

HIGHLAND HILLS MAINTENANCE COMMISSION
Board of Trustees

BOARD POLICY NO: 1-4

Dated: April 1998
Last Revised: November 2007

TITLE: Fines for Violations of HHMC Policies

PRIMARY RESPONSIBILITIES: Board of Trustees
Architectural Control Committee
Community Environment Committee
Greenbelt Committee
Roads and Drainage Committee

REFERENCES:

1. Articles of Incorporation (Article IV, Section 1)
2. Protective Covenants & Restrictions 1983
3. By-Laws, as amended (Article V, Sections 7A & B)
4. Policy 1-2: Being Heard by Your Board
5. Policy 1-3: Rules Governing Board Meetings
6. Policy 1-3 A: Rules Governing the Annual General Meeting and Special Membership Meetings
7. Policy 1-6: Use of HHMC Information
8. Policy 3-1: Preservation of the Environment
9. Policy 3-2: Parking of Recreational Vehicles
10. Policy 3-3: Architectural Control Committee Approval Procedures for Project Development
11. Policy 3-4: Sign Policy, Real Estate (and related)
12. Policy 3-5: Fences and Related Structures
13. Policy 3-6: Outdoor Burning Within Highland Hills
14. Policy 3-7: Tree Cutting
15. Policy 3-8: Horses
16. Policy 3-9: Greenbelt
17. Policy 9-1: Roads and Drainage: Ditch Drainage System/Roadsides
18. Policy 9-2: Roads and Drainage: Roadways, Ditches and Adjacent Areas - Standards and Specifications

BACKGROUND:

The Board has established policies and committees to insure conformance with the Articles of Incorporation, Protective Covenants and Restrictions (PC&Rs), and By-Laws. These committees are to enforce approved policies and guidelines for the good of the members as a collective whole.

The Board shall encourage all members and Committees to work together to avoid violation of established regulations. A preventative program includes communication of regulations and a spirit of cooperation and being a good neighbor on the part of all property owners.

The Secretary of the HHMC Board maintains a complete set of the published policies and regulations, which have been previously distributed as they were promulgated. HHMC Committees are charged with identifying applicable policies, answering all questions relative to their responsibilities, seeking guidance from the Board when needed, and working with a property owner to prevent violations to the extent possible.

Our existing set of policies, rules, regulations and guidelines have been developed over a period of time to address specific functional areas or issues. These have served us well in the past, but they need to be kept up to date, reflect past experiences and address current issues.

PURPOSE:

All property owners have a responsibility to adhere to the PC&Rs and related regulations. Committees have been formed to monitor compliance with HHMC regulations. The first goal is to maintain the natural environment and unique qualities of Highland Hills. The second goal is to prevent violations from occurring while maintaining the health and safety of our homeowners, neighbors and visitors. If a violation occurs, it is in the best interest of all to correct the problem and maintain a clean and consistent appearance to Highland Hills. *When a violation does occur, and in the judgment of the responsible Committee it could have been avoided, a fine will be used to affirm the authority of the Board and encourage compliance with the regulations.*

In spite of proactive efforts by our Committees, both deliberate and casual violations have occurred. If not addressed, such violations could seriously undermine the authority of the Board and its effectiveness, and the overall enjoyment of our property. We all lose by not upholding the covenants that were in place when we bought our land and in the potential reduction in property values when rules are not enforced. Therefore, the Board believes a fine structure needs to be established for identified violations of our regulations to help promote compliance and to maintain Highland Hills according to the original intentions prescribed in the PC&Rs.

The Board believes it is better to have all policies and procedures regarding violations and fines incorporated into a single policy. Thus, this policy supersedes portions of the referenced policies noted above dealing with the documentation, notification, appeal and amount of a penalty for violation of a regulation.

Some normal functions relative to building and living in Highland Hills require a realistic interpretation of events that could be defined as a violation. Without limiting the Committee's effectiveness, the Committee shall consider the causes leading to a potential violation, the frequency of occurrence, its impact on the safety of the area, the impact on property values, and any other circumstances before deciding on a violation and fine.

This policy is implemented after substantial activity has occurred in Highland Hills. However, it is important to note that Article XII, Section 14 of the By-Laws states: "No restriction, condition, obligation, or provision contained in these By-Laws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur."

