



CEDAR RIDGE

ESTABLISHED 1990

Cedar Ridge Homeowners Association

P.O. Box 7403, Bonney Lake, WA 98391

Fine Schedule and Enforcement Policy

ENFORCEMENT POLICY

Investigation of Violation: When a possible violation is reported to or otherwise becomes known to the Cedar Ridge Homeowner's Association (Association), it will be investigated by the Board of Directors (Board), and a determination made as to whether a violation has occurred.

First Notice of Non-Compliance: A first notice is provided to the homeowner in violation. The notice will identify the nature of the violation(s) and the potential fine if not corrected within thirty (30) calendar days of notification. The letter will also provide the homeowner with an opportunity to provide a written explanation if the violation cannot reasonably be corrected in thirty (30) calendar days.

Final Notice of Non-Compliance: A final notice is provided to the owner in violation after twenty (20) calendar days. Along with the final deadline for compliance and a statement that fines will commence, the notice shall also specify the following information:

- a.** Homeowner has the right to request a hearing solely for the purpose of disputing the validity or basis of being fined;
- b.** Homeowner must notify the Board in writing that owner requests a hearing within ten (10) of the date of the final Association letter;
- c.** If homeowner does not timely give written notice to the Board that owner is requesting a hearing, homeowner waives the right to a hearing;

The deadline for requesting a hearing and the waiver of the right to hearing for failure to timely meet the deadline is intended to bring a definitive closure to the hearing request period, so that a homeowner cannot unreasonably obstruct or delay implementation or collection of the imposed fines by requesting a hearing after collection or enforcement efforts begin.

The owner must complete a written Request for Hearing which shall be mailed or delivered to the Board. The appeal request must contain the following:

- a. Homeowner's name and address;
- b. Homeowner's reasons, basis and defense for the hearing;
- c. A copy of all supporting documentation;
- d. The name of any attending witness or other collaborating guest;
- e. Homeowner's signature and date of the Request for Hearing;

Hearing Procedures:

The homeowner will be sent confirmation by the Board of its receipt of the Request for Hearing.

- a. The Board will appoint and assemble a minimum of three (3) (or more at the Board's discretion) current members of the Association and/or the Association's Board, or appoint and name a representative designated by the Board to act as a Review Board (Review Board) within seven (7) calendar days following receipt of a written Request for Hearing complying with the information requirements set forth above.
- b. No later than ten (10) calendar days following the formation of the Review Board, the Review Board shall provide written notice to the appellant homeowner of a hearing date, which notice will provide the date, time, and location of the hearing, which is to be determined by the Review Board.
- c. The Review Board will permit the appealing homeowner up to thirty (30) minutes to explain the circumstances of the matter and provide grounds as to why the fine should be waived, reduced, or cancelled.
- d. At the conclusion of the presentation, the hearing will adjourn, and the Review Board will review the circumstances of the Request for Hearing as presented.
- e. Within seven (7) calendar days of the hearing, the Review Board will provide written notice to the homeowner of the Review Board's decision.
- f. If the Review Board finds in favor of the homeowner, it will advise the homeowner as to whether the violation and/or the fines originally imposed are reduced, modified, or waived. Any adjustment(s) shall reflect on the homeowner's account the following month.
- g. If the Review Board determines that the homeowner's explanation or defense presented at the hearing was inadequate or otherwise failed to justify a reduction,

modification, or waiver of the violation and/or fines, the homeowner will be so notified, in which case the fines imposed will continue as owed to the Association until paid in full regardless of whether the violation has since been removed or corrected. In any event, if the Review Board finds against the homeowner, the fines will continue to accrue until full and adequate compliance occurs by homeowner.

Continuing Non-Compliance:

The Board may impose a continuing monetary penalty without additional notice or hearing, until correction of the violation(s) occurs. Alternatively, the Board can correct the violation(s) and be reimbursed at the expense of the homeowner.

(A continuing violation is a violation of an ongoing nature which has not been corrected in the specified time allowed.)

