

**Nautica Soundview Condominium Owners Association**

**Resolution of the Board of Directors  
Adopting an Enforcement and Fine Policy**

**WHEREAS**, Section 13.1 of the Declaration of the Nautica Soundview Condominium Owners Association vests the power and authority for the administration of the affairs of the Association in the Board of Directors; and

**WHEREAS**, Section 13.6 of the Declaration gives the Board of Directors the power to adopt and amend rules and regulations and enforce the Governing Documents; and

**WHEREAS**, Section 18.1 of the Declaration requires each Owner and its Authorized Users, and the Association to comply strictly with the Governing documents and the proper decisions of the Board; and

**WHEREAS**, RCW 64.34.304 and Section 13.6 of the Declaration grant the Board of Directors with the authority after "Notice and Opportunity to be Heard" to impose reasonable monetary fines, which shall constitute an Assessment and a lien upon the violating Owner's Unit; and

**WHEREAS**, the Board of Directors deems it to be in the best interests of the Association to establish guidelines for the reporting and notification of compliance violations, and to document the procedures for levying fines and conducting due process hearings; and

**NOW THEREFORE BE IT RESOLVED**, that the Association acting through the Board of Directors adopts the following Enforcement and Fine Policy.

**DATED THIS** 4<sup>th</sup> day of June 2019

**NAUTICA SOUNDVIEW CONDOMINIUMS OWNERS ASSOCIATION**

Katherine Greenwood Its President/Printed Name: Katherine Greenwood

**ATTEST:** This Resolution was properly adopted at a Board meeting on: June 4, 2019

**By** Laurie Vandermay Its Secretary/Printed Name: Laurie Vandermay

///

This line was intentionally left blank.

<b>NAUTICA SOUNDVIEW CONDOMINIUMS OWNERS ASSOCIATION</b>	
<b>Policy Document</b>	
Title	Enforcement and Fine Policy
Policy Owner	Board of Directors
Author	Katherine Greenwood
Effective Date	July 4, 2019
Last Revised	NEW
Document Number	NSVPOL-4

1. Purpose. Community rules are intended to preserve property values through the self-monitoring behavior of the community members. Unfortunately, rules are not always observed due to inattention or ignorance of the rules, and this can lead to an enforcement action. Enforcement actions are written notices mailed to the owner requesting their voluntary compliance to correct a rule violation within a specified time period, after which a fine may be levied against the Owner's account. This policy describes the notice and fine process, including the Owner's right to dispute a violation through a due process hearing.

2. Authority. Section 13.6 of the Declaration gives the Board of Directors the power to adopt and amend rules and regulations and enforce the Governing Documents; and after notice and an opportunity to be heard, to levy reasonable fines in accordance with a previously established schedule adopted by the Board and furnished to the Owners for violations of the Declaration, Bylaws, and rules and regulations of the Association.

3. Responsibility. Section 18.1 of the Declaration requires each Owner and its Authorized Users, and the Association to comply strictly with the Governing documents.

- a. Each Owner is responsible for complying with the Governing documents, and for ensuring that their guests, tenants, and contractors understand and follow the rules.
- b. The Board is responsible for administering the enforcement process fairly and consistently.
- c. The Manager is responsible for preparing, tracking, and mailing compliance notices.

4. Complaints. Identifying a possible rule violation may be initiated by a written complaint from an Owner, or other reliable source. Violations may be observed by a member of the Board or the Community Manager as they walk through the property; or violations may be observed by the Board on the surveillance cameras. Photographic evidence will be obtained whenever practical.

5. Content of Violation Notices:

First Notice will contain:

- a. The section of the Governing Document that was violated.
- b. The actions or omissions that constitute the violation.
- c. The details such as the location, date, and time the violation occurred.
- d. The steps necessary for the Owner or Occupant to correct the violation.
- e. The date by which the measures must be completed to avoid another Notice.
- f. Photographic evidence, when available and applicable



Second Notice: In addition to the contents above, the 2<sup>nd</sup> Notice will provide the Owner with an ‘Opportunity to be Heard’ and specify a date by which they must request a due process hearing. The Second Notice will list the proposed fine as indicated by the fine schedule.

Third Notice: In addition to the General Contents, the Third Notice will list the fine to be assessed for the violation in accordance with the fine schedule.

Subsequent Notices: Subsequent Notices – In addition to the General Contents, any additional Notice will provide an Owner an ‘Opportunity to be Heard’ and a date by which they must request a hearing and explain what the fine will be for additional violations. Also, this Notice will contain information about further legal action which may be taken by the Association if violations continue.

