



Resolution 2016 – 001
Enforcement Policy and Schedule of
Fines

WHEREAS, Section 4.2.8 of the Declaration of Covenants, Conditions, and Restrictions, of the Mediterranean Villas (hereinafter the “Declaration”) grants to the Board of Directors (hereinafter the “Board”) the authority to adopt reasonable rules and regulations governing the maintenance and use of the Common Area and the Property and other matters of mutual concern to the Owners; and

WHEREAS, pursuant to RCW 64.38.020(11), The Mediterranean Villas Homeowners Association (hereinafter the “Association”) may, after notice and an opportunity to be heard by the Board or by the representative designated by the Board and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the Board, levy reasonable fines in accordance with a previously established schedule adopted by the Board and furnished to the owners for violation of the bylaws, rules, and regulations of the Association;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Board shall have the power to impose reasonable fines for violation of any duty imposed under the Declaration, the Bylaws, or any rules and regulations duly adopted by the Board;
2. In addition, the Association shall be entitled to suspend any services provided by the Association to a Lot in the event that the Owner of such Lot is more than thirty (30) days delinquent in paying any assessment due to the Association.
3. The failure of the Board to enforce any provision of the Declaration, Bylaws, or any rule or regulation shall not be deemed a waiver of the right of the Board to do so thereafter.
4. General Schedule of Fines. Except as otherwise set forth in the Governing Documents, the Schedule of Fines for The Mediterranean Villas Homeowners Association shall be as follows:
 - a. **Discrete Violations.** Fines for discrete violations shall be assessed as follows:

First Violation	Written notice to owner/violator
Second Violation	\$25.00
Third Violation	\$100.00
Additional Violations	To be determined by Board

The Board may publish more specific fines to redress specific rules

violations as such rules and fines are adopted by the Board.

- b. **Continuing Violations.** The Board may determine that each day or other greater time interval during which the violation continues is a separate offense, subject to a separate fine of ten dollars (\$10) for each offense for the first thirty (30) days, twenty dollars (\$20) for each offense for the next thirty (30) days, and thereafter in an amount to be determined by the Board. Any notice given for one offense in a continuing violation shall be deemed to be notice for all offenses that are part of the same continuing violation.
5. **Particular Fines and Sanctions.** Notwithstanding the fines set forth in the General Schedule of fines in Sections 4(a) and 4(b) above, the Board may, by creation and adoption of rules and regulations, determine particular fines and other sanctions applicable to specific types of violations. Where the particular fines set forth in such other rules and regulations differ from the General Schedule of Fines, the particular fines shall govern.
6. **Publication.** The complete schedule of fines (including the General Schedule of Fines and all particular fines set forth in the rules and regulations) and enforcement policy, as adopted and amended from time to time by the Board, shall be furnished to the owners. The Board may furnish the schedule of fines and enforcement policy by posting online, mailing or delivering written copies to the owners, or such other means as may be determined by the Board. The inadvertent failure to include a particular fine in the complete schedule of fines shall not preclude imposition and enforcement of such fine.
7. **Procedure for Assessment of Fines**
 - a. **1st Notice.** Prior to the assessment of a fine or other sanction, the Board or its agent shall provide written notice to the Owner stating:
 - i. the nature of the alleged violation,
 - ii. any action that must be taken by the Owner to remedy the violation,
 - iii. the period within which the Owner must complete the remedial action.
 - iv. that failure to remedy the violation and/or any subsequent violations may result in the imposition of a fine or other sanction.
 - b. **2nd Notice.** If the violation is repeated or, if the violation is continuing in nature, not remedied within the time period set forth in the first notice, the Board or its agent shall serve the alleged violator with written notice describing:
 - i. the nature of the alleged violation,
 - ii. the sanction to be imposed,
 - iii. a period of not less than ten (10) days within which the alleged violator may present a written request to the Board for a hearing;
 - iv. the procedure for presenting a written request for a hearing; and
 - v. a statement that the sanction shall be imposed as contained in the notice unless a hearing request is presented within ten (10) days (or longer period designated in the written notice) of the notice. If a timely hearing request is not presented, the sanction stated in the notice shall be imposed.
 - c. **Hearing.** If a hearing is timely requested within the time period set forth in the notice, the hearing shall be held before the Board in executive session of the Board affording the alleged violator a reasonable opportunity to be heard.
 - i. Proof of proper notice shall be placed in the minutes of the meeting.

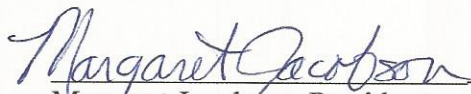
Such proof shall be deemed sufficient if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, Director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction imposed, if any.

- ii. The Board may, but shall not be required to, suspend any proposed sanction if the violation is cured to the satisfaction of the Board within a period designated by the Board. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any person.
 - d. **Payment.** Fines and assessments for violation of the Governing Documents become due and payable on or before fifteen (15) days from the date that notice of such fine or assessment is sent to the violator. Unpaid fines or assessments will accrue interest at the annual rate of twelve percent (12%) per annum until paid in full.
8. **Additional Enforcement Rights.** Notwithstanding anything to the contrary herein contained, the Association, acting through the Board, may elect to enforce any provision of the Declaration, these Bylaws, or the rules and regulations of the Association by self-help or by suit at law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedure set forth above. In any such action, to the maximum extent permissible, the Owner responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney's fees actually incurred.
9. The above Enforcement Policy and Schedule of Fines does not apply to the delinquent Monthly and/or Special Assessments, the collection of which is governed by Article 7 of the Declaration.


ATTEST:

Duly approved and adopted by the Board of Directors this 16th day of August, 2016.

President:


Margaret Jacobson, President

Secretary:


Sharon Gittleman, Secretary