

## CHAPTER 3

### FINE SCHEDULE REGULATION

The purpose and intent of this Association regulation is to set forth fines that the Association is authorized to charge a Member for violating the provisions of the Rancho Santa Fe Protective Covenant, Bylaws, Regulatory Code and/or Association Rules and Regulations. No fines will be levied until all procedures required by the Association's Enforcement Regulation for Non-Monetary Violations have been observed. These procedures include at a minimum a cure period of at least 14 days, if the violation is curable, and a hearing before the Board of Directors held no less than 15 days after notice thereof at which the Member will be afforded an opportunity to be heard.

#### **1. General Fine Schedule (Other Than for Violations Referred to in 2. Below).**

##### **(a) One-time and repeated violations, per occurrence**

- (i) First violation: \$250
- (ii) Second violation (same or similar): \$500
- (iii) All subsequent violations after the second (same or similar): \$1,000

##### **(b) Continuing violations, per occurrence**

- (i) Weekly fine for each week or part thereof until corrected (in addition to (a)(i)-(iii) above): \$1,000/week. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

#### **2. Specific and Serious Violations.**

##### **A. Unauthorized Construction (Stop Work Orders):**

##### **(a) Commencing construction without Association permits:**

- (i) New residential buildings: \$10,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$5,000/week for each week or part thereof during which work continues.
- (ii) Accessory buildings/guest houses/barns: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof

- during which work continues.
- (iii) Miscellaneous – Stand-Alone (as enumerated in the Association’s Schedule of Fees and Deposits): \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.

(b) Construction not in accordance with Association permits and/or approved plans:

- (i) New residential buildings: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof during which work continues.
- (ii) Accessory buildings/guest houses/barns: \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.
- (iii) Miscellaneous – Stand-Alone: \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.

(c) Unauthorized Grading:

- (i) Per Section 41.04 of the Regulatory Code, commencing grading without Association permits:
  - (1) Grading in excess of 100 cubic yards: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof during which work continues.
- (ii) Grading not in accordance with Association permits and/or approved plans:

- (1) Grading in excess of 100 cubic yards: \$1,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$500/week for each week or part thereof during which work continues.

**B. Maintenance:**

(a) Property maintenance:

- (i) Failure to maintain houses in a high-class condition to preserve the unusually attractive nature of the community as required by Section 4 of the Association's Building Site Maintenance Regulation (the "Maintenance Regulation"): \$10,000 and \$3,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.
- (ii) Failure to maintain accessory buildings, guest houses or barns in a high-class condition to preserve the unusually attractive nature of the community as required by Section 4 of the Maintenance Regulation: \$5,000 and \$2,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.
- (iii) Failure to maintain landscaping in accordance with Section 5 of the Maintenance Regulation: \$3,000 and \$1,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

**C. Rentals:**

(a) Violation of Rancho Santa Fe governing document as set forth below:

- (i) Rentals of all or part of an accessory building (which does not include legally permitted Accessory Dwelling Units) in Residence Districts of Class A, as outlined in the Protective Covenant, by persons not members of the same family as the owner of the building site on which the main dwelling is located:
  - (1) First violation: \$1,000
  - (2) Second violation: \$2,000
  - (3) All subsequent violations after the second: \$4,000
  - (4) Weekly fine for each week or part thereof during which the rental continues (in addition to (i) (1-3) above): \$4,000/week. Fines per week will continue without further hearing until Member corrects the violation

and notifies the Association in writing of such correction, including the date the violation was corrected.

- (ii) Rentals of part of the main dwelling in Residence Districts of Class A by persons not members of the same family ,:
  - (1) First violation: \$500
  - (2) Second violation: \$1,000
  - (3) All subsequent violations after the second: \$2,000
  - (4) Weekly fine for each week or part thereof during which the rental continues (in addition to (ii) (1-3) above): \$2,000/week. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.
- (iii) Notwithstanding the foregoing, the governing documents do not prohibit the rental or leasing of a portion of an owner-occupied residence to a renter, lessee, or tenant for a period of more than 30 days. This provision is expressly intended to comply with Civil Code section 4739, and will automatically cease to be effective in the event Civil Code section 4739 is no longer applicable.

**D. Noxious Activities/Nuisance:**

- (a) One-time and repeated violations of Section 2 of the Association’s Regulation of Nuisance and Special Events Venues:
  - (i) First violation: \$500
  - (ii) Second violation: \$1,000
  - (iii) All subsequent violations: \$1,500

**E. Event Venues:**

Each violation of Section 3 of the Association’s Regulation of Nuisance and Special Event Venues: the highest of \$10,000, the amount charged for the rental or the amount for which the venue was advertised for the day/night of the violation (whether by internet, publishing, circulating, e-mailing, broadcasting or otherwise).

Adopted March 1, 2018  
Amendment Adopted October 5, 2023