

<b>The Islands Moorage</b>	<b>Policy # 24</b>
<b>Schedule of Fines</b>	<b>Policy Date</b> 11/21/06
<b>Approved by: The Board of Directors</b>	<b>Date Revised</b>

**Policy:** The Board of Directors desires a consistent set of procedures to enforce rules, regulations, CC&Rs, and Bylaws to promote a safe, attractive and compatible community. The purpose of fines is to promote desired behavior. Therefore, people found in violation of rules or restrictions may be given the opportunity to correct the situation before the fine is actually imposed, as specified in the attached First Notice.

**References:**

CC&Rs Article VI.10 requires a schedule of fines to be approved by the membership for violations of Article VI, Property Use Restrictions. Article IX creates liens for fines. ORS 94.630(1)(n) requires written notice, an opportunity to be heard, and delivery of the schedule to all members. Policy #18 deals with fines for second notices for failure to designate insurance coverage.

**Procedure:**

1. **Initiation of fines.** Complaints of violations listed in the attached schedule may be made in writing or verbally to the Board or to a Board member. Upon complaint, the Board or a Board member will begin an investigation. Board members may also identify violations in the course of their duties. Immediate action may be called for to remedy the situation. The results of the investigation will be presented at a Board meeting. Action and/or fines may be set, without progressive notices, by a majority of Board members.
2. **Notice and Hearing.** The Board of Directors will cause a notice to be sent to the Slip Owner, and resident if different. The notice will state the offense, the deadline for correction (if applicable), amount of fine and payment deadline, and expected consequences if the fine is not paid or the problem not corrected. The first notice will specify the member can request a hearing.
3. **Schedule review.** The Board will review the Schedule of Fines, and propose modifications as necessary for approval at the Annual Meeting.

Attachments: (1) Approved Schedule of Fines. (2) Sample letters of Property Management company notifying about fines.

## **Schedule of Fines for the Islands Moorage**

The Declaration of Protective Covenants, Conditions, and Restrictions requires a Schedule of Fines to be approved by the membership. Fines listed below are referenced to their CC&R article. This scheduled is implemented in accordance with The Islands Moorage Policy and Procedure 24, "Schedule of Fines." Should a fine be assessed, every violator has an opportunity for a hearing.

### **I. Low Impact violations: \$20 fine for first occurrence**

1. Unapproved signs (Article VI.2)
2. Dogs, pet violations, or failure to remedy pet nuisances (Article VI.3.A-C)
3. Dumping rubbish or other waste, including oil, except in approved dumpsters. (Article VI.4)
4. Permitting noxious, offensive, or unsightly conditions (Article VI.5)
5. Storage or placement of car parts or appliances in common or parking areas. (Article VI.6)
6. Parking in violation of posted parking rules. (Towing may be in addition.)
7. Firearms, fireworks, excessive noise or loud, obscene or abusive conduct (Article VI.7)
8. Failure to rectify damage to common property (Article VI.8)
9. Failure to maintain home in a clean, safe, and uncluttered condition (Article VII)
10. Allowing water leaks or improper attachment of home (Article VII)
11. Excessive boat speed within marina boundaries

### **II. Medium Impact violations: \$50 fine for first occurrence**

1. Allowing sewage leaks, except when forced by weather conditions (Article VII, P&P#2)
2. Failure to properly complete a slip membership transfer (Article X.10)
3. Where the Association must perform Owner obligations, plus costs to perform (Article IX.9, X.12)
4. Situations which create safety or fire hazards.
5. Other violations of CC&Rs or bylaws not listed above, including failure to get architectural approvals.
6. Failure to take action on low impact First Notices

### **III. High Impact violations: \$150 for each occurrence**

1. Failure to take action on Second Notices, Medium Impact First Notices, and continued Third Notices

### **IV. Extreme Impact Violations: fine amount set by Board.**

1. Failure to obtain Association written consent to transfer or sell a Membership Certificate (Article X.11)
2. If behavior causes a financial burden to the Moorage, it may be passed through to the offending party, to the extent allowed by law. For example, any resident-caused condition that results in a DEQ fine to the Moorage may be assigned to the slip Owner.

# Sample Letter

The Islands Moorage  
c/o Kappes-Miller Property Management  
4 Monroe Parkway, Suite G  
Lake Oswego, OR 97035  
\_\_\_\_\_ date \_\_\_\_\_

## FIRST NOTICE OF VIOLATION

*(Addressee)*

Dear \_\_\_\_\_

It has been brought to our attention that the following situation exists or has occurred at your unit:

*(Description of situation / condition / violation).*

This condition is in violation of *(specify rule)*

**REQUEST FOR CORRECTION.** The Islands Moorage Board of Directors is committed to maintaining an attractive, harmonious community. Therefore it requests that you take appropriate action to correct the violation **no later than ten (10) calendar days from the date of postmark of this First Notice**. If the violation is an occurrence violation, such as excessive noise, please state how you will prevent the occurrence from happening again. Your plan must be acceptable to the Board.

