

# Southview Trails Community Association

## Construction Violation Notice and Procedures

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**The process for handling a violation and/or for any subsequent appeal to the violation is as follows:**

**Step 1:** A courtesy call is made by Southview Trails Community Association's (STCA) Management Company (herein referred to as HOAMCO) to the offending contractor or to the lot owner(s) if they are acting as their own general contractor. Herein if the property owner is their own general contractor, the use of the term contractor implies "owner". The substance of the call shall indicate the specific violation; the date by which the violation must be corrected; and the fine that may be incurred by the contractor if the violation is not corrected. The contractor will have four (4) business days **after** the date of the call to either appeal the violation or correct the violation.

**Step 2:** A written Notice of Violation is sent from HOAMCO to the offending contractor if the violation specified in Step 1, above, is not corrected within four (4) business days after notification. The notice shall indicate the specific violation and the fine that will be assessed against the contractor's bond if the violation is not corrected. A copy of the notice will be sent also to the lot owner as well as kept on file by HOAMCO. The contractor will have four [4] business days **after** receipt of the Notice of Violation by the contractor to correct the violation. The notice is to be sent certified mail [PS Form 3800] with a Return Receipt acknowledgement [PS Form 3811]. This Return Receipt acknowledgement will 'start the business day clock'.

**Step 3:** If the violation specified in the Notice of Violation in Step 2, above, is not corrected then the following process is to be activated by HOAMCO:

- a. Apply the fine against the contractor's bond
- b. Notify the contractor that the fine has been applied
- c. Notify the lot owner that the fine has been applied
- d. Issue a Stop Work order on the applicable construction site
- e. Request the contractor to show evidence either visually or in writing that the violation has been corrected
- f. Request the contractor to submit funds sufficient to restore the construction bond to full value
- g. Once the bond value has been restored, terminate the Stop Work order

**Step 4:** Certain violations are considered serious enough that they will warrant the levying of a fine immediately. In these situations, when the violation has been reported to HOAMCO and verified by an on-site inspection by a HOAMCO representative, then HOAMCO will notify the offending contractor **and** the lot owner by phone, fax or email of the violation and issue to the contractor a Notice of Violation. The fine will be posted

against the contractor's construction bond at this time. The contractor will have four (4) business days **after** the date of the violation notification to appeal.

**Step 5:** If either the lot owner allows or the contractor repeats the same violation on the same construction site after four (4) business days then process Steps 1 through 3 will be reapplied but the fine will be doubled each time the violation is repeated.

### **Right to Appeal**

In all cases where HOAMCO has issued a Notice of Violation, the offending contractor has the right to appeal to HOAMCO to reverse the decision. The contractor wishing to exercise such right must notify HOAMCO either by fax, email or in writing during the time period specified in Step 1 or Step 4, above. If the contractor appeals a violation, the contractor still must pay the fine and/or correct the violation in order to continue work while the appeal is being reviewed. If on subsequent review, it is deemed that no violation existed or it is to be waived then the fine will be returned to the contractor's construction bond.

HOAMCO, upon receiving an appeal against a Notice of Violation against a contractor, will notify the Southview Architectural Control Committee (SACC). SACC will, at its next regularly scheduled meeting, review the appeal and make a recommendation to the Board of Directors regarding the resolution thereof.

### **List of Violations**

1. Starting construction prior to a 'pre-construction site survey' by HOAMCO.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$500.
2. Starting construction prior to 'posting a contractor's construction bond'.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$500.
3. Starting construction without [SACC] approval.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$500.
4. Starting construction without 'stringing the property'.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$500.
5. Use of adjacent property for any reason without the adjacent property owner's written permission on file at HOAMCO prior to the use.
  - a. Steps 1, 2 and 3 are applied as applicable.

- b. Fine for this violation shall be \$300
- 6. Lack of control of and/or disposal of building materials and/or trash on construction site or any adjacent lot. This includes the periodic emptying of the onsite dumpster.
  - a. Steps 1, 2 and 3 are applied as applicable.
  - b. Fine for this violation shall be \$300.
- 7. Initiation of painting without prior approval of the SACC.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$300.
- 8. Major changes made to the exterior of the construction site either to the building itself or the landscaping without submitting documentation to HOAMCO for approval prior to initiation of the changes.
  - a. Steps 1, 2 and 3 are applied as applicable.
  - b. Fine for this violation shall be \$300.
- 9. Storing building materials on the sidewalk or in the right of way for an extended period of time [ $> 96$  hours]
  - a. Steps 1, 2 and 3 are applied as applicable.
  - b. Fine for this violation shall be \$300
- 10. Clearing property without first securing written permission from SACC. This statement is not to be confused with a lot owner or their designee from trimming or clearing downed or dead trees and/or brush.
  - a. Steps 1, 2 and 3 are applied as applicable.
  - b. Fine for this violation shall be \$300
- 11. Failure to honor the ‘Stop Work’ order. The only allowable activity that will be permitted on the construction site in question after a ‘Stop Work’ order has been issued is site cleanup.
  - a. Step 4 is applicable for violation.
  - b. Fine for this violation is \$500/day.
- 12. Failure to complete construction within the required twelve month period.
  - a. Step 4 is applicable for this violation.
  - b. Fine for this violation shall be \$500 per month for each and every month construction exceeds twelve months.

Note:

- 1: The “Start Date” is defined as when the City of Prescott building permit has been issued and received by HOAMCO, all applicable construction contracts have been completed and signed, the preconstruction meeting with HOAMCO has been completed and the ground is disturbed or moved or construction activity on the site is otherwise commenced.

2. **“Completion”** is when final inspection is completed and approved by SACC and the site has been cleared of all construction equipment, material and signs; the street has been cleared of all vehicles and debris; final city inspection has been received and any offsite damage has been repaired. The owner/contractor is to call for a final inspection by SACC or its representative.
  
- 13 SACC shall have the right to assign other fines for violations of construction rules as they see fit. These fines shall not exceed \$300 per infraction.