

THE MEADOWS AT MARTIN DOWNS
HOMEOWNERS ASSOCIATION, INC.

STANDARD OPERATING PROCEDURES

FOR THE

COVENANTS COMMITTEE

Revised May 2021

I. INTRODUCTION

This Standard Operating Procedure (S.O.P.) is written as a guide for use by members of the Covenants Committee (herein referred to as the CC). It has been approved by the Board of Directors of The Meadows at Martin Downs Homeowners Association, Inc.

The CC is appointed by the Homeowners Association's Board of Directors and operates under their authorization. This Committee, composed of volunteer homeowners, is the enforcement tribunal of the Association, as outlined in the Homeowners Documents. Membership on this Committee is a very serious and great responsibility because the Committee must make judgments regarding individuals alleged to have violated the Documents. Committee members must be willing and prepared to enforce the Covenants and the Rules & Regulations of the Association in a firm, fair and unbiased manner. A homeowner who is not willing to assume these responsibilities should not be a member of this committee.

The CC should consist of a chairperson and one homeowner from each of the six villages for a total of seven members. This allows for a homeowner from each village to keep their respective villages and the Board of Directors members informed. The chairperson should provide a report to the Board at each HOA meeting.

A quorum must be present to have a meeting and to conduct business and this quorum must consist of one-half of the Committee (or their alternates) plus one. The address of the CC will be the principal office of the Association as designated by the Board.

Meetings should be held at the Meadows House monthly and as directed by the prevailing HOA Statutes, must be posted on the Activities Board at the Meadows entrance 48 hours prior to the scheduled meeting. Reasonable rules of parliamentary procedure shall be followed.

Minutes of each CC meeting must be prepared, and a copy kept on file, in the binder provided in the HOA office.

All meetings shall be open to Association members and the minutes of the meetings may be inspected in the Association's office.

II. AUTHORITY PROVISIONS IN HOMEOWNERS DOCUMENTS

A. Association's authority. The Association's authority to govern rests in its governing Documents.

There are three critical documents that establish these governing documents. First is the "Amended and Restated Declaration of Covenants and Restrictions for The Meadows at Martin Downs Homeowners Association, Inc." These are normally referred to as the "Covenants." Second is the "Amended and Restated By-Laws of the Meadows at Martin Downs Homeowners Association, Inc." Third is the "Rules & Regulations." Collectively these documents establish the "laws" required to operate the Association. The task of enforcing the "laws" rests primarily with violation letters:

“In the event that any occupant of a Unit violates the Homeowners Documents and a fine is imposed, the fine shall first be assessed against the occupant. If the fine is not paid by the occupant within the time period set by the Board, the Owner shall pay the fine upon notice from the Association.”

B. Violator’s right to appeal. An alleged violator has the right to appeal as directed by Article III, C (6) of the By-Laws and Florida Statute 720.305.

C. Establishment of Covenants Committee. The CC is established by Article V (2) of the By-Laws.

“Covenants Committee. In addition to any other committees which may be established, the Board may appoint a Covenants Committee consisting of at least three (3) and no more than seven (7) members. Acting in accordance with the provisions of the Declaration, the By-Laws, and resolutions the Board may adopt, the CC shall be the enforcement tribunal of the Association.”

D. Authority to enforce traffic regulations. The enforcement of traffic regulations to include the imposition of a fine is specifically authorized in the Declaration of Covenants and Restrictions, Article V (4).

“Traffic Regulation. The Board will have the right to post motor vehicle speed limits throughout the Common Areas and to promulgate traffic regulations for the streets within The Meadows at Martin Downs. The Board may also promulgate rules and procedures for the enforcement of the traffic regulations, including, but not limited to having the Martin County Sheriff’s office enforce-traffic regulations in the Meadows, and/or towing pursuant to Florida Statute, the assessment of fines not to exceed \$2,500.00 in the aggregate against Owners who violate the traffic regulations and against Owners whose family members, guests, invitees, licensees, employees or agents violate the traffic regulations.”

III. ENFORCEMENT PROCEDURES

A. Reporting violations. Violations of the Association’s documents should be reported to the Property Manager. Anyone, a homeowner or tenant, witnessing a violation has the right and duty to report violations. The report of a violation should be in writing and signed by the reporting individual. Without the verification of a witness or observer, it is impossible to take action against an alleged violator. Security officers will report violations on a standard notice form, with a copy to the violator and one to the Property Manager.

