

### **Overview of Daniel Island Community Standard Enforcement:**

The Daniel Island Property Owners' Association office has a history of 20+ years managing the Daniel Island Associations (DICA, DIPA and DITA). Our staff take pride in the work that we do, the service that we provide, and the way we execute and accomplish our varied duties as a staff. Our office is empowered to enforce all rules and regulations which are stated in the Daniel Island Covenants Conditions & Restrictions (“CC&Rs” or “governing documents”). We value the “team” approach in accomplishing those goals. Although we are empowered to issue fines for violations of the community standards, we strive to solve all compliance issues with owners on a case-by-case basis before resorting to fines or other penalties. We use a system for enforcement that is both proactive and reactive. We value, benefit from, and appreciate property owner’s eyes on the ground to alert us to problems they see in addition to our proactive inspections.

### **Community-Wide Standard:**

The “Community-Wide Standard” is defined in the CC&Rs as follows: “The standard of conduct, maintenance, or other activity generally prevailing throughout the Properties. Such standard may be more specifically determined by the Board of Directors and the Architectural Review Board.” This standard is described more fully in the Initial Use Restrictions and Rules, Exhibit C to the CC&Rs. Through the authority provided by our CC&Rs, we utilize a consistent and effective code enforcement system to daily enforce community-wide standards.

### **Enforcement Procedures – Inspections, Notifications, and Hearing Requests:**

Daily and/or regular inspections, follow-up inspections, and investigations into complaints received from owners are performed by our Property Owners' Association staff. In addition to visual inspections, we also rely on emails, phone calls or personal visits to our office from owners alerting us to potential violations. Owners can report potential violations to the [info@dicommunity.org](mailto:info@dicommunity.org) email address.

It is our customary procedure to notify an owner of a property of their community standard violation prior to imposing a penalty. We utilize courtesy phone calls and emails as our first/initial contact with the owner whenever possible to create goodwill and to serve as a "Did You Know" community-awareness approach. If we do not have access to phone numbers and or emails of owners, we provide this first notice via US Mail. We have also found great success with our “door hanger” notification. Depending on the type of violation and on a case-by-case basis, we may issue a first and sometimes second warning before imposing fines or other penalties. All communications regarding activities or violations at a home or unit are made to the owner as they are the responsible party for that home or unit.

Notifications will describe the violation and proposed sanction. Should an owner disagree with the violation notification and its contents, they must make a written request for a hearing within ten (10) days of the violation notification. Upon receipt of a timely hearing request, a hearing will be scheduled before the Board of Directors. No fines, penalties, or other sanction will be enforced until after the hearing. If our office does not receive a request within 10 days, the owner has waived their right to a hearing. We have a commitment to the residents of Daniel Island to enforce the standards set forth upon the purchase of every property in the community.

### **Enforcement Penalty & Fine Schedule:**

Typical sanctions that may be imposed by the Board of Directors include fines and/or penalties. Violators may also be subject to criminal penalties for activities that violate federal, state or city laws or ordinances. Owners are responsible for all damages, penalties, and/or fees placed against a particular unit. Fines are assessed daily. Penalties/fines are subject to periodic increases at the sole discretion of the Daniel Island Associations' Board of Directors. The Associations' will pursue legal remedies if necessary

for the enforcement of its covenants and restrictions. Suspension of amenity privileges and voting rights may also be used as a tool for enforcement.

Below is the fine schedule for violations of the community-wide standard occurring within the same calendar year:

- Warning – a first warning is issued prior to imposing fines. Depending on the severity of the violation, a second warning may be attempted. Warnings are sent to owners via the contact information or address maintained on file and may include one or more of the following: a picture of the violation (time and date stamped), a door tag, a phone call, an email or letter.
- 1st Offense – \$50 per occurrence\* until the violation is corrected.
- 2nd Offense – \$100 per occurrence\* of the same violation for which first-offense fines were issued within the same calendar year.
- Subsequent Violations – \$200.00 per occurrence\* of the same violation for which second-offense fines were issued within the calendar year.

\*An “occurrence” is defined as each consecutive day during which a violation continues.

Fines will be added to the owners account and are to be paid within 30 days. Late fees will accrue on any unpaid fine amounts. Depending upon the circumstances and severity of the violation, an owner’s amenity privileges and voting rights may be suspended in addition to fines. Continued violations may result in a lien being placed on the property or further legal action.

A record of violations is maintained at the Daniel Island Property Owners' Association office, which is located at 130 River Landing Drive, Suite 1C, Charleston, SC 29492.

#### **Examples of Common Violations:**

While there are additional restricted activities as stated the Initial Use Restrictions and Rules, Exhibit C to the CC&Rs, listed below are our most common violations that we observe and enforce:

- Trash Cans, garbage, and yard clippings at curb on non-pickup day or outside of City of Charleston regulations
- Trash Cans not screened from view on non-pickup day
- Lawn and Landscape maintenance deficiency
- Restricted parking of boats, jet skis, mobile homes, commercial vehicles, RVs, trailers, PODS, Inoperable Vehicles
- Home /Façade Maintenance needed - cleaning, pressure washing, painting, shutter/repair/broken window/repair/broken, porch and fence maintenance and repair
- Signage (For Sale/Rent) and other types of disallowed signage
- Trees (both street trees and those on private property) - dead or diseased/removal/replacement/safety concerns with overhanging or low-lying limbs
- Accumulation of trash/debris/clutter on exterior of home
- Holiday decorations or other exterior decorations that fall outside of the ARB guidelines or allowed timeframe
- Window AC/Heating Units
- Animal Control Issues (off leash, barking, pooping)

*The Daniel Island Community Association Board of Directors, the Daniel Island Park Association, and the Daniel Island Town Association have approved these enforcement rules and regulations and reserve the right to modify them and the rules, regulations, policies, procedures, and guidelines at any time, as*

*allowed by the governing documents. Applicable rules include the Association CC&Rs, the ordinances of the City of Charleston and Berkeley County, the Architectural Review Board's Design Guidelines, all policies, procedures, guidelines and use agreements as well as state and federal laws.*

*The rules may be supplemented by other authorities such as the regulations and ordinances of the State of South Carolina, City of Charleston, Berkeley County, etc. The Daniel Island Community Association Board of Directors, the Daniel Island Park Association, and the Daniel Island Town Association, expressly reserve the right to adopt and impose rules and regulations that are more restrictive than federal, state, or local laws, and the fact that any given Association rule or regulation conflicts with or is more restrictive than a particular law does not indicate that the rule or regulation is superseded.*