

ENFORCEMENT CITATION & FINE POLICY

Adopted 10.15.13

INTRODUCTION

As your appointed representatives, one of the tasks that we unfortunately must periodically address is the Citation and Fine Policy. We are confident that you all agree that it is necessary to have a Citation and Fine Policy to ensure the continued safety and beauty of our wonderful community. We want to make sure that the rules are clear and that the community is made aware of what is not allowed and what the fine may be for failure to follow the rules that are implemented in our community. Please note the property owner will bear the responsibility for any confirmed Citations issued to anyone residing in their home, their tenants, their guests, and any vendors/contractors who enter the community based upon access given them by the homeowner or resident of the property.

HEARING PANEL POLICY

The Master Association has established a process for adjudicating citations and fines. A Hearing Panel, which consists of three Board appointed residents, meet to allow any individual who receives a citation, a forum in which to discuss the Citation. Please be advised that it is not within the discretion of the Hearing Panel to issue warnings. Once a Citation is issued, the Hearing Panel's role is to determine whether the facts support or do not support the issuance of the Citation. If the Citation is confirmed, the Hearing Panel then applies the applicable fine pursuant to the schedule which has been adopted by your Board of Directors and is incorporated in to this document along with the Hearing Panel procedures.

APPEAL PROCESS

If you disagree with the Hearing Panel decision, you may appeal the decision to the BCMA Board of Directors. The following Appeal Procedures are required:

- A written request of Appeal must be provided to the BCMA Office within (30) days of the Hearing Panel's written decision.

TRAFFIC VIOLATIONS

The Master Association attempts to enforce all Rules of the Association. Most of the violations will be considered MINOR or MEDIUM unless life or property is threatened. Please remember that the Rules and Regulations apply to all motorized vehicles, including golf carts. Each violation is considered a separate occurrence, and a citation may be cited for multiple violations on one citation. To protect property and human or animal life, it is imperative that drivers adhere to the posted Speed Limits on Bear Creek Drive (North and South) and on all other streets and roads within the community. Also, please be advised that the community has installed video cameras at the entrances and exits to the community, various locations at the community center, and that the security patrols have radar/video units available or installed in their vehicles that are being used to determine and record observed violations.

BEAR CREEK

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TRAFFIC VIOLATIONS

Minor Moving Violations- Warning or \$100.00 per violation

1. Vehicle going over the posted speed limit.
2. Vehicle not coming to a complete stop at any posted stop sign
3. Vehicle parked on streets after 2:00 a.m. without prior authorization.
4. Vehicles not abiding by any posted traffic sign

Medium Moving Violations- \$200.00 per violation (Note this can be included in one citation; e.g. speeding and running a stop sign)

1. Second offense of a MINOR violation.

Major Moving Violations- \$400.00 per violation

1. Reckless or unsafe driving (including excessive speed).
2. Two or more MEDIUM violations.
3. Three or more MINOR violations.

MISCELLANEOUS VIOLATIONS

Minor Violations- Warning or \$100.00 per violation

1. Having a constantly barking dog (two or more complaints and confirmed by Access Control).
2. Having a dog off its leash anytime on the common areas or the golf course.
3. Failure to pick up after pets anywhere in the community.
4. Walking on the golf course when not playing golf authorized by the Golf Club. (Residents and/or guests are not allowed to walk on the golf course with or without a pet.)
5. Using construction/maintenance workers before 7:00 a.m. Monday-Friday and before 8:00 a.m. on Saturday's or after 5:30 p.m. on Monday-Friday and after 4:00 p.m. on Saturday's. Work is not allowed on Sunday or holidays. This restriction does not include those workers affiliated with the Bear Creek Master Association or the Bear Creek Golf Club.
6. Parking, storing or keeping commercial type vehicles on any property or street (public or private).
7. Parking a recreational vehicle or motor home in a driveway or on streets over night without prior authorization from management or the Board.
8. Leaving trash cans on the street for more than a period of 24 hours after the scheduled pickup or leaving dumpsters on the street after 5:30 p.m. Monday-Friday or after 4:00 p.m. Saturday's without prior *approval* from management or the Board. Trash cans and/or dumpsters are not allowed on the streets during holidays or before 5:00 p.m. Sundays.
9. Operating a vehicle or golf cart and not having a valid driver's license. Bear Creek Golf Club Members must register their golf carts with the Golf Club. All other Bear Creek Residents who use golf carts on the streets for transportation only are required to register their golf carts along with their vehicles annually at the Bear Creek Master Association Office.
10. Operating a non-registered golf cart within the community.