B. Property Manager’s actions. When the Property Manager receives a report of violation, he should send a letter to the violator calling attention to the infraction and citing the appropriate section of the documents applying to the violation. If an individual repeats the violation a second time, the Property Manager should send a second letter to the violator. If an individual repeats a violation for the third time, after being properly notified by the Property Manager, he may take one of two actions. If he believes that a third letter would achieve the desired results, he should send a third and final letter advising the alleged violator that any further violations will be referred, per Florida Statute, to the Board or the

CC. If he believes that a third letter would be fruitless, he should refer the matter to the Board without dispatching the third letter. The transfer of the matter from the Property Manager to the Board is a matter of judgment by the Property Manager and when desired he should consult with the Association President as needed. However, when a report has been received citing a violation committed by an Owner or his invitee(s) that has caused physical harm to another person on Meadows property, said Owner will be immediately referred, per Florida Statute, to the Board or the CC. Notwithstanding the above, vehicle violations will be addressed as specifically provided below.

C. Covenants Committee actions. When a violator has been fined by the Board, the violator will promptly receive a letter advising him/her of the fine and his/her right to appeal to the CC. The letter must be sent at least fourteen (14) days prior to the scheduled meeting.

At that meeting, the Committee should listen to the alleged violator's appeal and then vote to take appropriate action on the matter. Following that meeting, a letter should be sent to the violator confirming the action of the Committee. If a fine is confirmed by the Committee, the letter should request payment of the fine. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

One fundamental principle that must be followed by the Association is that the Covenants specify that an Owner can ultimately be held responsible for not only his own violation, but those of his invitee, his tenant, and his tenant's invitee. If the violator is a tenant, an invitee of an owner, or the invitee of a tenant, the Association must always notify the owner since the owner is ultimately responsible for maintaining the Association's Covenants. If the violator is a tenant, a letter should be sent to the tenant also. If the violator is an invitee of a tenant, notification is sent to the invitee as well as to the tenant since the owner will expect and hold the tenant responsible for the actions of the guest. If the violator is the homeowner's invitee, a letter should go to that invitee.

IV. MAXIMUM FINES ASSESSED/LEVIED BY ASSOCIATIONS: The amount of a fine available to the Association is established by Florida law, as amended from time to time.

Florida Statute 720.305(2): Fines: *"If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 per violation, against any member or any tenant, guest or invitee. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$2,500.00 in the aggregate unless otherwise provided in the governing documents."*

V. PROPERTY USE REGULATIONS. Defined in total, in Article XIV of the Declaration of Covenants and Restrictions.

Residential Uses. The Properties shall be used only for residential, recreational, and related purposes (which may include, without limitation, offices for any Property Manager retained by the Association or business offices or storage facilities for the Association) as may more particularly be set forth in

this Declaration. The Board shall have standing to enforce such standards.

Use Restrictions. The Board shall have the authority to make and enforce standards and restrictions governing the use of the Properties, in addition to those contained herein, and to impose reasonable user fees for use of the Recreational Facilities. Such regulations and use restrictions shall be binding upon all Owners and occupants until and unless overruled, cancelled or modified in a regular or special meeting of the Association by Voting Members representing a majority of the Unit Owners.

Rules and Regulations. The Unit Owners shall abide by each and every rule and regulation promulgated from time to time by the Board. The Board and/or the CC shall give an Owner in violation of the Rules and Regulations, written notice of the violation by U.S. Certified Mail, return receipt requested, and fifteen (15) days in which to remedy the violation. Should the Association be required to seek enforcement of any provision of this Declaration or the Rules and Regulations and prevail in such action, then the offending Unit Owner (for himself or for his family, guests, invitees, or lessees) shall be liable to the Association for all costs incurred in the enforcement action, including reasonable attorneys' fees, whether incurred in trial or appellate proceedings or otherwise.

VI. AMENDMENTS AS DEFINED IN ARTICLE XX OF THE DECLARATION OF COVENANTS:

Proposal to make changes:

"This Declaration may be amended by consent of fifty-one percent (51%) of the Unit Owners whose votes shall be cast by the Voting Members as defined in Article I (49). Such an amendment shall thereafter be put to a direct vote of the Unit Owners for confirmation or rejection. A negative vote by fifty-one percent (51%) of all Unit Owners will reject the amendment."

Vote by Board to approve/disapprove:

"Upon receipt of proposed amendments, the Board of Directors shall discuss each proposed change. If a proposed amendment is approved by a majority of the Directors present at a Board Meeting, then the proposed amendment will be presented to the Voting Members for consideration. However, Voting Member voting upon any proposed change shall not be held until the Neighborhoods have met and had an opportunity to discuss the proposed amendment(s). Should a Neighborhood fail to conduct a meeting before the next regularly scheduled Board meeting, this requirement shall be deemed waived. After the Neighborhood meetings have been held, the Voting Members shall vote at the next Voting Member meeting. The affirmative vote of Voting Members representing at least fifty-one percent (51%) of the Unit Owners shall be sufficient to approve any proposed amendment(s). Any rejected amendment(s) shall proceed no further."

