

## COVENANT ENFORCEMENT POLICIES VACANT LOTS/CONSTRUCTION

Enforcement of the covenants is a POWER and DUTY of the board. The following are resolutions of the board to form policies in regards to **vacant lots/construction**. These enforcement issues reflect directly on the safety of the residents, liability of the association, and value of our community. Please read **ARTICLE 8.q POWERS AND DUTIES OF THE BOARD OF DIRECTORS**, page 8 of the Bylaws.

**Board Communication:** *In addition to the Covenants, Newsletters, and postings on the Website, an annual enforcement letter will be mailed to all lot owners no later than March 15. This letter will give ample notice of deadlines, and enforcement procedures. There will be a list of vendors supplied with the letter to assist owners in mitigating their infraction. In addition letters/statements will be sent out monthly to violators.*

**Enforcement of Covenants:** Please read **ARTICLE 7.1 Disputes, Enforcement, and Fines**, pages 19 – 21 of the covenants, also **ARTICLE 7.2 Fine Schedule**, pages 20 – 21. All fines are due within 30 days of receiving the fine violation notice. Any account with a fine balance that becomes 90 days past due will have a lien applied. The association reserves the right to enter into any non compliant lot for the purpose of mitigating the infraction. All costs associated with such an action shall be billed to the lot owner plus 10%. Interest of 10% per annum will begin to accrue on the account after 30 days of posting the assessment to the owners account. Any account with a cost reimbursement 30 days past due will have a lien filed against the property.

The payment of fines as well as any late fees received is not included in the annual budget. Therefore, the board reserves the right to utilize those funds to subsidize the cleanup of any lot whose owner(s) refuse to be in compliance. Peak will also receive a portion of fine money received to compensate them for their extra enforcement efforts.

- **WEEDS:** Please read **ARTICLE 5.5 WEED CONTROL**, pages 14, 15. Fine \$150, \$200, \$250, \$300. Weed fines will be charged according to the size of the lot, in the same manner that annual dues are charged.
  - Weeds need to be continually controlled and kept in compliance with the Cattail Covenants and Bozeman City ordinance throughout the growing season. The City of Bozeman **POLICY** is that weeds need to be mowed at 12 inches. (Per Andy Kerr with the City of Bozeman)
  - **OUR ACTION PLAN:**
    - On the first of every month starting June 1, a letter will be sent out to all lot owners whose weeds are considered not controlled (Over 12 inches). The letter will assess their fine, as well as inform them that their lot has been turned over to the city for further enforcement.
  - We will give latitude for weather; however the owners should be in communication with the association Manager.

- **JUNK AND DEBRI ON LOTS:** Please read **ARTICLE 5.1.f General Use Restrictions**, page 12 and **ARTICLE 5.6 Garbage**, page 15. Fine \$500 initially, plus \$150 every month until cleaned up.
  - No garbage of any kind (please refer to Article 5.6 pg.15 for a definition) will be allowed to remain on any lot developed or undeveloped.
  - **OUR ACTION PLAN:**
    - Lot owners need to have their lots cleaned up by May 31 or as of June 1 they will be assessed the initial fine. Management will inspect monthly and fines will continue monthly until the lot is cleaned up.
- **SNOW REMOVAL:** Please read **ARTICLE 5.7 Sidewalks** page 16. Fine \$40 per occurrence.
    - All sidewalks need to be in compliance with Bozeman City Ordinance. It is important that our community provide safe pedestrian transportation with wheelchair accessibility.
    - This will be monitored weekly by our manager on their regularly scheduled drive through.
    - **OUR ACTION PLAN:** A letter will be sent to non-complying lot owners along with an immediate fine of \$40. Additionally, the non-complying lot will be turned over to the city of Bozeman, who will then mitigate the infraction and add the cost to their city tax bill.
- **FOUNDATIONS AND INCOMPLETE CONSTRUCTION:** Please read **ARTICLE 5.7 Timing and Construction**, page 12 of the Design Review. The board reserves the right to fine non-complying lot owner(s), according to the covenants, up to \$50,000. The city views this particular issue as a matter for associations to enforce.
    - If the foundation will not be built upon within the next 30 days, the builder/owner must render the site safe.
    - Projects taking longer than 1 year:
      - A. These projects will be considered on a case by case basis. Builders/owners need to be in communication with the design review committee. A letter will be sent to the owner notifying them that their time line has expired and asking for an estimated completion date.

Because owners are given ample communication about the violations, no fine(s) should be reversed unless the owner(s) petitions the board with a written letter that will be discussed at the next board meeting. The owner should show reasonable hardship, or extenuating circumstances, in order to be considered for a reversal of said fine(s).