

**BACKGROUND ON
CTA “ENFORCEMENT AND ADJUDICATION POLICY”
March 2023**

The attached document is the “Carolina Trace Association Enforcement and Adjudication Policy for Traffic, Littering, Noise and Gasoline Boat Engine Violations.” This policy was originally adopted by the CTA Board in 2007, and was revised by Board action in 2010. The policy has remained in effect throughout that time; this is not a new policy.

All residents of Carolina Trace should review this document and be aware of the possible consequences for violations. Admittedly, some of the policies could be difficult to enforce without additional expenditures by CTA for equipment and/or personnel. Nevertheless, the CTA Board adopted these policies to align with provisions of North Carolina law that define how home owners’ associations are authorized to address violations of community standards and how residents’ due process rights are to be respected.

As in any planned community, we all share a mutual interest in maintaining a safe and clean environment for residents and visitors. We hope that these policies never lead to the issuance of citations, investigations, adjudications or imposition of penalties. To be clear, it is not the intent of the CTA Security and Safety Committee to proactively or routinely search for violations that can be cited under this policy. Rather, we view this document as setting (1) reasonable community rules and standards by which we expect everyone to abide, and (2) backstop procedures by which egregious cases can be addressed with fairness to all parties. In the vast majority of situations, we anticipate that perceived or alleged violations will be resolved quickly and quietly through informal contact by a member of the Committee or gatehouse security personnel. If not, the procedures in the attached document may be used.

Thank you for your cooperation.

CTA Security and Safety Committee

CAROLINA TRACE ASSOCIATION
ENFORCEMENT AND ADJUDICATION POLICY
FOR
TRAFFIC, LITTERING, NOISE and
GASOLINE BOAT ENGINE VIOLATIONS

Approved by the CTA Board of Directors on October 1, 2007
Amended by the CTA Board of Directors on October 4, 2010
Redistributed to CTA Board of Directors on July 25, 2012

The following policy was prepared by the Safety and Security Committee, and is in accordance with Article 7, Section 2 (c) of the CTA Bylaws of December 2002 and in keeping with the NC Planned Community Act.

It will be the policy of the Safety and Security Committee to issue citations and notify any offender with a call and/or visit when a violation has occurred. Two-man security patrols will be assigned at random times to identify and record vehicles and vehicle operators guilty of violations.

Citations will also be issued by Safety & Security upon receipt of a written complaint form properly completed, signed and submitted to Safety & Security by a Carolina Trace property owner. Complaint forms may be filed for any of the violations listed in this document. Complaint forms are available at the gatehouse.

- I.** **Violations:** All citations will be issued in duplicate, with a copy given to the offender, identifying date and time, location, and violation. Security personnel are allowed to issue citations for:
- **Traffic violations:** any unsafe traffic occurrences observed by Safety & Security or reported by a written complaint to include failing to stop at stop signs, illegal parking, inattentive driving, failure to display vehicle permits, or failure to comply with Security Guidelines on Vehicle Identification and Control (No. 52)
 - **Littering**
 - **Gasoline Boat Engine violations**

Security Officers will issue a written citation for all violations. Violators will be asked to sign the citation and will receive a copy of the citation. Residents and property owners receiving 3 or more citations will have their electronic vehicle permit authorizing entry to the Carolina Trace Community rescinded, requiring them to obtain a visitors pass to enter the community. Commercial and worker traffic receiving 3 or more citations will have their permit revoked.

- II.** **Adjudication:** CTA will establish an **adjudication panel** of CTA Directors to preside monthly or more frequently as needed. Offenders may appeal their

citation with 60 days of the date of the citation by appearing before the Adjudication Panel. The Panel will be composed as follows:

- A. Three (3) CTA Directors will be selected to serve on the Adjudication Panel by a process established by the CTA President. Their term of office will be on a rotating basis as described below.
- B. First panel selected: one Director to serve one month, one Director to serve two months, and one Director to serve 3 months. Each month thereafter one Director of those who have not yet served would be selected by the President to replace the Director whose term is expiring. The chair of this panel will be appointed by the President for a term to be determined by the Board of Directors. The chair will preside over the Adjudication Panel and will be a nonvoting member.
- C. Offenders may request an appearance before the Adjudication Panel by notifying the Chief of Security, in writing, of their desire to appeal their citation. Offenders will be contacted by the Panel chairperson to schedule a date for their appearance.
- D. Failure to appeal to the Adjudication Panel will constitute a no contest plea resulting in enforcement of the penalties as described below.
- E. The Adjudication Panel will have the authority to uphold the original citation and amount of the fine(s), or to reduce or waive the fine, or void the citation if determined to be inappropriate. It will also determine when a resident's rescinded electronic vehicle permit or a revoked commercial or worker permit may be reinstated.

III. Citations will result in warnings, fines and permit withdrawal to be imposed as follows:

- 1. **Traffic Violation Citations** – First citation is a warning; second citation \$100.00 fine; third citation additional \$100 fine and vehicle permit is rescinded (see Note). Fourth and each subsequent citation, \$200 fines for each citation.
- 2. **Littering**—First citation a warning and the offender must clean the littered area or be fined \$100; second citation \$100 fine and the offender must clean the littered area or be fined an additional \$100; third citation \$100 fine, the offender must clean the littered area or be fined an additional \$100, and vehicle permit is rescinded (see Note). Fourth and each subsequent citation, \$200 fines for each citation.
- 3. **Gasoline Engines on Boats**—First citation is a \$50 fine against the resident or property owner who owns the boat or who authorized the violating visitor to enter Carolina Trace. Second and all subsequent citations \$100 fines and vehicle permit is rescinded upon the 2nd violation.

Definitions:

Stop sign violations: Advancing through an intersection without coming to a stop.

Inattentive driving: Reckless or unsafe driving, such as failure to give primary attention to the act of driving while talking on a handheld cell phone.

Parking violations: Parking at the Gate House and the school bus turnaround. Complete definition found in Guideline 51.

Littering violations: Careless or intentional discard of materials or refuse.

Gasoline Engines on Boats: Boats with gasoline engines are not permitted on Lake Trace, and notices to that effect have been publicized to all residents, are posted on the entrance road into Carolina Trace, and are posted at the marina where boats are launched. Any boat observed on Lake Trace with a gasoline engine attached will be subject to the penalties stated above.

Collection of Fines:

Fines are to be paid to the CTA Treasurer, who will report quarterly to the CTA Directors the total amount of fines levied, fines paid, and fines unpaid. Fines which remain unpaid after 120 days from the issuance of the citation may result in the placement of liens on the property of the offending property owner. The CTA Executive Committee is authorized to direct the Treasurer to place liens if required to collect unpaid fines.

**Carolina Trace Association
Complaint Form**

For Reporting Violations in accordance with CTA Enforcement Policy

Your Name _____ Date filed _____

Your Address _____ Your Phone _____

Name or identification of offender _____

Date of Violation _____ Time of Violation _____

Location of Violation _____

Violation observed _____

Signature of Complainant _____ Date _____

Received by _____ Date _____

Citation issued by _____ Date _____