Ballot for Amendment change

“After the proposed amendment(s) have been approved by the Voting Members, a ballot shall be prepared and mailed to each Unit Owner at least forty-five (45) days prior to the Annual Meeting. The ballot shall set forth each proposed Covenant change in its entirety, shall describe the article and section being amended, and in a cover letter shall explain the reason for the proposed change and the fact that the change was discussed at Neighborhood meetings and approved by the Voting Members. The ballot shall be accompanied by a return envelope. In order for the vote to be counted, the ballot shall be returned either by mail or in person at least five (5) days prior to the Annual Meeting of the Association. The ballot shall be returned to The Meadows at Martin Downs’ office or to the Post Office Box of the Association.”

Vote Count

“A vote of fifty-one percent (51%) of all Unit Owners against the change shall reject the amendment and overrule the Voting Members. Any amendment not rejected by at least fifty-one percent (51%) of all Unit Owners shall be deemed “passed” and effective upon recordation.”

Amendment by Unit Owner petition

“This Declaration may be amended by the Unit Owners by means of a petition to the Board of Directors with respect to proposed Covenants changes and a consenting vote of fifty-one percent (51%) of the Unit Owners.”

“Any such petition shall set forth the exact verbiage of the proposed change, shall identify the Article and section to be amended and shall bear at least 278 signatures representing one-third of the Unit Owners. The petition shall set forth the signature, the printed name, and the address of each Unit Owner petitioning. Only one signature shall appear on the petition from each Unit. Such a petition shall not require the approval of the CC or the Board of Directors.”

“Such proposed amendments, in the form of a petition, must be received by the Board at least seventy-five (75) days prior to the Annual Meeting or Special Members (Unit Owners) Meeting called for that purpose. Should a petition be received, the Board shall be required to hold a meeting to discuss same between receipt of the petition and the mailing of written consent forms.”

“Such proposed amendment(s) shall be mailed in the same form as described in paragraph 1(d) of Article XX. The cover letter may contain a statement as to the recommendation of the Board as to passage or rejection of the proposed amendment(s).”

“ Such a proposed change shall require the affirmative vote of fifty-one percent (51%) of all the Unit Owners in order to become an amendment to this Declaration.”

GUIDELINES FOR VIOLATION FINES

When the Property Manager's office becomes aware of a violation to the governing documents, the Homeowner is sent a notice of the infraction, advised that it cannot continue, and that he/she will be susceptible to a fine if it occurs again.

Generally, except for parking in the street overnight, all violations will be treated the same.

- After letter has been sent out:
\$50 fine for second violation (except for parking in the street overnight-see below)
\$100 fine for each day of a continuing violation or the same violation within a six month period of time. However, this time frame may be extended for chronic violators who show continuous disregard for the Documents.

Maximum fine for any one incident may not exceed \$100. If same violation continues, the maximum accumulation is \$2,500.00. Typically, violations include:

Parking and Vehicle Violations

- Vehicles parked in the street overnight (midnight to 6 a.m.)
- Pickup trucks parked in the driveway overnight
- Vehicles parked on the grass
- Vehicles blocking a fire hydrant
- Vehicles parked on or across pedestrian sidewalk

Parking in the Street Overnight/Towing Possibility

Security will tag a vehicle that is parked in the street overnight
Upon the second violation with the same vehicle, within a 6 month period of time the vehicle will be towed. However, if it is an instance where the towing representative is unavailable, or for whatever other reason the vehicle has not been towed, the \$100 fine would apply.

Animals, Dogs, Pets

Unleashed animals, dogs, pets and leashed but not under control of owner: When this violation has caused physical harm to another person or Meadows property, said Owner will be immediately referred to the Board.
Homeowner does not pick up animal waste
Constant barking and/or continuous nuisance incidents

Refuse Containers/Landscaping Debris

Homeowner makes a habit of accumulating landscape debris at the curb before pickup day
Containers and/or refuse put out before sunset of the night before pickup day
Refuse containers/recycle bins improperly stored

NON COMPLIANCE WITH STANDARD PROCEDURES REGARDING ARCHITECTURAL OR LANDSCAPING CHANGES.

Moving In or Out on Sundays, Legal Holidays or Weekdays After 6:30 p.m.

Upon notification of violation, letter is to be sent to violator referring them to the Board, advising fine could be imposed, and giving date/time/place for appeal to Covenants Committee.