

Construction Violations and Enforcement Policy and Procedures

Westminster Glen Estates Home Owners Association, Inc.

December, 2021

1. Pursuant to the Westminster Glen Estates Conditions, Covenants and Restrictions (“CC&Rs”) and Architectural Control Committee Rule and Regulations (“ACC Rules”), any prohibited activities related to Construction Projects within Westminster Glen Estates are subject to the enforcement procedures and fines described in this Policy.
 - (b) A Construction Project for this policy is defined as any **improvement** (exterior **change**) to properties in Westminster Glen Estates, as defined by the CC&Rs and the ACC Rules.
 - (c) Prohibited Construction Activities include the items listed in paragraph 4.
 - (d) Construction Fines may be assessed according to the schedule of fines in paragraph 4.
 - (e) This policy supplements the existing Westminster Glen CC&R Enforcement Policy (“Enforcement Policy”)
 - (f) Copies of the CC&Rs, ACC Rules, ACC Modification Request form and Enforcement Policy are available at www.wmghoa.org/association-documents.html
2. Construction without Architectural Control Committee (ACC) approval.
 - (a) The CC&Rs state that all exterior improvements to properties require prior approval by the ACC.
 - (b) At the time a Construction Project is identified that has not been approved by the ACC, the ACC Chair will notify the Property Owner via a Stop Work email with the message that, if the work is indeed a Construction Project,
 - i. work on the project is to stop immediately,
 - ii. a completed ACC Modification Request form and complete plans (as described on the form or in the ACC Rules, as appropriate) for the project are due with a Cure Period of 4 calendar days, and
 - iii. if the above documentation has not been received within the Cure Period a daily fine will be assessed according to the Construction Fine Schedule in paragraph 4.
 - (c) If requested by the Property Owner, an extension to the Cure Period for a legitimate reason may be granted by the ACC.
 - (d) If there is no email address on file, the ACC will place a copy of the Stop Work email in the Property Owner’s mailbox. The ACC will also attempt contact the Property Owner by telephone.

December, 2021

- (e) A copy of the Stop Work email will be sent to the Management Company's Property Manager to open a violation.
 - (f) If the response from the Property Owner indicates that work is not a project that requires approval (i.e., maintenance or repairs) as determined by the ACC, there are no Construction Fines and there is no further action.
 - (g) If the Property Owner does not stop work on or before the day after the Stop Work email, fines will begin from that date as described in paragraph 4. The Stop Work email is considered the First (Courtesy) Notice in the Enforcement Policy.
 - (h) If, after the Cure Period, an ACC Modification Request and complete plans have not been received by the ACC in electronic format at acc@wmghoa.org, the Construction Fines will commence as described in paragraph 4. The Stop Work email is considered the First (Courtesy) Notice in the Westminster Glen Enforcement Policy.
 - (i) For either a Stop Work or Construction Without Approval violation, the nature of the violation and fine amounts will be communicated by the Management Company per the Enforcement Policy as the Formal Notice defined in that policy.
 - (j) The ACC will inform the Management Company to stop the respective daily fines when either
 - i. the ACC receives the documentation requested in the Stop Work email.
 - ii. the ACC is informed and verifies that construction has stopped per the Stop Work email.
 - (k) Upon receipt of the requested documentation, the Construction Project will be evaluated by the ACC and approved or denied per its normal procedures.
 - (l) If the Construction Project is not approved, the Property Owner may be advised to remove the work that has been done with a completion date specified. This decision may be appealed to the HOA Board per the Westminster Glen ACC Plan Denial Procedures (available at www.wmghoa.org/association-documents.html).
3. Other Construction-related Violations. At the time the ACC becomes aware of any other Prohibited Activity, the ACC Chair will notify the Management Company via email with a description of the violation and a request to initiate enforcement procedures using the Construction Fine Schedule as shown in paragraph 4 and the standard Westminster Glen Enforcement Policy.
4. Prohibited Construction Activities and Construction Fine Schedule. The Westminster Glen Board of Directors Board reserves the right to adjust the following fine amounts based on the severity and/or frequency of the violation.
- (a) Construction Without ACC Approval: \$25 to \$100 per day until complete plans are received by the ACC per the policy in paragraph 2 above.

- (b) Failure to Stop Work when notified: \$25 to \$100 per day from the day following the date of the Stop Work email.
 - (c) Construction Hours violations: \$50 per day.
 - (d) Failure to provide adequate standard or chemical toilet (if required in the ACC Project Approval Letter): \$25 per day.
 - (d) Inadequate or premature removal of Silt Fence (if required in the ACC Project Approval Letter): \$50 per day.
 - (e) Failure to clear trash and debris daily: \$100 per day.
 - (f) Failure to provide a roll-off or other means to contain debris: \$50 per day.
 - (g) Burning, dumping or burying debris: \$100 per day.
 - (h) Excessive mud/debris on street: \$50 per day plus clean-up costs.
 - (i) Encroachment on adjacent properties: \$100 per day plus repair costs.
 - (j) Damage to streets, curbs, infrastructure: \$50 per day plus repair costs.
5. Repeat offenses: If within six months another Construction violation occurs, the amount of the daily fine will increase in accordance with the Westminster Glen Enforcement Policy.
6. Advanced Notification. The ACC will attached to the normal Project Approval Letter the Westminster Glen Construction Rules (see ACC Rules) and the Prohibited Construction Activities and Fine Schedule (paragraph 4 above).