

**SALISHAN HILLS OWNERS ASSOCIATION**  
**Resolution for Enforcement of Regulations**

**RECITALS**

1. "Association" is the Salishan Hills Owners Association, an Oregon nonprofit corporation established by Articles of Incorporation, filed October 17, 1978, in the office of the Secretary of State.
2. The Association is governed by the following:
  - A. The Plan of Salishan Hills, recorded in 1976 in Book 62, page 309, in the records of Lincoln County, Oregon ("Plan");
  - B. The Salishan Hills Declaration Subjecting Salishan Hills I to the Plan of Salishan Hills, recorded April 13, 1976 in Book 63, page 1894, in the records of Lincoln County, Oregon ("Declaration");
  - C. The Bylaws of the Salishan Hills Owners Association ("Bylaws"); and
  - D. As of January 1, 2002, the Association is subject to the provisions of the Oregon Planned Community Act, ORS 94.550 to 94.783 (the "Act"), as provided in ORS 94.572.
3. ORS 94.640 and Article IV, Section 7 of the Bylaws vest the Board of Directors with all of the powers and duties necessary for the administration of the affairs of the Association.
4. ORS 94.630(1)(a) and Section 7.1(d) of the Plan empower the Board of Directors to adopt Rules and Regulations.
5. ORS 94.630(2)(n) provides that the Board of Directors may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association, after notice and an opportunity to be heard, if the fine is based on a schedule of fines adopted by a resolution of the Board of Directors.
6. ORS 94.709(5) provides that fees, late charges, fines, and interest, imposed pursuant to ORS 94.630(1)(n), are enforceable as assessments.
7. From time to time, the Board of Directors receives complaints from owners regarding alleged nuisances; improper, offensive, or unlawful activities or use of the premises; or other alleged violations of the Declaration, Bylaws, or Rules and Regulations.
8. 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 formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure that owners receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.

9. The Board of Directors deems it necessary and desirable to adopt, in accordance with ORS 94.630(1)(n), a *Schedule of Fines* to be used by the Board of Directors when imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations.

## **RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** that:

1. All prior Enforcement Resolutions or Financial Penalties Resolutions, if any, are rescinded and are no longer of any force.
2. The procedure set forth below shall now be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations.

## **ARTICLE 1** **OVERVIEW OF PROCESS**

- 1.1. **Complaint.** An Owner (“Complaining Owner”) may file a written complaint with the Board of Directors regarding a violation of the Declaration, Bylaws, or Rules and Regulations by another Owner (“Alleged Offending Owner”), tenant, or guest. The Board of Directors may also initiate a complaint (Article 2).
- 1.2. **Investigation.** The Board of Directors has the discretion to investigate the complaint and decide if it is valid (Article 3).
- 1.3. **Violation and Notice.** If the Board of Directors finds there is a violation, the Board must send notice to the Alleged Offending Owner. The Alleged Offending Owner must be given the opportunity for a hearing (Article 4).
- 1.4. **Hearing.** If requested, the Alleged Offending Owner may present testimony or evidence regarding the violation at the next board meeting (Article 5).
- 1.5. **Fines.** The Board may impose fines pursuant to the Schedule of Fines if the violation is not remedied or ceased within the time specified in the notice, provided the Owner has the opportunity for a hearing (Articles 3, 6, and 7).

## **ARTICLE 2** **ORIGINATION / INITIATION OF COMPLAINT**

- 2.1. **Board of Directors.** A complaint may be initiated by the Board of Directors based on information from a management agent, Owner, or other information the Board deems reliable.
- 2.2. **Owners Duty to Attempt to Resolve Issue.** If a Complaining Owner alleges that an Alleged Offending Owner, or the tenant, guest, visitor, or occupant of the Alleged Offending Owner, is creating a nuisance or participating in offensive or unlawful conduct in violation of the Declaration, Bylaws, or the Rules and Regulations, the Complaining Owner shall first attempt to contact the Alleged Offending Owner and request that all

such activities cease before submitting a complaint to the Board of Directors. The procedure for handling a complaint by a Complaining Owner about an Alleged Offending Owner, or their guest, tenant, visitor, or occupant, shall be governed by Article 3, below.