PROCEDURES:

1. Violation Documentation

Committee members and any other property owner may become aware of a violation or potential violation through normal activity in Highland Hills, including a Committee member conducting visits to work-in-progress

sites. Whenever practical, the Committee shall try to work with a responsible party to prevent or correct a situation before a violation occurs.

Two members of the applicable Committee shall attempt to confirm a suspected violation. The Chairperson of the Committee shall then attempt to contact the property owner and notify the owner of the violation. The Board Secretary, or applicable substitute, shall mail a certified letter, return receipt requested, documenting the violation, stating the Committee's intent to fine, the expected maximum amount of the fine, and hearing opportunities to the owner within 48 hours of the violation, or notice thereof. This letter shall serve as the Board's formal "date of notice" of the intent to fine a property owner. A copy of this letter shall be provided to the President of the Board at the time it is sent to the property owner.

2. Violations and Fines

A list of violations and the associated maximum fine a Committee is authorized to impose is presented in Table 1. Other violations and fines may be defined by the Board and added to this table from time to time in the exercise of its responsibilities and duties.

If the responsible Committee finds a violation was of such a serious nature that a fine greater than the Committee authorized amount in Table 1 is appropriate, it shall make a recommendation to the Board who will decide the final amount. In no case will a fine be more than twice the amount listed in Table 1.

A violation may result in other redress or corrective actions by the Board, as specified in the PC&Rs, By-Laws and other Board policies, beyond the imposition of a fine and associated costs.

Unless the affected property owner requests a hearing before the applicable Committee, or the Board, within 10 days of the date of the notice of intent to fine, the fine shall be imposed without further administrative process.

If necessary, the HHMC may correct the result of a violation, such as hiring a sweeper to remove mud from a road or making necessary repairs to one of the roads or ditches. In such cases, these out-of-pocket expenses, and any associated legal fees and costs incurred because of the violation, shall be added to the fine.

3. Fine Amount

The Chairperson shall call a special meeting of the responsible Committee to review the violation and decide on the appropriate fine. The minimum fine will generally not be less than \$100. The minimum fine will be used for violations that are relatively minor, easily correctable, or beyond the immediate control of the owner. Higher amounts will be used for deliberate and/or preventable violations, repeat violators, and/or violations that pose a substantial or significant risk to neighbors and other property owners.

The Committee shall document their evaluation and recommendation in a written report to the Board.

4. Fine Due Date

If an owner does not request a hearing before the applicable Committee or the Board within 10 days of the date of notice, the proposed fine becomes the fine imposed and is due 30 days from the date of the notice.

If a Board appeal has been made and the Board rejects the appeal, the fine amount is final and the amount is due in 30 days from the date of the decision.

The date of notice shall be the date on the returned receipt for the notice to the property owner.

5. Hearing Process

A property owner that has been sent a notice of an intent-to-fine has 10 days to request in writing a hearing before the applicable Committee, or directly with the Board. If no notice for a hearing is received in those 10 days, the fine shall be due 30 days from the date of the notice of intent to fine.

If a request for a hearing by the Committee is received, the Chairperson shall work with the property owner to set a date for a hearing that shall be no more than 10 days from the date of the receipt of the request for a hearing. If a Board hearing is requested, the procedures in Policy 1-2 must be followed.

It is strongly suggested that the property owner request a hearing with the applicable Committee and discuss the issue with them. Because the Board is not likely to be familiar with the details of the violation, it is better to try to resolve the issue with the Committee before appealing to the Board. Since the Board is the final authority for these matters, the property owner is encouraged to reserve his/her presentation to the Board until all other hearing opportunities have been exhausted. Making a presentation to the Board during the open forum period of a regular Board meeting does not constitute a formal hearing before the Board regarding a fine.

The Board shall consider any information presented to the Committee, and the findings and recommendations of the Committee, in their deliberations before rendering their decision.

6. Unpaid Fines

A fine and associated cost will be deducted from an Environmental Protection Deposit if one is being held by the HHMC. If there is no deposit, or if the amount of the deposit is insufficient, or if a fine is not paid in 30 days, the Board may initiate legal proceedings available to it to recover the fine, corrective costs, and associated legal costs. Pursuant to Article IV, Section 5C of HHMC's By-Laws, if a fine or associated cost with respect to which all appeals have been exhausted has not been paid as of the time of the vote at a meeting of members, the property owner will not be entitled to vote.

