

Treehill Park Homeowners Association

RESOLUTION 18-02

Schedule of Fines

WHEREAS the property owners, tenants, guests, or other persons occupying Treehill units or using the common facilities are subject to the rules and regulations set forth in the Declaration of Unit Owners, the Bylaws, and the Condo Rules of Treehill Park Homeowners Association as well as those found in the Oregon Condominium Act, and

WHEREAS Section 100.405 of the Oregon Revised Statute Condominium Act empowers the Board in matters relating to the collection of assessments and the enforcement of governing documents, and

WHEREAS Section 4.2 of the Bylaws of the of Treehill Park Homeowners Assn. charges the Board with the powers and duties necessary for the administration of the affairs of the Association, and

WHEREAS Section 15.0 of the Bylaws, Section 8.12 of the Declaration of Unit Owners, and Section XII of the Condo Rules gives the Board the authority to take financial and/or legal action against property owners found to be in violation of rules if corrective action for the violation is not taken, and

WHEREAS Section 100.405 (4) (k) of the Oregon Revised Condominium Act requires that all charges or fines imposed by the Board be based on a Schedule of Fines, and

WHEREAS Section 100.405 (4) (k) of the Oregon Revised Condominium Act requires that property owners found to be in violation of rules be given an opportunity to request a hearing before the Board before a charge or fine is assessed, and

WHEREAS it is the intent of the Board:

1. To achieve compliance with rules, policies, and procedures
2. To promote unity and harmony within the complex
3. To maintain the appearance and value of our property
4. To maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners

NOW, THEREFORE, BE IT RESOLVED that the following procedures replace Resolution 02-02, Schedule of Fines and be used to address suspected violations of the rules and regulations set forth in the Declaration of Unit Owners, the Bylaws, and the Condo Rules of Treehill Park Homeowners Association and adopted Resolutions:

A. ORIGINATION / INITIATION OF COMPLAINT:

1. Board of Directors. A complaint of an alleged violation including without limitation, failure to maintain property in accordance with the Bylaws or Declaration, may be initiated by the Board of Directors based on information received from a committee established by the Board of Directors, a managing agent, an owner, or other source the Board deems reliable. The Board shall record its decision to initiate a complaint under this Section in the minutes of an open board meeting and include the information required under Section 2 below.

2. Owners.

(a) Owners may initiate an enforcement action against another owner, tenant, guest, visitor or occupant by submitting a complaint to the Board or managing agent in writing and signed or electronically via email by the Complaining Owner. The complaint must include:

1. The name and address of the Complaining Owner.
2. The name and address of the Alleged Offending Owner (if known).
3. A description of the offending behavior or activity, including the date and approximate time.
4. Whether or not the Complaining Owner contacted the Alleged Offending Owner and if the contact was made:
 - A. The date and approximate time that the Complaining Owner contacted the Alleged Offending Owner;
 - B. A statement that the parties have not been able to resolve the matter; and
 - C. The date and approximate time that the behavior or activity continued thereafter.

(b) Unless a complaint by an owner is submitted in writing or electronically via email and contains the information required under Subsection (a) of this Section, the Board may, at its discretion, not take enforcement action based on the owner's complaint.

(c) Upon receipt of a written or emailed complaint from a Complaining Owner, in the discretion of the Board, a copy may be provided to the Alleged Offending Owner. If the complaint is against a tenant, guest, visitor, or occupant of an owner, rather than the owner, a copy of the complaint, when the Board deems appropriate, may be also be provided to the tenant, guest, visitor, or occupant.

B. VIOLATIONS, COMPLAINTS, and NOTIFICATION:

1. Upon receipt of a written or electronic complaint, the property manager or appropriate committee will examine the condition and will make an initial determination of whether a violation exists.

2. (a) If it is determined that a violation does exist; property owner will be notified in writing or electronically via email. The notification to the property owner will be sent by Certified Mail, return receipt requested; by First Class Mail; and electronically via email.

(b) If the property is a rental unit the renter will also receive a copy of the notification. The notification to the renter will be sent First Class Mail and electronically via email.