2.3 **Submitting Complaint to the Board.** A Complaining Owner who has complied with Section 2.2, above, and who desires the Board of Directors to take corrective action against an Alleged Offending Owner or their guest, tenant, visitor, or occupant, must submit a complaint to the Board of Directors. The complaint must be in writing and must include:

- (a) The name, if known, and address of the Alleged Offending Owner;
- (b) A description of the offending behavior or activity, including the date(s) and approximate time(s); and
- (c) Whether or not the Complaining Owner attempted contact with the Alleged Offending Owner regarding the alleged violation and the outcome.

### **ARTICLE 3 INVESTIGATION OF COMPLAINT**

3.1 **Investigation.** Upon receipt of a written complaint, and provided the Complaining Owner has complied with Section 2.2, the Board, or a person authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.

3.2 **Determination of Violation.** If, after review of a complaint, the Board of Directors determines that there is a violation of the Declaration, Bylaws, or Rules and Regulations, and the Board determines that it is in the best interest of the Association and Owners to address the violation with the Alleged Offending Owner, the Board shall proceed to give notice to the Alleged Offending Owner as described below.

### **ARTICLE 4 NOTICE PROCEDURE**

4.1 **Notice of Violation.** The Board shall give the Alleged Offending Owner written notice of the violation.

(a) **Notice of Violation and Right to a Hearing.** The notice required under this Section must:

- (1) Describe the violation;
- (2) Contain a statement that the Alleged Offending Owner has the opportunity to request a hearing at the next scheduled Board Meeting, and the manner by which to request a hearing;

(3) Contain a statement advising the Alleged Offending Owner that if no hearing is requested, and if the alleged violation is not remedied or ceased by a specified compliance deadline, fines will be assessed, beginning on the day following the specified compliance deadline, pursuant to the Schedule of Fines adopted by the Board of Directors as **Exhibit A** to this Resolution.

(b) Optional Notice Provisions. The notice may also provide or specify any or all of the following:

- (1) Specific action the Board is requiring to remedy the violation;
- (2) The particular language or Section from the Declaration, Bylaws, or Rules and Regulations which has been violated; and
- (3) Any other information as directed by the Board of Directors.

(c) Mailing of Notice. The notice shall be mailed to the addresses on record with the Association and, in the case of non-owner residents, to both the address on record with the Association for the Alleged Offending Owner, and to the lot address.

- (1) The mailing shall be by:
  - (i) Certified mail, return receipt requested; or
  - (ii) First class mail with delivery confirmation.

4.3 **Informal Action.** Nothing in this Article precludes the President, a designated Board member, or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call, or a warning letter to the Alleged Offending Owner.

## **ARTICLE 5** **HEARING PROCEDURE**

5.1 **Hearing Procedure.** In the event an Alleged Offending Owner requests a hearing, the Board shall utilize the following procedure for a violation hearing:

- (a) Appearances at the Hearing. If the Alleged Offending Owner fails to appear within fifteen (15) minutes of the time set for the hearing, the Board may, at its sole discretion:
  - (1) Conduct the hearing without the presence of the Alleged Offending Owner;

- (2) Allow the Alleged Offending Owner additional time that day to appear;
  - (3) Reset the hearing to another date and time; or
  - (4) Dismiss the complaint.
- (b) Dismissal. In the case of dismissal, the Board shall notify the Alleged Offending Owner, in writing, that the Complaint has been dismissed.
- (c) Conduct of Hearing.
- (1) Testimony from Parties. If the Complaining Owner chooses to appear and the Alleged Offending Owner appears, the Board shall proceed to hear from the Complaining Owner and then from the Alleged Offending Owner.
  - (2) Evidence and Witnesses. The Complaining Owner and the Alleged Offending Owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. An Owner's testimony shall not exceed 15 minutes.
- (d) Board Determination. Following the Testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior determination of violation under Section 3.1 and 3.2, above. The Board also has the discretion to reevaluate the fine, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.
- (1) The discussions must be in open session as directed by ORS 94.640(7).
  - (2) The Board shall either give its decision at the conclusion of the hearing, or take the matter under advisement and give the decision at a later Board meeting.

