to the BYC Property Director with as much detail as possible (date, time, place, persons involved, specific events).

Illegal Activities

Illegal activities such as thefts, intentional damage to property, and physical assaults should be reported to local police in addition to the other parties as noted above.

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COMPLIANCE POLICY & PROCESS

The BYC Director will regularly provide detailed reports to the BYC Board of any incidents of rule and policy violations by community owners.

Step One - Informal Resolution

Once the BYC Director has been made aware of a compliance issue, it is his or her responsibility to create a written record of the specifics of the event and determine if further action is needed. At minimum, the BYC Director will discuss the matter with all involved parties and suggest ways to reach a satisfactory resolution.

Step Two - Formal Resolution

If the BYC Director is not satisfied that a workable resolution can be reached informally or if the problem continues, he/she will notify the President of the BYCCA Board that the issue is at an impasse. The resident(s) involved in the dispute will also be encouraged by the BYC Director to report their concerns in writing to the BYCCA Board.

Upon receipt by the BYCCA Board of a request to intervene in a dispute, a designated member of the Board will contact the residents to discuss the situation, present their proposed solution or request a variance. The Board member involved will make a recommendation to the full Board to accept, modify or reject the recommended or proposed solution(s). If a resident does not agree with the recommendation, they may submit to the Board, in writing, their more detailed proposed solution or waiver. The Board will approve, deny or modify these recommendations and provide the resident(s) a written response with their decision.

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ENFORCEMENT ACTIONS

As part of the formal resolution process, penalties for community rules and polices violations may be imposed by the BYCCA Board per its rulemaking authority in the Declaration (Article VII, Section 1 (c) – Compliance) and the Bylaws (Article IV, Section 3 (k) – Enforcement of the Associations).

Fines may be imposed according to the following schedule:

1. **Initial Violation:** Warning
2. **Second Violation:** \$250
3. **Third Violation:** \$500
4. **Fourth Violation:** \$750
5. BOD decision to lien or take other legal action provided in the declarations

Failure to pay fine imposed within 30 days of receipt of fine notification can result in the additional fines incrementally as defined within the above schedule.