

Middlesex Beach Association Fines Resolution

Whereas, pursuant to Section 81-302(a)(11) of DUCIOA, the Association may, after notice and an opportunity to be heard, levy fines against an owner for violations of the Restrictive Covenants, Bylaws and other Rules or governing documents of the Association;

Whereas, pursuant to the authority in Article XII of the Restrictive Covenants, the Board has the power to levy fines against the Members (i.e., owners) for violation of the Restrictive Covenants, Bylaws and other Rules or governing documents of the Association.

Whereas, except for the towing of vehicles from common areas and emergency situations, the Board of Directors may not impose a fine or infringe upon other rights of an owner or other occupant for violations of the Restrictive Covenants, Bylaws and other Rules or governing documents of the Association until a specified hearing process is followed.

Now therefore, in accordance with the authority under the Amended and Restated Middlesex Beach Association Restrictive Covenants, Reservations and Remedial Clauses (“Restrictive Covenants”), Certificate of Incorporation, Bylaws, and Delaware law, and in order to promote the general welfare of the Association, the Board of Directors for the Middlesex Beach Association (“Association”) hereby adopts this _____ day of _____, 2022, the following fines can be imposed for violation of the Construction Rules & Regulations, MBA Rules and the Restrictive Covenants:

(1) The failure of the Board of Directors to enforce a provision of the Restrictive Covenants, Bylaws and other Rules or governing documents of the Association on any occasion is not a waiver of the right to enforce the same or similar provision on any other occasion.

(2) Fines may, in the sole discretion of the Board, be levied according to the following schedule:

Violation Timing	Fine	Violation Type
1 st violation	\$100.00	Initial violation
2 nd violation	\$250.00	Violation of Same Covenant or Rule within 12 months of original violation
3 rd violation	\$500.00	Violation of Same Covenant or Rule within 12 months of original violation

(3) **Continuing Violation**: If the violation is a continuing violation (such as an architectural violation versus a single event noise violation), the initial fine is \$100.00 and fines may continue every month thereafter for each unabated violation at an additional \$100.00 per month until the violation is abated or the Board determines otherwise.

(4) The Board may from time to time set a different fine amount for certain rule violations.

(5) All payments received from the Member by the Association will be applied to the oldest delinquent balance first, whether that balance is composed of fines, other charges or assessments.

(6) **Exceptions:** The Board will not implement the Fines Resolution set forth above in the following circumstances:

Exceptions to this Fines Resolution shall be as follows:

1. Parking rule violations on Common Area for which the remedy is towing the vehicle;
2. Emergency or exigent circumstances; and
3. Collection of delinquent accounts.

(7) Fines imposed in accordance with this Fines Resolution are collectible in the same manner as assessments under the Restrictive Covenants and shall constitute a lien on the lot and any structure built thereon which shall bind such lot in the hands of the then Member.¹

(8) These procedures shall serve only as guidelines and noncompliance with any of these procedures by the Association, its Board of Directors, or its attorneys, shall not affect the validity of any fine imposed.

(9) The miscellaneous administrative procedures set forth in Section 12 of the Restrictive Covenants remains in effect.

In Witness Whereof, this Resolution was adopted pursuant to the authority provided in Article XII of the Restrictive Covenants and Section 81-302(a)(11) of DUCIOA.

Date

President

Date

Secretary

¹ Please see Article 11, Section 11.5 of the Restrictive Covenants.