Repeat Violation:

In the case of a repeat, continuing violation, fines (which have already been doubled) may be assessed on a weekly basis until the violation is corrected.

(A repeat violation occurs when a person violates the same provision of the Association's governing documents more than once and has already been given the appropriate warnings and offered a hearing. A repeated violation may result in an immediate doubling of fines.)

Stop Work Order:

In addition to posting a fine, if appropriate based upon the nature of the violation, the Board may issue a Stop Work Order to any person or entity engaged in unauthorized activity or actions that violate the Association's governing documents.

(An unauthorized activity is an activity which requires prior written approval of the Board or the Architectural Control Committee (ACC), and which has not received prior written approval.)

A Stop Work Order shall:

- a. Identify the address of the property involved;
- b. Describe the unauthorized activity;
- c. Identify the specific prior approval requirement being violated;
- d. State that the unauthorized activity shall immediately cease, and describe any additional sanctions to be imposed;
- e. State that the delivery of the Stop Work Order serves as a determination that a violation has occurred;

f. State that this determination is final unless it is appealed to the Board, in writing, within 10 days of the date that the Stop Work Order was issued;

g. State that the failure to immediately comply with the terms of the Stop Work Order will cause a \$350.00 fine to be imposed, and that for each week thereafter in which non-compliance with the Stop Work Order takes place, a separate fine of \$350.00 fine will be imposed.

Collection of Fines:

The Board will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable.

All fines imposed by the Association upon an owner or owners which remain unpaid for thirty (30) days after being invoiced to owner shall automatically constitute a lien on the Lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with the county in order to further protect its interests regarding any unpaid fines. The amount of the lien shall include interest, attorneys' fees, and all costs and expenses, incurred by the Association in the imposition and collection of such unpaid fines.

Reasonable Fine Amounts:

“Reasonable fines” is the term used in RCW 64.38.020(11). The Board determines these amounts by considering, but not limited to, the following: **(1)** The safety of other homeowners and their property; **(2)** local area costs, where applicable, to maintain compliance; **(3)** the severity of the issue throughout the Association; and **(4)** comparing similarly sized and valued HOAs/COAs.

Policy Enforceability:

If any portion of this policy is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the policy.

FINE SCHEDULE

Maintenance Violation:	\$50.00 per week
Garbage and Trash Violation:	\$10.00 per day
Pets Violation:	\$25.00 per day
Vehicles Violation:	\$40.00 per week
Architectural Violation:	\$25.00 - \$100 per week
ACC Application Violation:	\$100.00 per occurrence (An ACC Application must be submitted and approved before any architectural improvements can be made. If the application is not submitted and approved prior to commencement of the work, fines may be imposed from the day work began, after the appropriate notice and hearing,)

The above list is not complete or comprehensive. Other significant violations not listed or specified above, such as illegal dumping in common areas, re-roofing with unapproved materials, and common area encroachment, may result in reasonable fines up to \$500.00 per week. The payment of any and all legal fees and related costs incurred by the Association to enforce violations or collect fines shall be the responsibility of the violating homeowner pursuant to the Association's governance documents which state the following:

CC&Rs ARTICLE V Section 5.2:
ENFORCEMENT. The Board or the ACC shall have the right to enforce any provision of the Declaration or to recover damages resulting from any violation thereof by any proceeding at law or in equity. Thirty (30) days after written notice to the owner of any Lot setting forth a violation, the board, the ACC, or the agent of either may enter upon such Lot, which entry shall not be deemed a trespass, and take whatever steps are necessary to correct the violation. ***The expenses thereof, if not paid by such owner within thirty (30) days after written notice and billing, may be filed as a lien upon such Lot.*** Failure of the board to enforce any provision herein shall in no event be deemed a waiver of the right to do so. In the event of legal action, the prevailing party shall be entitled to recover actual costs and reasonable attorney fees.

Board Approval Signatures – Not Valid Unless Signed

Print Name	Signature	Board Position	Date