

## **May 2021 Report from the Board: Quality of Life Issues. For Owners' Immediate Attention**

Since the 2021 Board elections, the new Board has been tackling a variety of issues here at Cowpet Bay West, issues that have been brought to the Board's attention by concerned owners and board members alike. After doing an assessment of CBW's financial deficits, the Board levied a 525k "common expense" assessment (the amount by which the expected hurricane insurance payout to CBW was reduced) as a way to get us back on firmer financial ground.

In addition to concerns about CBW's finances, owners have voiced concerns about what the Board is calling "quality of life" issues here at Cowpet Bay West. From receiving emails and phone call complaints about "quality-of-life" problems here on our property, we have noted 5 recurring topics of complaint: noise and dog violations, parking problems, people leaving trash around the property, and perhaps the most concerning and most prevalent -- short-term rental issues. (Because the rental issue is a substantial and multi-faceted complaint, we will address the rental issue under separate cover later this month).

Many of our established Rules and By-laws attempt to ensure that owners' right to peace and tranquility in our residential community is not disturbed. For example: "No unit owner shall make or permit any disturbing noises in his apartment or within the common areas. . .which will interfere with the rights and reasonable comfort and convenience of other owners." (from the Rules and Regulations, Stage 2 Declaration) Elsewhere in our governing documents the language extends to additionally ban other annoyances or disturbances that encroach on the rights of the owners, for example, disturbances caused by short-term renters, pets, cars/parking violations, and trash disposal, and general neglect. We realize that many, many owners and tenants are respectful towards their neighbors and need no reminders. However, despite all owners agreeing by default upon purchasing their condos to abide by our Declaration and By-laws, the office and the Board continue to get complaints about violations to these agreed-upon rules of civility and conduct.

In response to the continuing complaints, the Board has structured a scale of fines for By-Law and Rules and Regulations violations. Article II, section 2b Powers and Duties, empowers the Board to both determine and collect fees from owners for such violations. In addition, Article V section 16 Rules of Conduct says, "An owner is subject to fines, sanctions and/or legal actions for the actions of his tenant as if those actions were by the owner."

What follows is our best attempt to structure an effective fine system for By-Law and Rules and Regulations violations. We are hoping that taking a firmer stand on protecting our By-Laws will better secure the peace and tranquility guaranteed for all owners in our original Declarations and By-Laws.

Respectfully,

Bill Hanson, Chris Crowe, Bob Daleo, Marguerite Hefferon, Ehren Henderson, Bill Leitch, Jennifer Planeta  
The CBW Board of Directors

## FINE SCHEDULE FOR "QUALITY OF LIFE" VIOLATIONS IN OUR COMMUNITY

### NOISE

No "loud" noise – including music – permitted in the condos, on the balconies, nor on the beach and other outdoor spaces. USVI law defines "loud" as "sound that can be heard 100 ft away" OR "louder than 75dBa (from CBW Rules and Regulations, CBW By-Laws, and USVI law)

**1<sup>st</sup> violation: Warning to owner/tenant. \$150 possible service charge\* added to owner's monthly bill**

**2<sup>nd</sup> violation: \$300 fine** added to condo owner's monthly bill

**3<sup>rd</sup> violation: \$600 fine** added to condo owner's monthly bill

**3<sup>rd</sup> and successive violations: \$1000 added to condo owner's monthly bill\*\***

\* When a noise complaint comes into the office or to her personal phone, Holly will contact the condo owner 24/7 so the owner can resolve the noise violation. If the owner is unavailable and Holly has to intercede any time after hours, a \$150 service charge will be added to the owner's monthly bill.

### TRASH

"No garbage or trash may be left/disposed of on or adjacent to our property. [Other than on designated trash pickup days] no trash cans/pails or garbage bags may be left outside." (from CBW Rules and Regulations and CBW By-Laws)

**1<sup>st</sup> violation: Warning to owner/tenant. \$100 service fee if CBW needs to remove garbage from property**

**2<sup>nd</sup> violation: \$200 fine** added to condo owner's monthly bill

**3<sup>rd</sup> and successive violations: \$300 fine** added to condo owner's monthly bill\*\*

### DOGS /SERVICE ANIMALS

No dogs are allowed on condo property unless they are registered service animals. All owners must clean up after their service animals. (from CBW Rules and Regulations and By-laws). No dogs are allowed on the beach unless they are leashed (USVI LAW).

