

Section 5 Fines

5.1 Fines

The ECC certainly does not encourage or endorse construction by fines or penalties; however, it does consider the rights of adjacent property owners including community property of Straus Park to be paramount. When and if necessary, it will impose penalties or fines as outlined in the process below.

The Straus Park Environment Control Committee Approval/Agreement Letter-Contract § 5a through § 5m is a listing of rules relating to behavior and conditions on a construction site. Sections 8 and 9 of the aforementioned letter-contract are also part of this policy pertaining to fines. The fine schedule shall be imposed on an accrued basis for cited infractions of these rules while carrying out new and/or ongoing major build projects. This citation list is not all-inclusive and may be updated from time to time, with due notice to all ongoing builders.

The fine schedule being imposed, based upon the above citations, shall be one hundred dollars (\$100) per day (\$600 per week) for each cited occurrence. A grace period of five (5) working days, for remedial repair and/or compliance action, will be granted from the day of citation. During this same period, the lot Owner or Contractor-Builder may request a hearing with the Committee's Administrator, either professional (discipline dependant, and one Committee member serving as an adjudicator panel.¹¹ Such fines shall accrue for each day more than five days after the decision that the violation occurred.

Upon gathering supportive evidence the citation may be initiated by the Committee's Administrator and one Straus Park resident Committee member, provided neither are members of the Master Association Board.

Further, the builder may appeal for just cause or hardship cases the specific citation with the ECC Administrator within fourteen (14) calendar days. Such appeal shall not be considered as prejudicial against the builder.

The lot owner may appeal the decision of an adjudicatory panel to the Master Association Board of Directors by delivering written notice of appeal to the board within fifteen (15) days after the date of the decision.

Levied fines will be deducted from the project's compliance deposit. When the compliance account reaches or approximates an eighty five (85) percent level, reimbursement must be made within seven (7) business days. Failure to do so may initiate a stop work order.

Further, the builder may appeal for just cause or hardship cases the specific citation with the ECC Administrator within fourteen (14) calendar days. Such appeal shall not be considered as prejudicial against the builder.

When fines reach one thousand dollars (\$1000) in the aggregate per building site the City of Brevard's Planning Department, 151 West Main Street, Brevard, NC 28712 and the North

¹¹ This action is empowered and set forth in § 47F-3-107.1 of the North Carolina Planned Community Act. The Administrator and two Committee members, provided neither are members of the Master Association Board of Directors, serving as the adjudicatory panel.

Carolina Licensing Board for General Contractors, P. O. Box 17187, Raleigh, NC 27619 will be notified with a listing of infractions.

If any provision of this policy is declared unconstitutional, such action shall not affect the validity of any other provision thereof.

The effective date of this schedule shall be the first of the calendar month immediately following formal issuance of this Design Manual.