

# BIB PROPERTY OWNERS ASSOCIATION

## **RULES AND REGULATIONS**

Version 1.2.4 (2022-04-10)

Dear BIB Owner:

Welcome to BIB! The BIB POA Board hopes you will enjoy living in our community. As with any community, we have certain Rules and Regulations which promote harmony and consistency within our community. This is an official document of the BIB POA; other official documents include the Covenants, Conditions, and Restrictions (CCRs), Bylaws, and Articles of Incorporation. All these documents are available at our website ([bibhoa.com](http://bibhoa.com)). The purpose of this document is to highlight and clarify some of the more important items in the other governing documents. It is the responsibility of the owner to be familiar with all the community's governing documents.

Enclosed you will find the revised Rules and Regulations that were most recently revised and approved at the April 10, 2022 meeting of the BIB POA.

This document and all contents are EFFECTIVE IMMEDIATELY.

The Board of Directors welcomes your input and look forward to your attendance at future Board meetings. Comments and questions can also be submitted via email to [bibhoaboard@gmail.com](mailto:bibhoaboard@gmail.com).

Sincerely,

BIB POA Board

# **BIB PROPERTY OWNERS ASSOCIATION**

## **RULES AND REGULATIONS**

### **Table Of Contents**

Section 1	Administration	3
Section 2	Property	3
Section 3	Vehicles	7
Section 4	Leasing/Renting of Units	8
Section 5	Enforcement of Rules	8
Section 6	Communications And Documentation Requests	10
	Version Log	12

## **SECTION 1<sup>[SEP]</sup> Administration**

### **1.1 Contact Addresses**

- 1.1.1 All Owners are to provide a primary email address for official BIB POA Board communication. Additional email addresses can be added to the general email list, however, each lot must specify one email address as the primary email. It is each owner's responsibility to ensure that their email address of record is current. Email is the primary method of communication for all Board communications, invoices, schedules, etc.

### **1.2 Assessments and Collections**

- 1.2.1 All lot Owners must pay annual POA dues. These dues are assessed to fund the necessary expenses incurred to maintain the BIB community.
- 1.2.2 Annual POA dues are due on January 1st of each year. <sup>[SEP]</sup>Invoices will be emailed to homeowners around mid-December of each year. Owners have a 30 day grace period to pay annual fees. After 30 days, a monthly 1% delinquent fee will be charged and will accrue until all fees are paid. The delinquent fee and any additional collection fees shall be added to the lot owner's dues.
- 1.2.3 Lot Owners who are delinquent in the payment of POA dues shall be subject to legal action in accordance with the provisions of the CCRs and Bylaws. Once legal action has been commenced, all legal fees and costs will be assessed to the lot owner, as required by the CCRs and Bylaws. <sup>[SEP]</sup>Delinquent accounts may be susceptible to a lien on their property.
- 1.2.4 Any unpaid balance will also prevent the lot owner from voting or running in BIB POA Board elections, having non-emergency requests considered by the EAB, and the use of all community property, except for the roads.

### **1.3 Board Meetings**

- 1.3.1 Board meetings are held online and are open to all titled lot Owners. The time for Board meetings is determined by the Board and email notice will be provided to all lot Owners.

## **Section 2- Property**

### **2.1 Common Property (Including Roads)**

- 2.1.1 The common areas are for the use and enjoyment of those owners who are in good standing. Any owner with a past due balance for more than 30 days will be prohibited from use of all community areas, with the exception of the roads. Prohibited areas include the green spaces, the gardens (upper and lower milpas including their structures), and the front gate parking area. Owners not in good standing are also prohibited from receiving Garden Share. Owners of multiple lots must have at least one lot without any past due balance in order to use these community spaces. This prohibition also extends to any owner's tenants and guests.
- 2.1.2 Storage of any kind is expressly prohibited on or in any Common Property unless the area is expressly designated for such purpose, and permission has been obtained from Board for such purpose.
- 2.1.3 The lot owner is responsible for his own conduct, and that of his tenants or guests. Any damage to the Common Property caused by any lot owner, tenant, or guest shall be the responsibility of such owner and the owner shall be assessed for the cost of repairing such damage.
- 2.1.4 No lot owner shall make any noises in the building or adjacent grounds which may disturb the occupants of other Lots; this shall include unreasonable noise levels from TV, radio/stereo, generator, etc. at unreasonable hours. In general, quiet hours are between 9:00 pm and 7:00 am.
- 2.1.5 Generators should only be used in emergency situations. Generators are not a substitute for an inadequate solar power system.
- 2.1.6 Garden Areas are for the enjoyment of the community. Individual garden plots can be assigned by sending a request to the Garden Committee Chair via email to [bibhoaboard@gmail.com](mailto:bibhoaboard@gmail.com).
- 2.1.7 When available, harvested produce from the community gardens are shared with the community. This "Garden Share" is normally available on Wednesdays between 2:00 and 4:30 PM. One Garden Share is allotted for each occupied home within BIB. Short term occupants must inform the Garden Committee (via [bibhoaboard@gmail.com](mailto:bibhoaboard@gmail.com)) if they would like a Garden Share during their visit to BIB. Individual harvesting in the gardens