**1<sup>st</sup> violation: Warning to owner/tenant. \$100 service fee if CBW needs to clean up after owner/tenant dog.**

**2<sup>nd</sup> violations: \$200 fine** added to condo owner's monthly bill

**3<sup>rd</sup> and successive violations: \$400 fine** added to condo owner's monthly bill (plus clean up fee if necessary)

### PARKING VIOLATIONS

One numbered parking space is provided for each condo. "Guest" spots are indicated throughout the property and should not be occupied for more than 24 hours. No boat, trailer, or heavy commercial vehicle shall be parked on the property.

**1<sup>st</sup> violation: Warning to owner/tenant.**

**2<sup>nd</sup> violation: \$100 fine** added to condo owner's monthly bill

**3<sup>rd</sup> and successive violations: \$200 fine** added to condo owner's monthly bill\*\*

**\*\* All violations are by cumulative number of violations in and around the condo in question, not ny rental period, if applicable.**



# Cowpet Bay West

6201 Windward Way, St. Thomas USVI 00802

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## **CITATION:**

### **Noise Violation**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The Cowpet Bay West Association's By-Laws prohibit owners and occupants from creating noise that presents a nuisance and annoys other residence and interferes with the peaceful use of the property by its residents. The USVI also has laws prohibiting loud noise, including music, within or outside condo walls that exceed 75 dBA.

The Cowpet Bay West Board of Directors is authorized by the CBW owners to levy fines for By-Law violations. Your residence was identified as the source of excessively loud noise at the date and time noted above and therefore is receiving this citation. ***Fines for noise violations will be added to your monthly bill.\****

**The Board has established the following fines for noise violations:**

**1<sup>st</sup> violation: Warning to owner/tenant. \$150 possible service charge\* added to owner's monthly bill**

**2<sup>nd</sup> violation: \$300 fine added to condo owner's monthly bill**

**3<sup>rd</sup> violation: \$600 fine added to condo owner's monthly bill**

**4<sup>th</sup> and successive violations: \$1000 added to condo owner's monthly bill\*\***

\*Noise violations are not accumulated per rental guest stay, rather by cumulative number of violations in and around the condo in question.

\*\* When a noise complaint comes into the office or to her personal phone, Holly will contact the condo owner 24/7 so the owner can resolve the noise violation. If the owner is unavailable to resolve the noise complaint and Holly has to intercede any time after hours, a \$150 service charge will be added to owner's monthly bill.



# Cowpet Bay West

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## **CITATION:**

### **Trash Violation**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The Cowpet Bay West Association's By-Laws and Rules and Regulations prohibit owners and occupants from leaving garbage or trash on or around the Cowpet property. In addition, there is a mandate that no trash cans or trash pails be left outside the condo except on designated trash pickup days.

The Cowpet Bay West Board of Directors is authorized by the CBW owners to levy fines for By-Law violations and Rules and Regulations violations. Your residence was identified as the source of a trash violation and therefore is receiving this citation. ***Fines for trash violations will be added to your monthly bill.\****

**The Board has established the following fines for trash violations:**

**1<sup>st</sup> violation: Warning to owner/tenant. However, a \$100 removal/service fee will be levied if CBW needs to remove garbage/trash from a condo's property.\*\***

**2<sup>nd</sup> violation: \$200 fine (plus removal fee, if necessary) added to condo owner's monthly bill**

**3<sup>rd</sup> and successive violations: \$300 fine (plus removal fee, if necessary) added to condo owner's monthly bill**

\*Trash violations are not accumulated per rental guest stay, rather by cumulative number of violations in and around the condo in question.

\*\* When a trash complaint comes into the office, someone in the office will contact the condo owner 24/7 so the owner can resolve the trash violation. If the owner is unavailable to resolve the trash violation and the office has to intercede to remove the garbage, there will be a \$100 service charge will be added to owner's monthly bill.



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## **CITATION:**

### **Service Animal Violation**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The Cowpet Bay West Association's By-Laws prohibit owners and occupants from having dogs on Cowpet Bay West property unless the dogs are registered service animals. The Rules and Regulations also mandate that service animals must be leashed and owners must clean up after their service animals. Last, according to USVI law, while our beaches are open to the public, no dogs are allowed on the beach unless they are leashed.