**ASSESSMENT OF FINES.** If the violation is not satisfactorily corrected within the ten (10) day period, or a satisfactory plan of prevention of repeat violations is not submitted, the Board may assess a fine as specified in Policy & Procedure 24, *Schedule of Fines*. The fine for this violation is \$ \_\_\_\_\_ which will be sent to you by invoice. **Failure to pay the fine will result in a \$20 late fee until the fine is paid. Failure to correct the situation will result in additional, increased fines, in accordance with the Schedule of Fines.** Unpaid fines are subject to collection as assessments in accordance with Policies adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws. Fines not paid within sixty (60) days may also result in a lien placed against your property.

**YOU HAVE THE RIGHT TO REQUEST A HEARING:** If you believe the rule has not been violated, or the rule or procedure does not apply, you are entitled to a hearing with the Board of Directors who will consider your specific situation. If you wish to schedule a hearing, please notify Kappes-Miller Property Management at the number listed below **no later than ten (10) calendar days from the date of postmark of this notice**. If you do not notify us of your desire for a hearing your right to a hearing will be waived. If you do not correct the violation, the fine will automatically be sent to you by invoice.

We know you are committed to maintaining our community, and we anticipate your compliance. To report completion of your corrective action, please contact me at 503-699-5427.

Sincerely,

Property Manager

## Sample Letter

The Islands Moorage  
c/o Kappes-Miller Property Management  
4 Monroe Parkway, Suite G  
Lake Oswego, OR 97035

\_\_\_\_\_ date \_\_\_\_\_

### SECOND NOTICE OF VIOLATION

*(Addressee)*

Dear \_\_\_\_\_

It has been brought to our attention that the following condition still exists at your unit at \_\_\_\_\_.

*(Description of situation / condition / violation).*

This condition is in violation of *(specify rule)*

This is a Second Notice of Violation for the above problem.

The Board requests that you take appropriate action to correct the violation **no later than ten (10) calendar days from the date of postmark of this notice..**

If the violation is not satisfactorily corrected within the ten (10) day period, the Board may assess a fine as specified in Policy & Procedure An, *Schedule of Fines*. **For a Second Notice of Violation, the fine is \$50.00, which will be sent to you by invoice.**

Unpaid fines shall be subject to collection as assessments in accordance with Policies adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws. Fines not paid within sixty (60) days may also result in a lien placed against your property.

To report completion of your corrective action, please contact the Kappes-Miller Property Management at 503-699-5427.

Sincerely,

Property Manager

# Sample Letter

The Islands Moorage  
c/o Kappes-Miller Property Management  
4 Monroe Parkway, Suite G  
Lake Oswego, OR 97035  
\_\_\_\_\_ date \_\_\_\_\_

## THIRD NOTICE OF VIOLATION

*(Addressee)*

Dear \_\_\_\_\_

It has been brought to our attention that the following condition still exists at your unit at \_\_\_\_\_.

*(Description of situation / condition / violation).*

This condition is in violation of *(specify rule)*

This is a Third Notice of Violation for the above problem.

The Board requests that you take appropriate action to correct the violation **no later than ten (10) calendar days from the date of postmark of this notice.**

If the violation is not satisfactorily corrected within the ten (10) day period, the Board may assess a fine as specified in Policy & Procedure *An, Schedule of Fines*. For a Third Notice of Violation, the fine is \$150.00 which will be sent to you by invoice. **Because this is a third notice of violation for the same problem, you will be billed \$150.00 per month until the problem is corrected.** No additional notices will be sent, just invoices for the continuing fines.

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. Fines not paid within sixty (60) days may also result in a lien placed against your property.

To report completion of your corrective action, please contact the Kappes-Miller Property Management at 503-699-5427.

Sincerely,

Property Manager

# Sample Letter

The Islands Moorage  
c/o Kappes-Miller Property Management  
4 Monroe Parkway, Suite G  
Lake Oswego, OR 97035  
\_\_\_\_\_ date \_\_\_\_\_

## LATE FEE NOTICE – FAILURE TO PAY FINE OF VIOLATION

*(Addressee)*

Dear \_\_\_\_\_

On \_\_\_\_\_ (date) you were sent a First Notice of violation of one of rules of the Association:

*(Description of situation / condition / violation).*

The problem was not corrected nor appealed within ten days of the postmark of the letter, nor was any plan of prevention of future similar violations submitted. Therefore the fine as assessed is due. We note that corrective action has now been taken, but the fine remains unpaid, and will continue to accrue monthly late charges of \$20 until the fine has been paid. Had the problem not been corrected, the fine would have escalated with a Second Notice of violation.

To prevent future late fees regarding this fine, please pay the fine of \$\_\_\_\_\_ plus this late fee of \$20, for a total of \$\_\_\_\_\_, immediately.

To report completion of your corrective action, please contact the Kappes-Miller Property Management at 503-699-5427

Sincerely,

Property Manager