is generally not allowed. A listing of those plants available for individual harvesting is listed inside the Garden Share Shed.

- 2.1.8 Community waterfront areas are to be kept clean and safe. All trash, kayaks, life vests, water equipment, etc. are to be appropriately stored and/or cleaned up by the property owner/tenants/guests.
- 2.1.9 All trash must be removed from community areas for appropriate disposal. This includes all pet waste. All items stored at community areas are at owner's risk. The BIB POA assumes no liability for theft or damages to items left in community areas.
- 2.1.10 The BIB POA has installed security cameras at the front gate, the workers' bodega/Garden Share Shed, and along the community's borders. Tampering with these cameras can result in fines and/or criminal prosecution.
- 2.1.11 The front gate is to be locked at all times. Keys are provided to lot owners. A combination lockbox with a key inside is available for use by trusted workers. The combination will be changed periodically. It is the responsibility of the owner to communicate combination changes to their trusted workers.
- 2.1.12 Owners will refrain from harassing or instructing the property maintenance workers. Any comments, questions, or suggestions regarding the tasks of the property maintenance workers must be sent to the BIB POA Board. The Board will not tolerate any form of ill-treatment to the property maintenance workers, and fines may be assessed.

## 2.2 Landscaping / EAB

- 2.2.1 All Owners of BIB properties must agree in writing to follow the rules and decisions of the EAB. When purchasing property within the community, the CCRs shall be signed and serve as the primary rules for the community. The covenants travel with the land and apply to all subsequent Owners.
- 2.2.2 Before construction, Owners are not permitted to clear their lot without EAB approval. Cutting of the boundary lines is also prohibited.

- 2.2.3 Lot Owners are not permitted to alter, change or add to the landscaping of any Common Property. This also includes the road right-of-ways.
- 2.2.4 Any alterations to the original building plan require written approval from the EAB.
- 2.2.5 In terms of property maintenance, after a home has already been constructed, general brush clearing is allowed to maintain the home's appearance and for fire prevention. However, removal of any tree larger than 4" in diameter requires EAB approval.
- 2.2.6 The 10' non-disturbance setback around a property does not preclude the owner from planting additional foliage in that area. However, existing foliage can not be removed. As allowed by the CCR's, the Board allows for fire-breaks to be maintained within the 10' non-disturbance zone for those lots whose boundary coincides with the exterior boundary of BIB.
- 2.2.7 See BIB CCRs sections 2, 3 and 4 for more specifics.
- 2.2.8 Non-emergency EAB requests will only be considered if the lot owner does not have any past due HOA fees, fines, or assessments. It is up to the EAB as to what constitutes an emergency.
- 2.2.9 Failure to follow proper EAB procedures can result in fines. If you are at all unsure if an activity requires EAB approval, please email the EAB committee at [bibhoaboard@gmail.com](mailto:bibhoaboard@gmail.com).

### 2.3 Signs

- 2.3.1 Road signs indicating speed bumps and speed limits will be posted in agreed upon locations that blend in with the landscape and are not an eyesore.
- 2.3.2 Other signs are not permitted per the CCRs, unless permission has been obtained from the EAB.

### 2.4 Pets

- 2.4.1 Pets should be kept under control at all times.