7. Timeliness of Actions

Time is of the essence in the notification of violations and fines. Board and Committee members shall work diligently to document events, consider all the facts, notify applicable parties and reach required decisions in a prudent and timely manner.

TABLE 1

FINE SCHEDULE

A Committee is authorized to set a fine between the minimum amount up to the maximum amount shown below. The minimum fine will not be less than \$50. The exact amount of a fine will depend on the seriousness of the violation, the inadvertent or preventable nature of the violation, repeat violations or violations after one or more warnings.

<u>Violation</u>	<u>Fine</u>
1. Construction, lot clearing or installation of a structure, deck, out-building, fence, propane tank, wood shed, etc. without written authorization. (See a and b below.)	\$500 plus \$50 per day after a specified period until corrected and approved.
2. Rule-violating deviations from approved construction plans.	\$500 plus \$50 per day after a specified period until corrected and approved.
3. Removal of trees of 6 inch diameter or larger without written authorization. (See a and b below.)	\$500 per tree.
4. Improper burning such as pile size, location, material, owner or representative not in attendance, or not extinguished at night.	\$500 per event.
5. Dirt, rock, mud or debris not cleaned from a HHMC roadway per construction guidelines and rules.	\$500 per event plus corrective costs.
6. Debris and/or slash not disposed of, or allowed to spread to other lots and/or common areas.	After a specified period, a \$100 fine plus \$50 per day until corrected and approved.
7. Damage to HHMC roadways.	\$100 per event, plus corrective costs.
8. Damage to HHMC drainage ditches.	\$100 per event plus corrective costs.
9. Failure to complete building exterior work within 9 months from the start of construction.	After a specified period, a \$100 fine plus \$50 per day until corrected and approved.

10. Failure to remove construction material and/or equipment after a project is completed.	After a specified period, a \$100 fine plus \$50 per day until corrected and approved.
11. Failure to maintain a balance of at least \$1000 in an Environmental Protection Deposit held by the HHMC.	After a specified period, \$50 per day of insufficient funds.
12. Unauthorized parking of a recreational vehicle, motor home, travel trailer, camper, boat and/or trailer.	\$100 per day after notification.
13. Parking in the HHMC road easement (except contractor's construction vehicles), or on the HHMC pavement, or in an illegal area.	\$100 per day after notification.
14. Failure to install or maintain landscaping along a fence or propane tank per current policy.	After a specified period, a \$100 fine plus \$50 per day until corrected and approved.
15. Failure to comply with the Sign Policy 3-4.	14 days after notification, a \$100 fine plus \$50 per day until corrected and approved.
16. Failure to comply with the Preservation of the Environment : Horses Policy 3-8.	\$300 plus \$50 per day after a specified period until corrected and approved.
17. Failure to comply with the Greenbelt Tree Management Policy 3-9.	\$500 per tree of 6 inch diameter or larger; \$100 per tree of smaller diameter; \$100 for any other violation.
18. Failure to comply with the Ditch Drainage System/Roadsides Policy 9-1	\$300 plus \$50 per day after a specified period until corrected and approved.
19. Failure to comply with the Roadways, Ditches and Adjacent Areas Policy 9-2	\$300 plus \$50 per day after a specified period until corrected and approved.
20. Failure to comply with the prohibition on making recordings set forth in Board Policy 1-3 or 1-3A	\$100
21. Failure to comply with the prohibition on using recordings set forth in Board Policy 1-3 or 1-3A	\$250
22. Failure to comply with the Use of HHMC Information Policy 1-6	\$250

Notes:

- a. No clearing or brush removal is permitted within the green-belt easement *without prior permission as delineated in Policy 3-9 (Greenbelt)* that was created by the City of Sequim and the Highland Hills Development Company Sewer Connection Agreement.
- b. Property owners may remove trees less than 6 inches in diameter outside the green belt easement without Committee approval.
- c. Failure to pay an approved fine and corrective cost may result in additional costs to collect the amounts due, including legal fees, and may result in the loss of entitlement to vote on matters submitted to HHMC members.