(c) The notification will state the rule that has been violated, a description of the violation, and the date by which the violation must be corrected to avoid any further penalty.

(d) A time limit of fourteen (14) calendar days from the date of post mark of the notification shall be set for compliance or correction of the violation.

(e) The notification will also inform the property owner of their right to request a hearing.

C. INFORMAL ACTION

Nothing in this Article precludes the president, a designated Board member or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting with, telephone call to, or a letter to the Alleged Offending Owner. For a complaint by a Complaining Owner under Section A.2, above, the Chairperson, designated Board member or person authorized by the Board shall report to the Complaining Owner any action taken. The report must be documented in the appropriate records of the Association.

D. HOMEOWNER’S RIGHT TO A HEARING:

1. (a) The request for a hearing must be submitted within fourteen (14) days of the date of post mark of the notification or the right to a hearing will be waived and the fine will automatically be assessed.

(b) The request for a hearing must be directed to the property management company whose name, address, phone number and e-mail address shall be listed on the Notices of Violation.

(c) The purpose of the hearing is to provide the property owner the opportunity to establish why the rule has not been violated or why the rule or procedure does not apply.

(d) After hearing the property owner’s position, the Board, or a committee appointed by the Board, shall make a determination whether the Declaration, the Bylaws, or the Condo Rules have been violated. The Board shall either render its decision at the conclusion of the hearing or will take the matter under advisement and render the decision at a later Board meeting.

(e) No hearing will be held on a subsequent or continued violation of the same rule or for the same or substantially the same conduct by the same party.

2. (a) The Board’s decision shall be presented to the property owner in writing or electronically via email. The decision to the property owner will be sent by Certified Mail, return receipt requested; by First Class Mail; and electronically via email.

(b) If, after the hearing, the Board determines that no violation exists, no further action on the part of the homeowner will be required.

E. BOARD ACTIONS:

Action by the Board may include, without limitation, one or more of the following:

(a) Imposition of one-time or continuing fines pursuant to the Penalty section, until the Offending Owner takes corrective action satisfactory to the Board;

(1) In addition to any one-time, per-occurrence or continuing fine in an amount set forth in the Penalty section, the Board may assess any investigative or administrative cost incurred in the course of investigating or abating a violation.

(b) Subject to 15.0 of the Bylaws, initiation of a lawsuit against the Offending Owner, and tenants, guest, or other occupants of the Offending Owner;

(c) Abatement by the Association and assessment of the cost therefore to the Offending Owner;

(d) Termination of the right to receive utility services paid for out of assessments or the right of access to or use of facilities of the Association until corrective action has been taken; or

(e) Any other action specifically provided for under the Act, the Declaration, Bylaws, Rule and Regulations, or Resolution adopted by the Board of Directors.

F. SPECIFIC AND REPEAT VIOLATIONS

1. Certain Types of Violations Subject to Cure and Abatement Period. The Board, in its discretion may by resolution or amendment to the Schedule of Fines, designate certain types of violations as subject to a cure and abatement period during which owners may avoid fines by curing any alleged violations.

2. Repeat Violations. Owners who repeat a violation within ninety (90) days of the previous violation are not entitled to a cure and abatement period. Owners who repeat the violation within thirty (30) days are not entitled to the right to a hearing unless the Board finds extraordinary circumstances which would compel either a cure and abatement period or a hearing. For such violations, the Board shall give notice of the violation in the manner specified in B, above.

G. PENALTIES:

If a violation still exists after the initial fourteen (14) day period, and if the property owner has not requested a hearing, the following penalties will be assessed.

1. A violation of Section VII of the Condo Rules, Quiet Hours and Noise Control: Unreasonable or excessive noise will not be permitted. All noises must be kept low enough not to be discernible outside the unit. This includes loud talking, TV, radios, stereos, musical instruments. Pets must be restrained from making noise. Noise from permitted air conditioners must not be excessive. Noise from automobile operations including alarms, starting, or idling must be kept to a minimum.....\$100 for first incident and will double with each repeat offense.