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11. Excessive use of vehicle horns for disturbance purposes. Disturbance calls, loud music, excessive noise, and any other behavior which unreasonably interferes with the peace and enjoyment of the community.
12. Sports equipment that can be viewed from the street or common areas left out overnight.
13. Realtor signs must meet the specifications published by management and the CC&Rs. One sign only can be displayed on each property.
14. Violating any of the Community Center rules or regulations as set forth in the BCMA Rules and Regulations.
15. Homeowners, residents and their guests and vendors/contractors are not permitted to berate, engage in belligerent discourse, verbal abuse, such as foul language, yelling, screaming or otherwise attempt to order or give instructions to the staff of the Master Association, Security, or a Third Party Vendor of the Master Association. This does not mean that it is a violation to contact Security, the Master Association, or the Board to present a concern, grievance, or to advise about a perceived problem, including safety issues. This rule is intended to make the common sense point that the homeowners, residents, and their guests and vendors/contractors are not allowed to assume a supervisory role in the operation of the community which is the obligation of the Master Association Board of Directors or and their agent(s). Homeowners, residents, and their guests and vendors/contractors should direct any complaints and/or suggestions they may have to the General Manager. Any complaints regarding the General Manager or the management staff, Access Control and/or any BCMA vendors/contractors shall be directed to the General Manager and/or the Board of Directors if necessary. Homeowners, residents, and their guests, vendors/contractors are not permitted to engage in any verbal abuse to any of the Association management, such as foul language, yelling, screaming, physical harm or the appearance of potential physical harm.

The Fine Schedule for all other Violations is as follows:

Medium Violations- \$200.00- per violation

1. Urination in public.
2. Two or more MINOR violation of the same infraction.

Major Violations- \$400.00- per violation

1. Trespassing and/or illegal entry; each violation is cited separately.
2. Littering, including un-kept yards or job/construction sites.
3. Two or more MEDIUM violations of the same infraction.

ARCHITECTURAL VIOLATIONS

The Master Association, in accordance with its governing documents, has established an Architectural Review Committee. This committee, consisting of a Board liaison member, a Board appointed Chairperson and at least two Board appointed committee members, has the power to review and approve all construction/landscaping within the community. As such, it also has the ability to issue Stop Work orders, citations and fines for violations of the Master Association's architectural procedures and guidelines. At the discretion of the Master Association's Board of Directors, any violation may result in revocation of access to Bear Creek for contractors and/or vendors.

Minor Violations- Warning or \$100.00 per violation

Violations include, but are not limited to: Leaving dirty streets, trash not being placed in dumpster, trash and construction rubbish left on the construction site, illegal dumping on other lots, work during non-approved hours, and unauthorized gate transponder usage.

Medium Violations- \$200.00 per violation

Violations include, but are not limited to: two or more MINOR violations of the same infraction.

Major Violations- \$400.00 per violation

Violations include, but are not limited to:

- Commencement of work without approval.
- During new construction failure to provide Landscaping plans within thirty days of framing inspection by the City of Murrieta
- Non-completion of construction within the approved eighteen month time frame
- Plan change without approval.

Members have the right to appeal any violation to the Board of Directors by submitting a written request to meet and confer with the Board, within (30) days of receipt of the Hearing Committee Panel's decision. The written request to appeal will be placed on the agenda and will require the homeowner's attendance.



“NOTICE OF ALLEGED VIOLATION” HEARING PANEL PROCEDURES”

WHAT YOU WILL RECEIVE

If you receive a “Notice of Alleged Violation” from Access Control, you will receive a “Notice of Alleged Violation Letter” in the mail from the Master Association notifying you that a hearing date has been scheduled for you to present your case, if you so desire. The letter you receive will notify you of the place of the hearing and the date and time.

YOUR RESPONSIBILITY ONCE YOU RECEIVE THE “NOTICE OF ALLEGED VIOLATION LETTER”

When you receive the “Notice of Alleged Violation Letter” it is your responsibility if you want to contest the violation to contact the Master Association to have your name put on the “Hearing Panel Register” for your said hearing date. You can contact the Master Association by phone at (951) 677-1434 **no later than 5 working days prior to your scheduled hearing** to be placed on the register. This deadline is needed for administrative purposes to prepare for the hearing, if you wish to contest.

WHO WILL NOT BE ALLOWED TO PRESENT THEIR CASE THE DAY OF THE HEARING

If you do not contact the Master Association to place your name on the “Hearing Panel Register” and show up at the hearing, your case will not be heard. There are no walk-ins’ allowed. All cases that will be heard must be called in and pre-registered through the Master Association office no later than (5) five working days prior to your scheduled hearing.

CONTACTING THE MASTER ASSOCIATION OFFICE LATER THAN (5) FIVE WORKING DAYS PRIOR TO YOUR SCHEDULED HEARING

If you contact the Master Association later than (5) five working days prior to your scheduled hearing, your case will be postponed to the next scheduled hearing. You are entitled to postpone your case (1) one time only.

ON THE DAY OF YOUR HEARING

To support your petition, please bring all pertinent items that you would like the Hearing Panel to consider in your case.

IF YOU ARE UNABLE TO ATTEND YOUR SCHEDULED HEARING DATE

If you are unable to attend the hearing, or you did not send in a written statement, or your fine amount is still outstanding the day of the hearing, you are assuming responsibility for the “Notice of Alleged Violation” and the full fine amount will be assessed.

THE RULING OF YOUR CASE

You will not have a ruling on your case the day of your hearing. When the hearing is over, the Hearing Panel will go into deliberation and rule on each case. You will receive a letter in the mail from the Master Association explaining how the Hearing Panel ruled on your case.

IF YOU WERE ASSESSED A FINE

If you were assessed a fine, the fine should be promptly paid. You can pay in person at the Master Association or by mail to the Master Association’s address that is stated below. If you do not pay your fine within (30) thirty days, the Association may pursue legal action.