The Cowpet Bay West Board of Directors is authorized by CBW owners to levy fines for By-Law and Rules and Regulations violations. Your residence was identified as the source of a service animal violation and is therefore is receiving this citation. ***Fines for service animal violations will be added to your monthly bill.\****

**The Board has established the following fines for violations, whether for not cleaning up after your dog/pet, bringing a dog onto the property illegally, or not leashing the dog on the beach:**

**1<sup>st</sup> violation: Warning to owner/tenant. \$100 service fee if CBW needs to clean up after owner/tenant service animal.**

**2<sup>nd</sup> violation: \$200 fine** added to condo owner's monthly bill (plus clean up fee if necessary)

**3<sup>rd</sup> and successive violations: \$400 fine** added to condo owner's monthly bill (plus clean up fee if necessary)



# Cowpet Bay West

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## **CITATION:**

### **Parking Violation**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The Cowpet Bay West Association's By-Laws and Rules and Regulations stipulate that one numbered parking space is provided for each condo unit. In addition, "Guest" spots are indicated throughout the property and cannot be occupied for more than 24 hours. Last, no boat, trailer, or heavy commercial vehicle shall be parked on the property.

The Cowpet Bay West Board of Directors is authorized by the CBW owners to levy fines for By-Law and Rules and Regulations violations. Your registered car (or your tenant's car) was identified as the source of a parking violation and therefore you are receiving this citation. ***Fines for parking violations will be added to your monthly bill.\****

**The Board has established the following fines for parking violations:**

**1<sup>st</sup> violation: Warning to owner/tenant.**

**2<sup>nd</sup> violation: \$100 fine** added to condo owner's monthly bill

**3<sup>rd</sup> and successive violations: \$200 fine** added to condo owner's monthly bill\*\*

\*Parking violations are not accumulated per rental guest stay, rather by cumulative number of violations in and around the condo in question.

**\*\* Repeated parking violations may result in towing at the owner's/renter's expense.**



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## CBW Condo Association Rules & Regulations for Owners & Tenants

**~~ to be posted inside condos for tenants ~~**

Cowpet Bay West is a **residential condo community** bound by rules and regulations that intend to insure neighbors' peaceful co-existence. **All visitors to our property (including short-term renters)** are expected to follow our CBW property rules and regulations. Thank you.

### USVI NOISE ORDINANCES for CONDO and BEACH:

- **No "loud" noise - including loud talk or music** - permitted in the condos, on the balconies, nor on the beach and other outdoor spaces. **\$300-\$1000 fine for noise violations.**
- USVI law defines "loud" as "sound that can be heard 100 ft away" OR "louder than 75dBa" (the noise of a standard vacuum cleaner)

### PARKING:

- **One numbered parking space is provided for each unit.** "Guest" spots are indicated throughout the property **and should not be occupied for more than 24 hours.** No boat, trailer, or heavy commercial vehicle shall be parked on the property. **\$100-\$200 fine and possible towing for parking violations.**

### TRASH:

- **No garbage or trash may be left/disposed of on or adjacent to our property.**
- **No trash cans/pails or garbage bags may be left outside.** Ask your rental agent how to dispose of your trash. **\$100-\$400 fine for trash violations.**

Instructions for TRASH: \_\_\_\_\_

### DOGS:

- **No dogs are allowed on condo property** unless they are registered service animals.
- Service animals must be leashed, and owners/tenants must clean up after them. **\$100-\$400 fine for service dog violations.**

### OUTDOOR SPACES:

- **Barbequing** is not permitted on seaside galleries
- **No personal items may be placed on or stored** under any of the stairways, railings or entry bridges.
- **Balconies and street-side porches should be kept neat and clean.** No towels, laundry etc. may be hung on balcony railings.

**Short-term tenants should register complaints with their rental agent, not the Cowpet office. Thank you.**

Rental Agency/Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Trash: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Cable TV/Internet: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Maintenance: \_\_\_\_\_ Phone Number: \_\_\_\_\_

*"Water is a precious resource here in St. Thomas - please use it cautiously."*