

ANTHEM COMMUNITY COUNCIL, INC.

GRAFFITI/ VANDALISM POLICY

Effective July 27, 2022

The following Graffiti/ Vandalism Policy shall be followed for the Anthem Community Council, Inc. (“ACC”). Owners shall be responsible for the conduct of their tenants, occupants, guests, or other invitees. ACC may impose the following monetary penalties against the Owner’s Lot in accordance with Section 3.6 of the Declaration in the event that graffiti or vandalism is identified on a Lot:

INITIAL NOTICE: An initial notice of a violation shall be mailed to the Owner requesting that the Owner cause the removal of the graffiti or corrective action for any other vandalism immediately. This is a courtesy violation with **NO FINE** imposed.

CONTINUING VIOLATIONS: In the event that the graffiti or other vandalism remains uncorrected beyond the deadline established in the Initial Notice, a **FINE of \$250.00** shall be assessed against the Lot each day until the violation is corrected.

INJUNCTIVE RELIEF: The Board of Directors may request the ACC’s legal counsel to file an action seeking injunctive relief against the Owner to cause the subject vandalism to cease and desist. However, this Graffiti/ Vandalism Policy shall not limit the right of the Board of Directors to seek immediate injunctive relief at any time regardless of the presence or absence of notices or fines hereunder.

FINES: No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that the failure to correct the violation within the timeline set forth in the Initial Notice shall make the Owner *subject to the imposition of a fine*.

BENEFITTED ASSESSMENT: Pursuant to Section 6.5 of the Declaration, the ACC is authorized to impose a Benefitted Assessment against an Owner for any costs incurred to remediate any damages sustained against the Areas of Council Responsibility. Any costs incurred by the ACC in remediating graffiti or other vandalism from Areas of Council Responsibility shall be imposed against the offending Owner’s Lot as a Benefitted Assessment.

BOARD DISCRETION: *The Board of Directors reserves the right to deviate from the fine amounts set forth herein if the Board finds good cause to alter the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies available to the ACC at the same time or in lieu of levying the fines set forth in this Graffiti/ Vandalism Policy. This includes turning a matter over to the ACC’s legal counsel.*

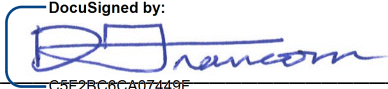
The Board of Directors shall consider the fines set forth in this Graffiti/ Vandalism Policy and schedule to constitute damages sustained by the ACC, and are intended to compensate the ACC for the administrative burden of addressing the violation and the adverse impact of the violation on the community.

APPEAL PROCESS

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the “RIGHT OF APPEAL” and the notice shall provide the process the Owner must follow to contest the notice.
- When an Owner desires to appeal a violation, he/she must notice ACC Staff in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate *extenuating circumstances* which require deviation from the Governing Documents.
- Appeal shall include all pertinent backup information to support the existence of the *extenuating circumstance*.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered **DENIED**.
- The Owner appealing the violation will be given written notice that the appeal has been received and it will be reviewed by the Board.
- If the appeal is denied, the Owner must bring the violation into compliance within five (5) days. If the violation still exists thereafter, the Owner will be fined **\$250.00 each day** until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation.

A majority of the Board of Directors adopted the above Graffiti/ Vandalism Policy at a duly called meeting of the Board of Directors at which quorum was present on this 27 th day of July, 2022.

Anthem Community Council, Inc.

Signature: 
By: Darrin Francom
Its: Chair