

# **SEXTON PLACE CONDOMINIUMS OWNERS' ASSOCIATION**

## **Resolution of the Board of Directors**

### **Enforcement and Fine Resolution**

#### **RECITALS**

- A. Sexton Place Condominiums Owners' Association is located in Washington County, Oregon and is subject to ORS Chapter 100, the Oregon Condominium Act.
- B. Sexton Place Condominiums Owners' Association is an Oregon Nonprofit Corporation created to oversee the affairs and operations of the Condominium.
- C. Pursuant to ORS 100.405(3), Article 3 Section 3.2 of the Bylaws embodies the Board of Directors ("Board") with all of the powers and duties necessary for the administration of the affairs of the Association.
- D. ORS 100.405(4)(a); Articles 3 Section 3.2.5; Article 10 Section 10.2 of the Bylaws empower the Board to adopt rules and regulations pursuant to section 7.30.
- E. ORS 100.405(4)(k); Article 3 Section 3.2.15 provides that the Board may levy reasonable fines for violations of the Declaration, Bylaws, and rules and regulations of the Association after notice and an opportunity to be heard, if the fine is based on a schedule of fines adopted by a resolution of the Board.
- F. ORS 100.450(4)(c) and Article 3 Section 3.2.15 of the Bylaws of the Association provide that fees, late charges, fines, and interest imposed, pursuant to ORS 100.405(4)(c), are enforceable as assessments and authorizes the Board of Directors to enforce by legal means the provisions of the declaration, Bylaws, and any Rules and Regulations.
- G. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a procedure to ensure that owners receive notice and an opportunity to be heard in cases involving alleged noncompliance by an Owner or Resident with the provisions of the Declaration, Bylaws or Rules and Regulations.

- H. The Board deems it necessary and desirable to adopt and/or revise a Schedule of Fines to be used as guidance by the Board in determination of sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

## **RESOLUTION**

### **1. VIOLATIONS**

- 1.1. The Board of Directors may begin enforcement proceedings if it determines that there is a violation or probable violation of the Declaration, Bylaws, or Rules and Regulations. Actual knowledge, a complaint submitted by an owner, or any other reliable information is sufficient to make a determination.
- 1.2. Any complaint submitted by an owner must contain the following:
  - 1.2.1. Name and address of owner submitting the complaint.
  - 1.2.2. Name and address of violating Owner; and
- 1.3. If the violation poses immediate health, life, safety, or sanitary issues, the Board may take action without following the procedures described in this Resolution.

### **2. NOTICE**

- 2.1. After determining the existence of a violation or probable violation, the Board shall notify the owner or their agent of the violation.
- 2.2. The notice shall contain the following:
  - 2.2.1. A description of the violation;
  - 2.2.2. If available, photographs of the violation;
  - 2.2.3. A statement that the owner is entitled to request a hearing with the Board within ten (10) days after the date of the violation notice and as outlined below:
    - 2.2.3.1. If the violation is a first offense, the initial violation notice shall include a statement that the owner is entitled to either:
      - 2.2.3.1.1. Request a hearing with the Board within ten (10) days after the date of the violation; or
      - 2.2.3.1.2. Remedy the violation within 10 days` after the date of the violation notice and send photos or a statement to the Board or their Agent that the violation has been corrected; or

- 2.2.3.1.3. If no hearing is requested as defined above, and if the violation has not been corrected within ten (10) days after the date of the violation, a fine will be assessed to the owner in accordance with the current *Schedule of Fines* adopted by the Board.
- 2.2.3.1.4. Owners who repeat any violation shall not be entitled to an additional notice or hearing, regardless of whether or not the Owner participated in a hearing as a result of the first violation. For such repeat violations, the Board may automatically begin fines as outlined in the attached *Schedule of Fines*.
- 2.2.4. If a hearing is requested within the time specified in the violation notice, the Board of Directors or their agent shall provide a time, date, and place for the hearing.
- 2.2.5. The amount of the fine shall be consistent with the Schedule of Fines, unless determined otherwise by the Board of Directors.
- 2.2.6. Whether the fine will be levied daily, weekly, monthly, or per incident;
- 2.2.7. Describe any other remedies that may or may be taken by the Association to remedy the violation.
- 2.2.8. Whether action must be taken by the violating owner to remedy the violation, whether or not if a fine is levied.
- 2.2.9. The time frame for remedying the violation, whether or not a fine is levied.
- 2.2.10. Any other information which the Board deems necessary.
- 2.3. The violation notice shall be mailed to the Owner via first class mail to the address on file with the Association, emailed to the Owner to the primary email address on file with the Association, or posted to the door of the Unit.
  - 2.3.1. The violation notice may or may not be posted to the unit at the discretion of the Board or their designated Agent.

### **3. RIGHT TO A HEARING**

- 3.1. Prior to levying fines against a violating owner for a first offense, the Board must give the owner an opportunity for a hearing with the Board for the purpose of defending against the violation.
- 3.2. If the violating Owner requests a hearing and fails to attend the hearing, the Board may take any of the actions described in Section 4.2 below.
- 3.3. If the violating Owner is present at the hearing, the violating Owner may present testimony or other evidence showing that there was no violation, or that the violation is not subject to enforcement by the Board.

