

Resolution - Rules & Regulations on Motor Vehicle Violations

Tom Briley, Chairman - Governance Committee
Chip Munday, General Manager

October 19, 2017

Background

Recommendation

The Board of Directors wishes to add more specificity to the Rules and Regulations as it applies to Motor Vehicle Violations, particularly establishing threshold levels for certain moving violations which are greater threats to safety. The Governance Committee reviewed the current language and received examples of language used in other communities. As a result the Governance Committee is recommending changes to allow more timely and appropriate enforcement. Modifications to the Rules & Regulations approved by the board will be furnished to all owners prior to the effective date of any change and posted on the IRCOA website.

Proposed Resolution

WHEREAS, Article 12.01 of the Declaration of Covenants, Conditions, and Restrictions of the Indigo Run Community Owners Association, Inc. states:

“Subject to the provisions hereof, the Board of Directors may establish Rules and Regulations concerning the use of Lots, Dwellings, and the Common Areas and facilities located thereon.”...

NOW, THEREFORE, BE IT RESOLVED, on motion duly made and seconded, that Section VI. Motor Vehicle Violations, shall be amended on this date, October 19, 2017 and will take effect on December 18, 2017 as shown below:

Current language states:

“Any person violating any of the criminal statutes of the state, county or town may be cited. All State vehicle and traffic laws must be obeyed. The Indigo Run Security Department is S.L.E.D. certified and may issue Uniform Traffic Tickets whenever state, county or town laws are broken. Additionally, motor vehicle violations will be considered violations of these Rules and subject to the Procedure for Violation Notices and Appeal Process.”

New language proposed:

“Any person violating any of the criminal statutes of the state, county or town may be cited. All State vehicle and traffic laws must be obeyed. The Indigo Run Security Department is S.L.E.D. certified and may issue Uniform Traffic Tickets

whenever state, county or town laws are broken. Additionally, motor vehicle violations will be considered violations of these Rules and subject to the Procedure for Violation Notices and Appeal Process.

Egregious Level Offenses

Motor Vehicles that are measured to exceed the posted speed limit by 10 miles per hour or greater will be issued a Uniform Traffic Ticket of the State of South Carolina if the driver is a non-resident. Resident offenders will be referred to the General Manager for the issuance of a Notice of Violation and a fine as applicable.

Lesser Offenses

Motor Vehicles driven by residents that are measured exceeding the posted speed limit by 9 miles per hour or less will be referred to the General Manager for the issuance of a Courtesy Letter. If a second violation occurs within any 12 month period, the General Manager will issue a Notice of Violation and a fine as applicable. Non-resident offenders may be issued a warning and if a second violation occurs within a 12 month period will be issued a Uniform Traffic Ticket of the State of South Carolina.

Officer Discretion

Any other Motor Vehicle Violation will be at the security officer's discretion to determine the egregiousness of the violation. They have the authority to issue a Uniform Traffic Ticket or issue a warning to non-residents and in the event of a violation by a resident, to refer the case to the General Manager with a recommendation if they deem the violation to be egregious."

Contractors

Contractors will be treated as non-residents. However, in addition to the measures stated above, the General Manager may revoke any gate pass of a contractor and issue a fine. The contractor will not be granted another gate pass until the fine is paid in full.