**ARTICLE 6**  
**OTHER LEGAL ACTION**

- 6.1 **Board Actions**. In addition to levying fines, action by the Board may include, but need not be limited to:
- (a) Seeking injunctive or declaratory relief action against any Alleged Offending Owner and a tenant, guest, or other occupant of the Alleged Offending Owner; and/or

- (b) Taking immediate legal action, as the Board finds reasonably necessary, to stop conduct which it determines is in violation of the Declaration, Bylaws, Rules and Regulations, or applicable state or federal law.

6.2 **Additional Corrective Action by Board.**

- (a) Right of Board to Take Additional Corrective Action. If the Alleged Offending Owner fails to correct the matter, which is the ultimate cause of the violation, the Board may take additional corrective action without prior notice to the Alleged Offending Owner or opportunity for a hearing.
- (b) Notice of Additional Action. The Board shall give an Alleged Offending Owner written notice of any additional action taken under Subsection (a) of this Section.

**ARTICLE 7**  
**MISCELLANEOUS**

- 7.1 **Renters and Other Non-Owner Occupied Units and Guests.** The Owner of any unit shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or Rules and Regulations.
- 7.2 **Mediation.** ORS 94.630(4) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the Planned Community Act do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.

**BE IT FURTHER RESOLVED** that:

1. The Schedule of Fines, attached as **Exhibit A**, is adopted by the Board of Directors to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association.
2. A copy of this Resolution, and amendments, will be sent to each Owner at the address shown in the records of the Association.

Date: \_\_\_\_\_, 2008

ATTEST:

\_\_\_\_\_  
President, Board of Directors  
Salishan Hills Owners Association

\_\_\_\_\_  
Secretary, Board of Directors  
Salishan Hills Owners Association

**EXHIBIT A**

**SALISHAN HILLS OWNERS ASSOCIATION  
SCHEDULE OF FEES AND FINES**

All fines are due and payable within 30 days. (Any appeal stops the clock until a hearing, or the Board of Directors make a change) Late fees and Interest of 10 percent per annum is added in accordance with Section 9 (a) of the Plan of Salishan Hills.  
Liens are filed after 90 days.

**ENFORCEMENT RESOLUTION is the authority for this document.**

**DUES, FEES AND FINES**

HOA DUES NOT PAID AFTER 30 DAYS	\$30/30 DAY PERIOD
ASSESSMENTS NOT PAID AFTER 30 DAYS	\$30/30 DAY PERIOD LOT
NUMBER POST	\$100/SIGN
ENTRY GATE REMOTE	\$50/EACH

**CC&R RULES & REGULATIONS FINES**

**ENTRY GATE**

GATE ARM BROKEN	\$50/INCIDENT
DAMAGE TO GATE AND/OR APPARATUS	\$300 + COST OF REPAIRS

**TRAFFIC CONTROL**

SPEEDING	\$50/ INCIDENT
FAILURE TO STOP	\$50/ INCIDENT
OVERSIZED VEHICLE	\$100/GATE ENTRY
ILLEGAL VEHICLE PARKING OVERNIGHT	\$100/NIGHT
PARKING ON UNPAVED AREA	\$100/DAY
PARKING ON TENNIS COURT DRIVEWAY	\$100/DAY
DRIVING WRONG WAY ON A ONE-WAY	\$50/INCIDENT

