



## VIOLATIONS POLICY

The Association's rules can be summarized by the following principles: Respect other people, their property, and our shared common grounds. Every action you take can impact others. You are legally responsible for every guest and animal you allow in any of our common grounds. Our singular goal of enforcement is compliance, not punishment.

West Tapps Maintenance Company (hereafter known as the "Association" or WTMC) has a duty to enforce the Declaration of Covenants, Conditions & Restriction (CC&Rs), Articles of Incorporation & By-Laws, Park Rules, policies, and defined nuisances (hereafter known as the "governing documents"). Homeowners, Tenants, and Members have a legal obligation to adhere to the WTMC governing documents. Occasionally the only practical tool for enforcement of the governing documents is a fine or the threat of fines. The Washington State Law which governs Homeowners' Associations (RCW 64.38) states that Associations may "levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association." A schedule of Fines will also help ensure that the board is not inconsistent, selective, or arbitrary in enforcing the governing documents.

The included Fine Schedule has been adopted by the WTMC Board of Directors. This policy outlines the enforcement of violations and a fee schedule associated with the violation notices. This policy also specifies in most instances, that a fine may only be imposed after the owner has been sent written notice that a fine is being considered and is provided a reasonable opportunity to be heard regarding the alleged violation by the Board of Directors or a designated representative.

The purpose of fines is to encourage compliance with our governing documents. This schedule of fines serves to provide each homeowner with a clear understanding of the penalties involved for violations and for failing to respond to a notice of alleged violations. Failure of the Association to act on any alleged violation(s) shall not constitute a waiver on the part of the Association to act for such alleged violations or future similar alleged violations as the Board deems appropriate.

### **Enforcement Procedure**

First Notice: A courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) within 30 days from the date of the letter. If the recipient feels that the notice of violation has been issued in error, or would like to present information for any reason, they have the

right to request a hearing by contacting the main office within 30 days of receipt of notice.

**Second Notice:** A letter is mailed requesting the homeowner to appear at a hearing before the Violations Committee to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time, and location of the hearing. If the homeowner or their designee fails to appear at the hearing or fails to submit written evidence in lieu of a personal appearance, a monetary penalty may then be imposed against the homeowner. The Violations Committee will notify the homeowner in writing of its decision.

**Continuing Violation Notice:** The Board may impose a continuing monetary penalty without additional notice or hearing, until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected.)

**Repeat Violation Notice: Hearing Letter to Homeowner.** (A repeat violation occurs when a person violates the same provision of the Association's governing document more than once and has already been given the appropriate warnings and offered a hearing.)

In the case of a repeat or continuing violation, fines may be assessed on a weekly basis until the violation is corrected. If any fine assessed is not paid, it will be dealt with in the same manner as delinquent assessments and will be subject to all the same collection remedies detailed in the Governing Documents of the Association. Owners and/or Occupants receiving Notices should deliver their responses to the main office.

*The goal of enforcement is compliance, not punishment and to work with our community members. WTMC highly encourages members to reach out to the office or board when a violation is issued, and assistance may be needed.*

#### **Fine Schedule**

- First Notice - No Fine\*
- Second Notice - \$100
- Continuing Violation Notice - \$300
- Repeat Violation Notice - \$500

In addition to violation penalties, any costs incurred by the Association to remediate a violation (cleanup, repair, replacement, legal fees, etc.) and any related professional costs such as attorney's fees will be assessed to members according to the actual costs incurred.

\*PARK RULE & COMMON GROUNDS VIOLATION – Depending on the severity, WTMC may propose an immediate loss of your park privileges (keycard) until a hearing is scheduled. An owner is always entitled to notice and an opportunity to be heard by the Violations Committee and Board before a proposed

monetary fine is assessed. For greenbelt encroachment, a warning may be issued but mitigation such as replanting for the encroachment may still be required.

### **Defined WTMC Nuisances**

To be added to this section as approved by the Architecture\Control Committee and ratified by the Board. Once a nuisance is defined, if reported, first violation notices may be sent immediately for violation conditions that are pre-existing. The Association will give members in violation of a new defined nuisance a minimum of 6 months to remedy the situation, during which fines will not accrue. An extended period of time may be included with the board's approval of a new defined nuisance.

### **Junk Vehicles/Vessels**

A junk vehicle/vessel meets two of the following criteria:

- Extensively damaged \*
- Apparently inoperable \*
- Fair market value equal to the scrap value \*
- Tabs expired more than 6 months or no tabs or no license plate.

\*Use Pierce County Definition

### **Defined Pierce County Nuisances**

Our CCRs are not as restrictive as a typical HOA. There are some things that are not regulated by WTMC but are regulated by Pierce County Code Enforcement. They can be reached at 253-798-4636 or online: <https://pals.piercecountywa.gov/palsonline/#/app/srs/issue> to report the following issues:

- Occupied RVs
- Building Without Permits
- Livestock Issues
- Abandoned Vehicles
- Illegal Dumping
- Property Maintenance
- Garbage
- Signs in the right of way (telephone poles, etc.)
- Junk Vehicles

### **Governing Documents**

Ranquettes CCRs – Lakeridge CCRs – Sign Policy – Park Rules – Defined WTMC Nuisances  
The Association is governed by two sets of covenants (applying to different properties in the Association) each of which has its own requirements, polices and rules adopted by the board. These can be found on WTMC's website, or a copy can be picked up from the office during business hours. Each set of covenants allows the Architecture and Control Committee to define what a nuisance is.