Continuing violation: If a violation is continuous, as determined by the Board, and an Owner has received at least a Second Notice of Violation, the Board may choose to levy an ongoing daily or weekly fine in accordance with the fine schedule. The fine notice shall provide an Owner an ‘Opportunity to be Heard’ and a date by which they must request a hearing. Examples of continuing violations may include a failure to perform required maintenance, or a failure to repair an inoperable vehicle, etc.

6. Fine Schedule. Fines will be assessed in accordance with the following fine schedule.

FIRST VIOLATION	No Fine
In accordance with Section 16.6.2 of the Declaration, this does not prevent the Association from assessing the Owner with the cost of repairs to the Common Elements, whenever there was damage as a result of misconduct by the Owner or the Authorized User of their Unit.	
SECOND VIOLATION	\$ <u>100</u>
THIRD VIOLATION	\$ <u>150</u>
SUBSEQUENT VIOLATIONS	\$ <u>200</u> per violation
CONTINUING VIOLATIONS of the Board.	\$ <u>5</u> a day or \$ <u>25</u> a week at the discretion

7. Fine Payment: If any fine assessed is not paid with the next regular monthly assessment, it will be dealt with in the same manner as delinquent assessments and will be subject to the same collection remedies detailed in the Governing Documents of the Association.

8. Due Process/Opportunity to be Heard Procedure: The following procedures allow members of the Association and the Board to review issues and evidence of a violation(s) and to consider appropriate action(s), if any, when requested by an Owner.

- a. If any Owner and/or Occupant thinks that the enforcement for any rule violation has been issued in error, or would like to present information for any reason, he/she has the right to be “heard” before a panel of members of the Association, including Board members.
- b. To obtain a hearing, the Owner and/or Occupant shall request a hearing from the Manager, in writing, within 10 days of receiving a 2<sup>nd</sup> Notice of Violation.
- c. The Manager will respond to the hearing request within 30 days following receipt of the written request; and will schedule a hearing. If any party desires to reschedule the hearing, the other party(s) shall be notified at least 10 days prior to the scheduled date of the hearing.
- d. The parties may provide the Hearing Panel with a written summary of their positions 10 days prior to the hearing.
- e. The Hearing Panel will consist of three homeowners, one of whom shall be a Board Member and the other two may be Board Members. By majority vote, the Board shall appoint all three Hearing Panel members. None of the Hearing Panel members shall be a party to the complaint. The hearing participants will consist of:
- The Hearing Panel members;
  - The party(s) bringing the complaint (this party may be an Owner, and may be a Board member);
  - The party requesting the hearing (this party shall be an Owner). The Owner may be represented by an attorney if the Hearing Panel is informed in advance;
  - Witnesses, if not included in the above; and
  - Any and all other Owners that have or may have an interest or concern.
- f. To protect the confidentiality of the Owner, the due process hearing will not be open to owners, unless the requesting party wants an open hearing. The hearing will be informal with a Hearing Panel member acting as chair. All sides will present evidence, witnesses and testimony regarding the validity, non-validity or other issues relevant to the complaint. The time allowed for such evidence, witnesses and testimony may be limited by the Hearing Panel. Minutes of the hearing will be kept by the Panel or person designated by the Panel. All evidence presented at the hearing shall become the property of the Association.
- g. If a hearing is requested and any of the requesting parties fail to appear at the hearing, the Hearing Panel will base its findings on information presented at the hearing or otherwise available to it.
- h. Within **five** working days of the hearing, the Hearing Panel shall prepare written findings and recommendations to the Board of Directors. At the next regular Board meeting, or special meeting called for that purpose, the Board of Directors will consider the finding and recommendations and accept, reject, or modify the recommendations, or take other appropriate action. The written findings and recommendations will be provided to all parties. Any party has a right to appeal to the Board of Directors the Hearing Panel’s finding and recommendations (within 10 days of the filing of the findings and recommendations) by sending a written request to the Manager. No appeal shall be granted in the event the party requesting the appeal failed to appear at the original hearing.
- i. Any appeals shall be conducted by writing, addressed to the Board of Directors, through



the Manager. All materials for the appeal shall be delivered to the Manager at least **10 days** before the next regularly scheduled Board meeting, and the appeal shall be placed on the meeting agenda. The Board shall consider the documents provided and shall have the Manager inform the parties of the Board's decision in writing no later than **10** business days after the Board meeting.

j. Nothing contained herein shall prevent the Association from taking any action to recover the cost of damages or injunctive relief, or both. Furthermore, the failure of the Association to take action on any infraction(s) or violation(s) shall not constitute a waiver on the part of the Association to take action for such violations, as it deems appropriate. In the event the Association does commence a lawsuit or undertake other legal action, it shall receive from the Owner reasonable attorney fees, expenses, and costs incurred for such action as provided by law.

k. It is highly recommended that the Parties resort to mediation, before any lawsuit is undertaken.