2. A driving violation of Parking Rules and Vehicle Restrictions Section of Resolution 18-01: It is everyone's responsibility to exercise caution when driving inside Treehill or into or out of Treehill onto 238th. Vehicle traffic within the property is limited to 5 miles per hour as a safety precaution. This speed limit shall apply to bicycles, motor scooters, motorcycles, automobiles and trucks. Stop signs are to be obeyed. Reckless driving shall be reported to the Board of Directors and the police.....\$50 per occurrence and will double with each repeat occurrence

3. A violation of Section X, Pets of the Condo Rules: Pets and the actions of pets are the responsibility of their owners. If the pet owner is a guest, the unit resident is responsible for the pet. Homeowners, in turn, are responsible for actions or inactions of tenant and tenants' pets. Included are Pet Rules A – I that are patterned after and are in accord with the laws of Multnomah County.....\$50 per occurrence and will double with each repeat occurrence

4. A violation of Section V, General Maintenance, of Condo Rules: The unit owner is responsible for maintaining the sidewalks and entrance areas in a neat, clean manner, free of any obstructions, litter, pet feces, etc. This includes the removal of snow and ice accumulations from sidewalks. Patio, deck area and parking stalls must be left clean and orderly. Trash must be removed. Bad odors must be controlled.....\$100 per occurrence and will double with each repeat occurrence

5. A violation of Section VII, Trash and Garbage, of Condo Rules: All garbage and recycle containers are the property of the trash company and should only be used for what they were designed for. It is prohibited to dispose of garbage, trash or recyclables outside of the containers assigned to the unit. Containers are not to be parked near doorways or on sidewalks. Residents are responsible for placing containers by the parking area on the designed collection day and returning them to inside courtyards, garages or sheds at end of the day of collection.....\$50 per occurrence and will double with each repeat occurrence

6. A violation of Section 11.0 of Bylaws, Rules of Conduct: No resident of the project shall post any advertisements, or posters or signs of any kind in or on the project except as authorized by the Association.....\$30 a day

7. A violation of Section V, Repair of Units, of Condo Rules: The Homeowners Association is responsible for maintenance and repair of common or limited common areas. No maintenance, repair or alteration of common or limited elements shall be made by any owner or resident without specific written approval from the Association.....\$500 fine per occurrence

8. A parking violation of Parking Rules and Vehicle Restrictions Section of Resolution 18-01: All vehicles must be registered with the Management Company upon the purchase of a unit or the leasing of a unit, as well as at any time re-registration is requested by the Association. If requested by the Association, owners and tenants shall provide a copy of the vehicle registration. Vehicles without a parking permit may be towed immediately upon a parking violation being noted.....\$50 per occurrence and will double with each repeat occurrence

9. Other violation of the Declaration, Bylaws, or Rules and Regulations not set forth above:
.....\$100 - \$200 an incident
.....or \$30 per day at Board discretion

In addition to the above fines, the offending owner is subject to additional assessments for the cost to the Association to:

1. Repair, replace, remove, alter or clean up the violation to achieve compliance with the Declaration, Bylaws, and Rules and Regulations; or
2. Restore affected property to its original condition.

H. ASSESSED FINES and LEGAL ISSUES:

1. The above fines are in addition to any legal fees or other expenses that may be incurred by the Association in seeking compliance with violations or for replacement or repair of common areas or facilities damaged by the property owner.
2. Should a fine be assessed by the Board, the amount will be invoiced and sent to the property owner at their last known address and will be immediately due and payable.
3. Unpaid fines shall be subject to collection as assessments in accordance with resolutions adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws.
4. Failure to pay fines within sixty (60) days may result in a lien placed against the property.

NOW, THEREFORE BE IT RESOLVED notwithstanding any other provision in this resolution, the Board may take immediate legal action as it deems reasonably necessary to prohibit conduct which it determines is in violation of the Declaration, Bylaws, Condo Rules, or applicable state or federal law.

AND BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all property owners at their last known address.

Adopted by the Board the 31th Day of October, 2018

/s/ Carol Woods
Board Chair

/s/ Paula Wood
Board Secretary