### **4. BOARD DETERMINATION**

- 4.1. At the conclusion of the hearing, or if the violating Owner fails to appear, the Board may deliberate on the issues in closed executive session pursuant to ORS 100.420.
- 4.2. The Board shall then make a determination and may:
  - 4.2.1. Proceed with levying fines consistent with the Schedule of Fines, or as otherwise determined by the Board of Directors;
  - 4.2.2. Take any other enforcement action available; or
  - 4.2.3. Dismiss the complaint.
- 4.3. After deliberation, the Board shall announce its decision in an open board meeting and record the decision in the meeting minutes of the Board.

### **5. MISCELLANEOUS**

- 5.1. The Owner of any unit shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or Rules and Regulations.
- 5.2. The Association shall be entitled to recover costs and attorneys' fees incurred by it to collect delinquent assessments or fines, or to enforce the terms of the Declaration, bylaws or any rules or regulations promulgated thereunder whether or not any action or suit is filed.
- 5.3. The Board reserves the right to amend, revise, or add to the *Schedule of Fines* and this Resolution, as the Board deems necessary.

- 5.4. This Resolution of the Board of Directors shall void and replace any and all other Enforcement Resolution(s) that may have been adopted prior to the adoption of this Enforcement Resolution.
- 5.5. The *Schedule of Fines* attached as Exhibit A is adopted by the Board of Directors to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association.
- 5.6. A copy of this Resolution shall be delivered to all Owners at the Condominium either by hand delivery to the unit, or First-class mail, or by electronic delivery to the primary email address on record for the Owner.

Approved and adopted on: 10-27-2020, \_\_\_\_\_

By:

Spannette Alexander  
President

[Signature]  
Secretary

**EXHIBIT "A"**  
**SCHEDULE OF FINES**

1)	Unauthorized raising, breeding, keeping, or permitting of a pet in a Unit	\$50/day
2)	Failure to control a pet from being a nuisance	\$100/occurrence
3)	Leaving animal defecation on common grounds	\$100/occurrence
4)	Animals off leash in common area	\$50/occurrence
5)	Unauthorized change in exterior appearance of common elements	\$50/day
6)	Unauthorized hanging of clothes, rugs and similar items from windows or deck rails	\$50/day
7)	Failure to install proper catch trays under plants on upper level decks	\$50/occurrence
8)	Unauthorized display of signage	\$50/day
9)	Failure to remove seasonal decorations within 14 calendar days after holiday date	\$50/day
10)	Placement of air conditioning units, antennae, or satellites without Board approval	\$50/day
11)	Noxious, improper, or offensive activities	\$100/occurrence
12)	Excessive noise, including but not limited to during quiet hours of 10pm to 8am	\$100/occurrence
13)	Placing trash in any common or limited common areas (not contained in garbage cans)	\$100/occurrence
14)	Leaving trash/recycle carts visible from roadway 24 hours after pickup	\$50/day
15)	Placement of Christmas trees, furniture, or other large items in the common areas	\$100/occurrence
16)	Non-removal of any dead plants or empty plant pots from patios, entries, and/or common areas	\$50/occurrence
17)	Unauthorized or broken blinds, drapes, or curtains	\$50/day
18)	Placement of window coverings other than white or neutral (light beige) solid color	\$50/day
19)	Parking in a parking space assigned to another unit owner	\$100/occurrence
20)	Resident vehicle in a parking space designated for Guests or Visitors	\$100/occurrence
21)	Resident or Guest vehicle parked sideways in front of a garage without a full parking space	\$100/occurrence
22)	Driving at excessive speeds in parking lots	\$100/occurrence
23)	Unauthorized occupant under the rental restrictions	\$1,000/month
24)	Failure to provide copy of lease and Tenant information within 15/days of execution	\$50/day
25)	Parking of recreational vehicles, campers, trailers, boats and boat trailers, oversized vans or trucks, and/or storage containers/PODS	\$250/day
26)	Failure to remove any vehicle in disrepair or with expired license tags	\$100/day or tow
27)	Vehicles apparently being stored on the property (no movement for at least 72 hours)	\$50/day
28)	Use of skateboards, bicycles, or other play equipment in parking area or common areas	\$100/occurrence
29)	Storage of unpermitted items on patios, balconies, or in common or limited common areas	\$50/occurrence
30)	Window air conditioners protruding past the window screen	\$100/occurrence
31)	Placement of foil, cardboard, plywood, stickers, or any material in the window that changes the exterior appearance	\$50/occurrence
32)	Use of Unit for Non-Residential Purposes including but not limited to daycare operations, auto dealerships, and/or any other business that brings traffic into the Association.	\$100/day
33)	Smoking anywhere within the boundaries of the Condominium ( <u>no warnings provided</u> )	\$250/occurrence
34)	Other violations of the Declaration, Bylaws, or Rules and Regulations	\$100/occurrence
35)	Other continuing violations of the Declaration, Bylaws, or Rules and Regulations	\$50/day
36)	Repeat offenses of the same violation ( <u>no warnings provided, fine assessed w/o notice</u> )	Double Prev. Fine

**The above fines may be imposed on a one-time, each occurrence, or continuing daily, weekly, or monthly basis as determined by the Board. If the same violation occurs within a 12-month period, the Board will levy fines without a notice or a hearing.**