**COMMON AREA**

NOISE	UP TO	\$100/INCIDENT
FOOT PATH VANDALISM		\$100/INCIDENT
PET OFF LEASH OR PET DISTURBANCE		\$50/INCIDENT
FAILURE TO DISPOSE OF PET WASTE		\$25/INCIDENT
TRASH CAN STORAGE/VISIBILITY		\$100/WEEK
TRASH CAN OUT AFTER PICK UP DAY		\$25/DAY
'FOR SALE' SIGN NON-COMPLIANCE		\$50/WEEK
RENTAL AGREEMENTS NOT FILED		\$100/MONTH
RENTING TO MULTI PARTIES		\$100/WEEK
SHORT TERM RENTAL		\$100/INCIDENT
TENNIS COURT USE VIOLATION		\$25/INCIDENT



## **GREEN WASTE AREA**

CONTRACTORS UNAUTHORIZED USE  
UNAUTHORIZED WASTE LEFT

\$100/INCIDENT  
\$100/INCIDENT

## **DUMPING ON COMMON AREA or PRIVATE UNIT/LOT**

Dumping of any kind (other than yard cuttings at the Green Waste Disposal) or on another unit/lot or common property is prohibited. Illegally dumped items must be removed within 7 days or fines below will be doubled. If dumped material is not removed within 7 days, SHOA Property Manager will have it removed and the person dumping will be responsible for the removal cost and fee.

\$200 –1<sup>st</sup> OFFENSE  
\$400 –2<sup>nd</sup> OFFENSE  
\$1,000 –3<sup>rd</sup> OFFENSE

## **FIRE SAFETY**

FIREWORKS  
OPEN FIRES OF ANY KIND

\$500/INCIDENT  
\$500/INCIDENT

## **PRIVATE UNIT/LOT MAINTENANCE**

EACH LISTED ITEM OF NON-COMPLIANCE

\$100 PER ITEM AT 60 DAYS  
FINE DOUBLES AT 90 DAYS

\_\_\_ Unit overgrowth. Clear and remove all overgrowth up/down to the roadway for fire suppression access. Including bushes/shrubs/tall salal and excessive new growth trees.

\_\_\_ Tree limbs projecting over the roadway. Remove at trunk, overhanging limbs of tree at least 5 feet from the roadway.

\_\_\_ Tree/s. Remove all dead trees and cuttings from the unit.

\_\_\_ Buildup of needles and other plant debris on roof and gutters. Remove and maintain for fire safety.

\_\_\_ Fire ladder. Cut/remove ground cover/shrubs/plants and tree limbs to create ten-foot space between ground cover and lowest tree limbs.

\_\_\_ Visibility restrictions. Clean/clear growth including trees/shrubs/stumps blocking sight lines so that traffic visibility is not restricted.

\_\_\_ Overgrowth on stumps. Clean plant growth from stumps. (FIREWISE encourages the removal of old stumps for fire suppression).

\_\_\_ Improper storage of firewood, wood pile

\_\_\_ Remove seedlings/hemlocks/volunteer trees which grow up to 24 inches per year. Become future view problems.

\_\_\_ Lot Sign. Must be in good shape, correct size, shape, color and must be visible.

## **FALLEN TREE ISSUES**

50% COST OF CLEAN UP

## DESIGN COMMITTEE

### FINES FOR WORK COMPLETED WITHOUT THE DESIGN COMMITTEE APPROVAL

LANDSCAPING	\$500/INCIDENT
TREE REMOVAL TRIMMING CROWNING OR WINDOWING	\$25/TREE/INCH OF THE DIAMETER OF THE STUMP OF EACH TREE MEASURED AT A HEIGHT OF 2 FEET
UNATTRACTIVE LOT (PER SHOA STANDARDS)	\$500/INCIDENT
EXTERIOR LIGHT FIXTURES GARAGE CONVERSION	\$25/FIXTURE+REMOVAL \$1000.00

