



CONSERVANCY

NATURE & COMMUNITY IN HARMONY

BURKE CENTRE CONSERVANCY

AMENDED

Administrative and Policy Resolution No. 7-0

RE: Imposition of Monetary Charges for Violations

WHEREAS, Section 55-513.B of the Virginia Property Owner's Association Act of the Code of Virginia, as amended, provides the Board of Directors ("Board") with the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible; and

WHEREAS, Article III, Section 3C(2) of the Declaration of Covenants and Restrictions ("Declaration") of the Burke Centre Conservancy provides the Board with the power to establish rules and regulations for the use of the property; and

WHEREAS, Article III, Section 3C(8) of the Declaration provides the Board with the power to perform any acts as may be necessary or appropriate to enforce or effectuate any of the provisions of the governing documents; and

WHEREAS, the Board has determined that it is in the best interest of the Conservancy to have the option of imposing monetary charges to address violations of the Declaration, By-laws and rules and regulations.

NOW, THEREFORE, BE IT RESOLVED THAT: The Board is empowered to assess monetary charges against members of the Conservancy for the violation of any provision of the Declaration, By-laws, and rules and regulations promulgated by the Board.

Such charges shall not exceed fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day, up to ninety (90) days, for any offense of a continuing nature, up to a maximum of nine hundred dollars (\$900.00), and shall be treated as an assessment against the member's lot.

Before any charge shall be assessed, the member against whom such action is proposed shall be given notice of the intention to impose charges and/or to suspend the member's right to use of facilities or services and notice of the right to a hearing before the Board.

The Board shall convene a hearing in accordance with the requirements of Section 55-513.B of the Virginia Property Owners' Association Act. Notice of hearing shall be hand-delivered or mailed or registered or certified mail, return receipt requested, to the member at the owner's address of record with the Conservancy at least fourteen (14) days prior to the hearing.

Subsequent to the hearing, the owner shall be notified of the Board's decision and of the charges and/or suspensions, if any, imposed.

A request from the homeowner to waive any such charges can be made to the Board of Trustees, who, in considering the request, may apply administrative fees consistent with the attached table, referred to as "EXHIBIT A".

ORIGINAL APPROVAL: 1999

DATE AMENDED: August 15, 2017

ATTEST:

Msu Flaster

President, Burke Centre Conservancy Board of Trustees

10/17/17

Date

Secretary, Burke Centre Conservancy Board of Trustees

Date

EXHIBIT A
Administrative and Policy Resolution No. 7-0, AS AMENDED
RE: Imposition of Monetary Charges for Violations

ADMINISTRATIVE FEES FOR ARB WAIVER REQUESTS – based on staff actions

Action	Fee	Reason
Initial Inspection (POA Disclosure Packets, Neighborhood Sweeps, Complaints)	\$0	Part of normal BCC ARB process
Initial violation Letters (includes mailing of revised violation notices)	\$0	Part of routine ARB process
1 st Re-inspection	\$0	Part of routine ARB process
Certified mailing for: Notice of ARB Meeting Result of ARB meeting Notice BOT Meeting Result BOT Meeting Financial/Monetary Notices Appeals Board Hearing Notice BOT Waiver Request Hearing (Note – when ever a certified letter is sent to the homeowner; a copy is also sent via regular mail. In the case of off-site owners, a copy is also sent to the resident/tenant via regular mail)	\$10.00 – per mailing	Total fee charged would be based on the owner's response to a mailing.
Property Inspections (Note – properties are reinspected prior to each certified mailing, preparation of each ARB & BOT Packet and on the day of the ARB/BOT meetings.	\$5 – per additional inspection	Charge applied for inspections caused by mailings or meetings; again the total fee would be based on the owner's response.

Charging for actual actions taken (which are listed in the cover sheets prepared for each case) allows for a more accurate accounting of fees. Property violation timelines vary based on seasons, a violation to clean siding or paint exterior trim could easily be held in abeyance for months during the winter.

ADMINISTRATIVE FEES FOR ARB WAIVER REQUESTS – based on time passed

Length of Time	Fee	Reason
1 to 6 months	\$50	\$50 would be charged for each period in which there is no communication from the homeowner.
7 to 12 months	\$100	
12 to 18 months	\$150	
18 – 24 months	\$200	