9. General Guidelines:

- a. Notices are issued for each type of violation, and fines escalate per type of violation.
- b. A 2<sup>nd</sup> notice for the same type of violation generally needs to occur within a one-year period in order to incur a fine.
- c. The general period of time allowed to correct a violation shall usually be 14 days, however, the Board may take immediate action for any violation that they think may jeopardize the safety or security of the buildings, and/or for removal of vehicles blocking access to doors or parking stalls.

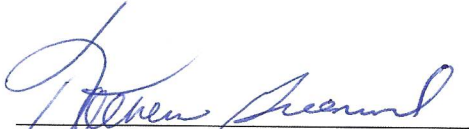
10. Examples of Violation Notices: attached.

11. Effective Date. This policy was adopted by resolution of the Board of Directors on

**June 4, 2019** and has the effective date of **July 4, 2019**.

12. Distribution. A copy of this policy will be mailed to Owners via regular US mail within 10 days of signing.

SIGNED this 4<sup>th</sup> day of June, 2019 by Katherine Greenwood, President  
of the Board of Directors for the Nautica Soundview Condominium Owners Association.



Name: Katherine Greenwood

Title: President



**NAUTICA SOUNDVIEW  
CONDOMINIUMS**

c/o Port Gardner Property Management  
P.O. Box 1007 Everett, WA 98206

## EXAMPLE OF 1<sup>ST</sup> NOTICE

Date \_\_\_\_\_

<b>NOTICE OF RULE VIOLATION – 1st WARNING</b>
---

To: Association member/owner: Unit: insert #

Name(s): insert owner's name

Address: insert owner's address

Re: Type of rule that was violated

Dear Association Member,

**Please take notice** that the Association has received facts or complaints that indicate you (or the unit occupant) may be in violation of the following provisions contained in the Association's governing documents:

**Governing Document Source**

**Section/Revision**

Declarations	Insert applicable section
House Rules	Insert applicable section
<b>Description of the alleged violation (attach photo if available):</b> Insert "the actions or omissions that constitute the violation and the details such as the location, date, and time the violation occurred."  <i>Insert the text of the rule violated.</i>	
INSERT PHOTOGRAPHIC EVIDENCE	

**Please take further notice** that if this violation is (not corrected within \_\_\_\_ days) or (repeated) that you may be assessed a fine in accordance with the fine schedule published in the House Rules. The Board of Directors is obligated to investigate and enforce violations of the governing documents that are reported or observed. The Board or its agents may also review surveillance cameras or conduct periodic tours of the property to ensure compliance. If you think this violation was issued in error, please contact the undersigned at 425-339-1160, ext. 223. Thank you in advance for your attention to this matter.

Sincerely,

Tom Gish, Jr.  
Nautica Soundview Community Manager  
Port Gardner Property Management  
tgish@portgardnermgmt.com  
425-339-1160, ext. 223



**NAUTICA SOUNDVIEW  
CONDOMINIUMS**

c/o Port Gardner Property Management  
P.O. Box 1007 Everett, WA 98206

## EXAMPLE OF 2<sup>ND</sup> NOTICE

Date \_\_\_\_\_

<b>NOTICE OF RULE VIOLATION – 2<sup>nd</sup> WARNING/FINE</b>
---

To: Association member/owner: Unit: insert #

Name(s): insert owner's name

Address: insert owner's address

Re: Type of rule that was violated

Dear Association Member,

**Please take notice** that the Association has received facts or complaints that indicate (you may still be in violation) or (that there has been a repeat violation) of the following provisions contained in the Association's governing documents:

**Governing Document Source**

**Section/Revision**

Declarations	<b>Insert applicable section</b>
House Rules	<b>Insert applicable section</b>
<p><b>Description of the alleged violation (attach photo if available):</b> Insert "the actions or omissions that constitute the violation and the details such as the location, date, and time the violation occurred." <i>Insert the text of the rule violated.</i></p>	
INSERT PHOTOGRAPHIC EVIDENCE	

**Please take further notice that** this is a repeat violation and subject to a \$ \_\_\_\_ fine in accordance with the fine schedule published in the House Rules. The first warning notice was dated \_\_\_\_\_. If you think this violation notice was issued in error and want to dispute it, you are entitled to an opportunity to be heard at a due process hearing. Please contact the undersigned in writing by no later than (10 days from date on letter) to request a hearing, or the fine will be charged to your account.

Sincerely,

Tom Gish, Jr.  
Nautica Soundview Community Manager  
Port Gardner Property Management  
tgish@portgardnerpgmt.com