- 2.4.2 All pets, including cats, must be on a leash or completely enclosed in a pet carrier, when outside the home, on roads, and in common/public areas. All cats are otherwise to be kept indoors.
- 2.4.3 Owners are responsible for cleaning up and properly disposing of their pet's waste.
- 2.4.4 All pet Owners must provide proof of current rabies vaccinations to BIB POA, unless the owner can provide a letter from a veterinarian stating otherwise, or a titre test proof of immunity.
- 2.4.5 Owners are responsible for any damage to people, property, and/or wildlife caused by their pets. BIB POA reserves the right to enforce and fine Owners in violation of these rules at their discretion.

## **SECTION 3- Vehicles**

### **3.1 Parking**

- 3.1.1 Lot Owners are permitted to park only in the space assigned to them or in the designated parking areas.
- 3.1.2 The parking lot at the front entrance is to be used for overflow parking. Junked, wrecked and abandoned vehicles are prohibited in the front entrance parking lots; said vehicles are subject to towing and fees will be assessed to the vehicle owner.
- 3.1.3 Each owner may park in the road right of way in front of their property, provided parking of any vehicle does not impede the flow of traffic. Roundabouts must be kept clear of vehicles at all times.
- 3.1.4 Vehicles may not be parked, maintained, or stored so as to obstruct passage of other vehicles.
- 3.1.5 Commercial vehicles may park in permitted areas so long as such parking is only for the period of time necessary to provide the commercial services as requested by a Resident or the Association.

### **3.2 Operation**

- 3.2.1 All vehicles must be operated in a manner as to assure the safety of pedestrians. Speed in excess of 15 miles per hour is prohibited.
- 3.2.2 It is highly recommended that all Owners/guests/tenants utilize a 4-wheel drive vehicle for safe passage on roadways.
- 3.2.3 If proof of road/property damage is caused by a lot owner's vehicle or that of their tenant/guest, then a fee will be assessed to that lot owner.
- 3.2.4 Any vehicle driven in such a manner as to violate these rules may be subject to the enforcement procedures set forth herein, including but not limited to, legal action, fines, towing, etc. All costs and expenses will be charged back to the lot owner.

## **SECTION 4 Leasing/Renting of Units**

### **4.1 Registration**

- 4.1.1 If an owner is going to rent or lease out their property, it is the responsibility of the owner to assure that all the laws of Belize and the Belize Tourism Board are followed.
- 4.1.2 All Owners of rental units must annually provide the BIB POA Board with proof of their Belize Tourism Board License.

### **4.2 Operation**

- 4.2.1 The owner is responsible for making sure that all tenants are aware of all the rules of the community (CCR's, Rules & Regulations, Bylaws, etc). The owner may be fined by the BIB POA for their tenants' failure to follow community rules.

## **SECTION 5- Enforcement of Rules**

### **5.1 Reporting**

- 5.1.1 The BIB POA is a volunteer run organization and not set up to be a strict rules enforcement body. The BIB POA will enforce community rules when it is needed, but we would all prefer that this community be based on mutual respect. If one lot owner has a problem with what another lot owner is doing, then they should first talk to that lot owner. Many situations can be defused through simple communication. Because of our belief in open communications, the identity of the complainant will be



shared with the defendant. Anonymous complaints will not be considered.

- 5.1.2 If someone is believed to be in violation of any of the provisions of the Declaration, Bylaws, or Rules and Regulations, an email complaint must be submitted by a property owner.

## 5.2 Investigation.

- 5.2.1 The person charged with the violation will be given electronic mail notice of the complaint. The Board or a duly authorized committee will investigate the complaint; if they determine that the complaint has merit, then the person charged will be given a 14 day grace period for the violation to be rectified. If after 14 days there is no communication or compliance with the violation, then the owner(s) will be informed of a time and place where the Board of Directors or its duly authorized committee will conduct a hearing to review the complaint. At that time, they will have the opportunity to defend themselves. All hearings will proceed with or without the presence of the accused owner, so long as notice has been sent in advance. The findings of the hearing will be submitted to the Board of Directors, for disposition at its next regularly scheduled meeting. Alternatively, at the discretion of the Board, the owner charged with a violation will be notified if a fine has been assessed, and that the owner may appeal the fine by submitting a request for a hearing within fourteen (14) days from the date set forth on the notice of the fine. If a timely request for a hearing is made, the procedures set forth above will be followed. If such a request is not made, the fine will become final. The Board has authority to assess daily fines for continuing violations. Hearings may be held electronically as needed.

