

**KOA RESORT ASSOCIATION OF APARTMENT OWNERS  
FINE POLICY**

**1. Citations**

Each citation issued shall briefly describe the nature of the violation, date of the violation, unit number, name of parties involved and deadline for compliance. Photographic evidence of the violation may be provided, if available. The original citation shall be sent to the unit owner at the address of record.

**2. Fine Amounts**

**A. Individual Offense – for a discrete act or occurrence that does not continue day after day.**

- First offense - a written citation or documented verbal warning given or sent to owner requesting change & compliance and warning of fine for noncompliance.
- Second violation for same offense – a written citation or documented verbal warning given or sent to the unit owner and a \$100.00 fine assessed against the Owner.
- Third violation for same offense – a written citation or documented verbal warning given or sent to the owner & a \$150.00 fine assessed against the owner.
- Fourth & subsequent violations for same offense – a written citation or documented verbal warning given or sent to the owner and a \$200.00 fine assessed against the owner for each violation.

**B. Continuing Offenses – for offences that continue day after day.**

- A written citation or documented verbal warning given or sent to the owner to comply within stated time frame and warning of fine for untimely noncompliance.
- Noncompliance within time frame of above written citation – a written citation or documented verbal warning given or sent to the owner & a fine assessed against the owner of up to \$250.00 per day until remedied.

**3. Payment of Fines & Liability**

Owner of record must pay a fine to the Association within thirty (30) days of the citation and assessment of the fine, unless appealed as permitted below. If the owner fails to pay or appeal a fine within thirty (30) days after the fine is assessed, the fine shall be deemed a common expense chargeable against the Owner's account. The Association may file a lien against the Owner's property for unpaid fines and may collect unpaid fines under the procedures provided in the governing documents for collection of delinquent assessments. The Owner shall also be assessed a late fee of five percent (5%) of the unpaid amount if not paid within fifteen (15) days of its due date, unless the Board votes to suspend or cancel the fine(s).

**4. Appeal of Fines**

This Fine Policy allows an appeal to the board of the fine with notice and an opportunity to be heard and providing that the fine has been paid, the unit Owner shall have the right to initiate a dispute resolution

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process as provided by sections 514B-161, 514B-162, or by filing a request for an administrative hearing under a pilot program administered by the department of commerce and consumer affairs.

**5. Miscellaneous**

This schedule of fines shall be sent to all owners of the Association and shall be attached as an exhibit to the Association's rules and regulations. The Board reserves the right to establish a new schedule of fines at any time.

Nothing contained in the resolution shall be interpreted to prevent or delay the Board, Managing Agent or Site Manager from enjoining, abating, recovering or removing or remedying any violation or breach which may impair or in any way affect the value or safety of the Subdivision or the use, enjoyment, safety or health of any owner.

**This policy was adopted by the Koa Resort Board of Directors on August 23, 2016 .**

**This policy sent to Owners of Record as of October 14, 2016 and is effective as of November 14, 2016.**

The Board may delegate its authority to impose fines to the Association's Managing Agent/Site Manager. The Board may delegate its authority to the Association's Managing Agent/Site Manager to issue citations.