### UNAUTHORIZED CHANGES TO APPROVED PLANS MAY RESULT IN THE FOLLOWING FINES:

#### MAJOR VIOLATIONS

UP TO \$1000 PER ITEM

CHANGE IN SQUARE FOOTAGE  
CHANGE IN LOCATION OF FOOTPRINT  
CHANGE IN ROOFLINE ELEVATION  
CHANGE IN PAINT COLORS  
FAILURE TO PROVIDE PROPER DRAINAGE  
CHANGE IN WINDOW OR DOOR DESIGN  
UNAUTHORIZED REMOVAL OF TREES  
PLACEMENT OF UNAUTHORIZED NEW EXTERIOR LIGHTING  
FAILURE TO COMPLETE WORK IN APPROVED TIME

### DESIGN COMMITTEE FEES FOR OWNERS

#### PERMITS

ALL FEES ARE NONREFUNDABLE

REMODEL OR ADDITION	
0-499 SQ FOOT	\$500
500-1000 SQ FOOT	\$750
1001 PLUS SQ FOOT	\$1000
EXTENSION FOR WORK INCOMPLETED	\$500
EACH 3 MONTHS OR FRACTION THEREOF	\$100

**ANY BUILDING/STUCTURAL MAINTENANCE, UPKEEP AND REPAIRS  
REQUIRE DESIGN COMMITTEE APPROVAL.**

**THIS INCLUDES, BUT NOT LIMITED TO, CHANGES IN COLOR, DESIGN  
OR BASIC MATERIAL TO BE USED**

*I.E., PAINT, ROOF, DECK WORK, LIGHTING, SIDING, GUTTERS, DRAINAGE,  
EXCAVATION, LANDSCAPE IMPROVEMENT, DRIVEWAY, ANY EXTERIOR  
CHANGE.*

**DESIGN COMMITTEE FEES FOR CONTRACTORS**

**PERMITS**

REMODEL OR ADDITION  
DEMOLITION  
LANDSCAPE

**ALL FEES ARE REFUNDABLE**

\$3000.00  
\$3000.00  
\$500.00

**NOTE: AFTER AN APPROVED ONE-YEAR EXTENSION REQUEST OR IF THERE  
IS NO REQUEST FOR FINAL APPROVAL MADE, THIS DEPOSIT IS NO LONGER  
REFUNDABLE.**

**CONTRACTOR VIOLATION FINES**

GATE ARM BROKEN	\$50/INCIDENT
DAMAGE TO GATE AND/OR APPARATUS	\$300 + COST OF REPAIRS
PARKING VIOLATIONS	\$100/INCIDENT
ROADS/DRIVEWAYS BLOCKED	\$100/INCIDENT
SANITATION VIOLATIONS	\$100/DAY
STORAGE OF MATERIAL VIOLATIONS	\$100/DAY
NO PHONE CONTACT WITH CONTRACTOR	\$100/INCIDENT
TRESPASS OF OTHER PROPERTIES	\$100/INCIDENT
WORK HOUR VIOLATIONS	\$100/INCIDENT
DELIVERY AFTER HOURS	\$100/INCIDENT
SPEEDING OF WORKERS	\$50/INCIDENT
USING SHOA GREEN WASTE	\$200/INCIDENT
CONTRACTORS PETS ON JOBSITE	\$50/INCIDENT
LOUD NOISE OR RADIO	\$100/INCIDENT
LITTER OR DEBRIS AROUND JOBSITE	\$100/INCIDENT
VIOLATION OF SHOA RULES AND REGS	POSTED ABOVE

1<sup>ST</sup> VIOLATION WARNING

2<sup>nd</sup> VIOLATION \$100

3<sup>rd</sup> VIOLATION \$500

4<sup>th</sup> VIOLATION \$500 + SHUTDOWN AND ADDITIONAL \$3,000 DEPOSIT