## 5.3 Verdict & Fines.

- 5.3.1 If a resident is found guilty of a violation, the Board will notify the guilty party via email and a fine may be charged to the assessment account of the lot owner. All fines are collectible in the same manner as unpaid POA dues/assessments.
- 5.3.2 There will be a fine for each violation, provided the owner has not been fined for the same violation within the last year. If the owner has been fined for the same violation within the last year, the fine will be double the original fine amount. Fines can be up to US\$100 per day, but it

is up to the discretion of the Board for a fine amount up to US\$100 per day. The maximum annual fine limit per lot in a calendar year is US\$2500, per violation.

- 5.3.3 In the event of any violation of the CCRs, Bylaws, or Rules and Regulations of the Association, the Board reserves the right to pursue any and all legal remedies to compel enforcement, legal and equitable. Any and all costs and attorneys' fees shall be assessed back to the account of the offending owner at the time they are incurred.
- 5.3.4 Upon compliance by the lot owner, any assessed fee will be reduced by 50%.

## **SECTION 6- Communications And Documentation Requests**

### **6.1 Email**

- 6.1.1 Email is the preferred form of communication with the BIB POA Board. The Board strives to answer all questions as soon as possible. However, please remember that the Board is comprised of individuals, so it may take time to reach a consensus for a response. The Board will answer all questions submitted within 10 business days. If a question requires consultation with an attorney, the Board will notify the sender of such within 10 business days. The actual response may then take up to 60 days. Only email sent to [bibhoaboard@gmail.com](mailto:bibhoaboard@gmail.com) will be considered. Email sent to the personal email addresses of Board members will not be answered. The Board will strive to respond to all questions. However, at its discretion, the Board may limit responses to one email per month per owner, if the questioner resorts to insults, threats, or unsupported accusations.

### **6.2 Documentation Requests**

- 6.2.1 Owners are allowed to request information from the Board. For general information, the Board will provide such information as soon as possible, subject to the same limitations described in section 6.1. Owners are allowed to request documentation from the Board, as described in the Bylaws. Please first check the [bibhoa.com](http://bibhoa.com) website for governing documents (CCRs, Bylaws, Rules & Regulations, etc), meeting minutes, and financial statements. Upon receipt of a request for documentation not available on the website, the Board will provide that documentation within 10 business days. The documents will first be reviewed to ensure compliance with

applicable privacy requirements and general antifraud practices. If this review takes longer than 30 minutes, the requestor will be charged US\$20 per hour. Before the review commences, the requestor will be notified of the estimated charge, and must agree to pay for it. Documents will be delivered to the requestor in one of two methods:

- 1) Representatives of the Board will meet the requestor at a mutually approved location at BIB where the requestor will be able to review the documents on a digital tablet (i.e. iPad) that will be provided solely for this purpose. The requestor will be allowed to photograph and/or take notes but will not be provided with an electronic copy.
- 2) The Board will provide the requestor with print outs of the documents. The requestor will be charged at a rate of US\$20 per hour for the time it takes to drive to and from Benque Viejo to print out the documents at a print shop, plus the current US IRS mileage rate, plus the actual cost of the printouts. Electronic copies will not be provided.

At any point in this process, the requestor may be required to pay an estimated 50% deposit before any work commences. The balance will be required before the documents will be delivered. The Board will decide on acceptable methods for payment. The Board may limit documentation review requests to one 8-hour day per month per owner.

## BIB POA Rules And Regulations Version Log

Version	Date	Changes
1.0	2019-06-20	Initial release
1.1	2020-10-15	Section 1 C-2 & C-2. HOA fee due date changed from January 5 to January 1. Grace period changed from 60 days to 30 days. Updated email addresses.
1.2.1	2021-05-23	Major overhaul. All sections revised and reorganized. Exhibits removed.
1.2.2	2021-11-07	Added to 5.3 maximum yearly fine of US\$2500 per incident.
1.2.3	2022-01-16	Added to 1.2 & 2.1 prohibition on using community areas if not in good standing. Numbered all sections.
1.2.4	2022-04-10	Added 5.3.4 50% fine reduction upon compliance. Added sections 6.1 & 6.2.