

# Apple View Farms Community Association, Inc.

## Nuisance Policy

### Section I. What is a nuisance. A nuisance is defined as:

1. an activity that unreasonably interferes with the use or quiet enjoyment of another resident of their separate interest or exclusive use common area;
2. a use that creates conditions that are hazardous, noxious or offensive; or
3. a violation of a local, state or federal law.
4. any issue that requires the presence of the police.

Our Declarant document in **Article XII, Section 5 Quiet Enjoyment**, states: ***"No noxious, illegal or offensive activity shall be carried on upon any portion of the Properties, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to any person using any portion of the Properties."***

Here are some examples of nuisances that HOAs have historically been called upon to deal with: **cigarette smoke, pets and food, noise** (e.g. loud conversations, barking dogs, yelling, musical instruments, home theatres and **excessive noise from** hard surface flooring), **visual issues** (e.g. clutter on balconies and patios, **cigarette butts in landscaping**) and **health and safety issues** (e.g. **pests/rodents, smoking, garbage in hallways or in landscaping, etc.**

### Section II. Compliance

All owners who purchase units at the Apple View River Resort™ automatically become members of two different Home Owner's Association: The Apple View Farms Community Association, Inc and a neighborhood Home Owners Association, either the River Place Condominium Owner's Association or the Orchard Villas and Townhouses Association. By becoming members of the two Association's owners agree to comply with all of the controlling documents of both associations along with the rules and regulations established by the Board of Directors.

Failure to comply with the requirements set forth in these documents can in many cases be construed as a nuisance and dealt with accordingly.

### Section III. Dealing with nuisances.

Most nuisances, particularly those involving neighbors, can and should be handled by the owners discussing the issue and reaching a mutual satisfactory solution. In some cases, a simple discussion with designated representatives of the Association's Board of Directors can be used to resolve an issue.

#### Should simple discussions not resolve the issue, the HOA will take action as follows:

1. The owner who is perceived to be causing a nuisance will be send a formal letter outlining the problem and suggested resolution. At that time the owner may request a discussion with the Board's Representative in order to seek a resolution or determine the nuisance is not real. If these discussions do not lead to resolution,
2. The Board as allowed by the controlling documents, will proceed to fine the offending party. The fine amount will be established on a case-by-case basis based on the tier system listed below, but under no circumstances will exceed **\$200** per month. Such fine will continue until the problem is resolved.

TIER	ITEM	FINE
1	Garbage in hallways or in landscaping. Cigarette butts in landscaping. Pets - not cleaning up after pets. Clutter on balconies.	\$25
2	Noise (e.g. uncontrolled dogs barking, loud conversations, yelling, musical instruments, loud home theatres, etc.)	\$100
3	Hard Surface Flooring - Intentionally making noise (e.g. Stomping on floor, bouncing a ball on floor, etc.) Any behavior that requires the presence of the police.	\$200

If after receiving the notice of a fine in writing. The offending owner wishes to appeal the case, they may submit a written request to the neighborhood Board and in the request clearly outline why the fine is inappropriate and any suggestion as to how to resolve the problem. Such appeal must be received by the neighborhood Board within 14 days of the date on the fining letter.

If the written appeal is not received within 14 days of the date on the fining letter, fining will begin and continue until the matter is resolved.

Failure to pay the fine will be dealt with in the same manner as late payment of dues and assessments and can result in interest be added and in extreme cases a lien placed on the property.

Signed Wayne Reaves  
Wayne Reaves, Board Secretary

Board Approved Date 6/29/24