

# **MURRAYHILL WOODS CONDOMINIUM ASSOCIATION**

## **Resolution of the Board of Directors**

### **Enforcement and Fine Resolution**

#### **RECITALS**

- A. Murrayhill Woods Condominium is located in Washington County, Oregon and is subject to ORS Chapter 100, the Oregon Condominium Act.
- B. The Murrayhill Woods Condominium Association is an Oregon Nonprofit Corporation created to oversee the affairs and operations of the Condominium.
- C. Pursuant to ORS 100.405(4)(a), the Association is entitled to adopt rules and regulations for the Condominium.
- D. Section 7.15 of the Bylaws of the Association authorizes the Board of Directors to levy fines and enforce by legal means the provisions of the declaration, Bylaws, and any Rules and Regulations.
- E. ORS 100.405(4)(k) provides that the Board of Directors may levy reasonable fines for violations of the Declarations, Bylaws, and Rules and Regulations of the Association after notice and opportunity to be heard if the fine is based on a schedule of fines adopted by a resolution of the Board.
- F. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a procedure to ensure that owners receive notice and an opportunity to be heard in cases involving alleged noncompliance by an Owner or Resident with the provisions of the Declaration, Bylaws or Rules and Regulations.
- G. The Board deems it necessary and desirable to adopt a Schedule of Fines to be used as guidance by the Board in determination of sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

## **RESOLUTION**

### **1. VIOLATIONS**

- 1.1. The Board of Directors may begin enforcement proceedings if it determines that there is a violation or probably violation of the Declaration, Bylaws, or Rules and Regulations. Actual knowledge, a complaint submitted by an owner, or any other reliable information is sufficient to make a determination.
- 1.2. Any complaint submitted by an owner must contain the following:
  - 1.2.1. Name and address of owner submitting the complaint;
  - 1.2.2. Name and address of violating Owner; and
- 1.3. If the violation poses immediate health, life, safety, or sanitary issues, the Board may take action without following the procedures described in this Resolution.

### **2. NOTICE**

- 2.1. After determining the existence of a violation or probably violation, the Board shall notify the owner or their agent of the violation.
- 2.2. The notice shall contain the following:
  - 2.2.1. A description of the violation;
  - 2.2.2. If available, photographs of the violation;
  - 2.2.3. A statement that the owner is entitled to a hearing with the Board within ten (10) days before further action is taken or fines are levied;
  - 2.2.4. If a hearing is requested within the time specified in the violation notice, the Board of Directors or their agent shall provide a time, date, and place for the hearing.
  - 2.2.5. The amount of the fine shall be consistent with the Schedule of Fines, unless determined otherwise by the Board of Directors.
  - 2.2.6. Whether the fine will be levied daily, weekly, monthly, or per incident;
  - 2.2.7. Describe any other remedies that may or may have be taken by the Association to remedy the violation.
  - 2.2.8. Whether action must be taken by the violating owner to remedy the violation, whether or not if a fine is levied.
  - 2.2.9. The time frame for remedying the violation, whether or not a fine is levied.
  - 2.2.10. Any other information which the Board deems necessary.

2.3. The notice shall be mailed to the Owner via first class mail to the address on file with the Association, or emailed to the Owner to the primary email address on file with the Association.

2.3.1. The violation notice may or may not be posted to the unit at the discretion of the Board.

### **3. RIGHT TO A HEARING**

3.1. Prior to levying fines against a violating owner, the Board must give the owner an opportunity for a hearing with the Board for the purpose of defending against the violation.

3.2. If the violating Owner requests a hearing and fails to attend the hearing, the Board may take any of the actions described in Section 4.2 below.

3.3. If the violating Owner is present at the hearing, the violating Owner may present testimony or other evidence showing that there was no violation, or that the violation is not subject to enforcement by the Board.

### **4. BOARD DETERMINATION**

4.1. At the conclusion of the hearing, or if the violating Owner fails to appear, the Board may deliberate on the issues in closed executive session pursuant to ORS 100.420.

4.2. The Board shall then make a determination and may:

4.2.1. Proceed with levying fines consistent with the Schedule of Fines, or as otherwise determined by the Board of Directors;

4.2.2. Take any other enforcement action available; or

4.2.3. Dismiss the complaint.

4.3. After deliberation, the Board shall announce its decision in an open board meeting, and record the decision in the meeting minutes of the Board.

5. MISCELLANEOUS

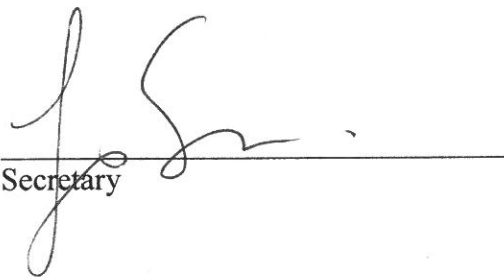
5.1. The Board reserves the right to amend, revise, or add to the Schedule of Fines and this Resolution, as the Board deems necessary.

5.2. A copy of this Resolution shall be sent or delivered to all Owners at the Condominium.

Approved and adopted on: November 7, 2017

By:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

## SCHEDULE OF FINES

Inoperable or unauthorized vehicles or vehicles with expired license plate tags or improperly parked	\$ 50.00
Vehicles apparently being stored on the property (no movement for at least 72 hours)	\$100.00
Window air conditioners protruding past the window screen	\$100.00
Pool & Spa violations, including but not limited to violating the 2-guest per unit rule, bringing food into the pool area, bringing glass in the pool area, diving, or allowing children under the age of 5 in the spa	\$100.00
Storage of personal property on patios or in common areas	\$ 50.00
Pet violations	\$100.00
Improper disposal of garbage or debris	\$100.00
Offensive Activities	\$ 75.00
Use of Unit for Non-Residential Purposes including but not limited to daycare operations	\$200.00
Exterior Alteration or Modifications without approval	\$200.00
Improper Use of Common Areas	\$100.00
Noise or Nuisances Disturbing Other Owners or Residents	\$100.00
Other Violations of Declaration, Bylaws, or Rules & Regulations	\$ 50.00
Smoking anywhere on the Property as defined in the Smoking Amendment dated 1/26/2017	\$250.00

**The above fines may be imposed on a one-time, each occurrence, or continuing daily, weekly, or monthly basis as determined by the Board. If the same violation occurs within a 12 month period, the Board will levy fines without a notice or a hearing.**