

ISSUE #1

MARKUP #1 ->

Section 1: [Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3] Code Enforcement Fine Schedule

Pursuant to the authority vested in the Board of Directors, the Association has adopted a Code Enforcement Procedure and Schedule of Fees and Penalties under which uncured violations of the Initial Use Restrictions, ARB Guidelines, or Community Rules are subject to administrative fees and continuous daily fines until the violation is remedied to the satisfaction of the Association.

Section 2: [ARB Guidelines, Roofing & Solar Policy Section 4.3] Prohibition on Street-Facing Solar Panels and Skylights

Solar panels, photovoltaic shingles, and skylights are strictly prohibited on any front-facing roof slope or any roof elevation visible from a public street, park, or thoroughfare on Daniel Island, and the Architectural Review Board may deny any solar application that cannot be completely concealed on a rear roof plane.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3 (p. 1): Code Enforcement Procedures and Fine Schedules Must Be Recorded in Berkeley County RMC to Be Enforceable

Statutory / Legal Reference: S.C. Code Ann. § 27-30-130(A)-(B)

Statutory Comparison: Under the South Carolina Homeowners Association Act, S.C. Code Ann. § 27-30-130(A)-(B), all rules, regulations, enforcement procedures, and fine schedules (and any revisions thereto, such as the March 10, 2022 update) must be officially recorded in the Berkeley County Register of Deeds office by January 10 of the year following adoption in order to be legally enforceable against property owners.

CURRENT WORDING IN DOCUMENT:

[Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3] Code Enforcement Fine Schedule and Continuous Daily Penalties - Pursuant to the authority vested in the Board of Directors, the Association has adopted a Code Enforcement Procedure and Schedule of Fees and Penalties under which uncured violations of the Initial Use Restrictions, ARB Guidelines, or Community Rules are subject to administrative fees and continuous daily fines until the violation is remedied to the satisfaction of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3 ([Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3] Code Enforcement Fine Schedule and Continuous Daily Penalties - Pursuant to the authority vested in the Board of Directors, the Association has adopted a Code Enforcement Procedure and Schedule of Fees and Penalties under which uncured violations of the Initial Use Restrictions, ARB Guidelines, or Community Rules are subject to administrative fees and continuous daily fines until the violation is remedied to the satisfaction of the Association.) to conform with S.C. Code Ann. § 27-30-130(A)-(B) and the manual attorney audit recommendations for Daniel Island Community Association, Inc..