



9mileranchhoa.org
PO Box 332
Oroville, WA 98844

Enforcement Rules and Fine Schedule

Revised 9/8/23

I. Background

These Enforcement Rules and Fine Schedule (Enforcement Rules) for the Nine Mile Ranch Homeowners Association (Association) have been adopted by the Board of Directors (BOD) pursuant to the authority granted in RCW 64.38.020(11) and also pursuant to CCRs Article IX, Section 22.

The BOD has adopted these Enforcement Rules for the purposes of encouraging compliance with the Nine Mile Ranch Declaration of Covenants, Conditions and Restrictions (CCRs). Levying fines for violations of the CCRs is meant to place the financial burden of non-compliance on the violator and minimize the need for the Association to spend funds with attorneys. Prior to levying any fines the first step will be for the BOD/ACC to notify the Lot Owner of the alleged violation(s) and to earnestly assist them with compliance, seeking good faith resolution. If that step does not succeed then a process of levying fines may result. The process herein does not replace or reduce the Association's or any Lot Owner's rights to enforce the terms of the CCRs by any legal proceeding.

In the case of a conflict between these Enforcement Rules and the CCRs, the terms of the CCRs will control.

II. Notification and Hearing

- 1. Notification.** If an investigation by the BOD/ACC results in finding a violation may have occurred the BOD/ACC will send a Notice of Violation to the Lot Owner, seeking good faith resolution of the alleged violation. The Notice of Violation will state the name and address of the Lot Owner allegedly in violation, describe the violation and, if the BOD/ACC regards their knowledge adequate at the time, include stating with reasonable particularity the action deemed necessary to correct the violation and state a deadline for correction of the violation. Prior to correction deadlines being set the BOD/ACC may also choose to engage a process of discovery with the Lot Owner. In any event, throughout any process of Notice of Violation or discovery the BOD/ACC will always state deadlines for correction and/or return communication expected from the Lot Owner. Except in cases of emergency the deadlines may not be less than 10 days, but the BOD/ACC may set a longer deadline if reasonable under the circumstances. In determining a reasonable deadline the BOD/ACC will consider the nature of the violation, the circumstances of the Lot Owner and the property, and the action required to correct the violation. The Notice of Violation will inform the Lot Owner of the right to request a hearing to contest the validity of the Notice of Violation, and of right of the BOD/ACC to take legal action or impose fines upon failure to correct violations specified in the Notice of Violation.

2. **Right to Hearing.** A Lot Owner may contest the validity of a Notice of Violation or contest the imposition of fines for failure to correct violations specified in the Notice of Violation, heard before a BOD-appointed Hearing Panel. The Hearing Panel shall consist of 1-3 persons with at least one person being an Association member who is not an Officer or Director of the BOD. Findings and recommendations of the Hearing Panel shall be by majority. The Lot Owner must fill out and return to the Association (P.O. Box 332 / Oroville, WA / 98844) a "Request For Hearing" form at the bottom of the Notice of Violation within seven days of due notice of violation. The Request For Hearing must contain a copy of the Notice of Violation, describe the basis for defense to the violation, include copies of all supportive documentation, and identify witnesses expected to testify at the hearing. A lack of appearance at a hearing by the Lot Owner or lack of request for a hearing regarding a Notice of Violation shall allow the BOD/ACC to make final decisions regarding the violation(s) and fines.

Upon receipt of the Lot Owner's Request For Hearing the Hearing Panel will contact the Lot Owner to set a time and place for the hearing to be no sooner than 10 days and no later than 60 days after the Request For Hearing. The hearing will be held in the Oroville, Wa. area unless the Hearing Panel and the Lot Owner agree otherwise, and the hearing may be held by tele or video conference call if the parties agree. The Lot Owner will have up to 30 minutes for their presentation at the hearing. The BOD/ACC will notify the Lot Owner of the final decisions no later than 10 days after the hearing, and the notice will state any fines, costs and fees due. All decisions made by the BOD/ACC shall be final.

Imposition of fines will be stayed pending the outcome of the hearing, but if the decision of the BOD/ACC is adverse, fines may be imposed beginning as of the deadline for cure stated in the Notice of Violation.

III. Penalties/Fine Schedule

1. Except as enumerated in subsection III.2 and III.3 below, any violation of the CCRs, Bylaws, or rules of the Association carries a fine of \$25 dollars per day. Fines may be levied via the ACC or BOD. This schedule may be extended or modified by BOD approval at any time, however, modifications will not be applied retroactively. Fines may be waived or reduced by the BOD or ACC in appropriate circumstances.
2. It is understood that per CCRs Article IV Protective Covenants, Lot Owners shall not commence with modifications to their lot, construction, timber removal or fencing prior to obtaining ACC approval. In the event prior approval was not obtained the accountable Lot Owner will be subject to a onetime fine of \$150 per item initiated without prior approval at the discretion of the Board of Directors.
3. It is understood that per CCRs and the Watershed Rule, Lot Owners do not have a right to modify, work on or damage HOA roads without prior permission of the Board of Directors/ACC. In the event that such violation occurs the accountable Lot Owner will be subject to the following schedule of fines at the discretion of the Board of Directors:
 - a) \$250.00 per day if the action leaves any road section untraversable or unusable for any regularly expected road use by any Lot Owner.

- b) \$100.00 per day if the action impedes the conduction of road maintenance by the Board of Directors.
- c) \$25.00 per day of the action results in unusual road wear or noticeable reduction in road quality or structure.
- d) \$10.00 per day for any other damage or consequence resulting from an action that is less in severity than in subsections III.2a-c above.
- e) These fines do not apply to the regular use of any road, including wear from reasonable auto and truck traffic during the course of normal residential construction on any Lot. These fines do apply to damage that may result from Lot Owners having private utilities installed in or across roadways.

The fines enumerated above would be in addition to the responsibility of any Lot Owner to pay for repairing the road damage itself.

IV. Collection of Fines

All fine payments will be due within ten (10) days of billing date. All fines imposed by the Association upon a Lot Owner(s) which remain unpaid for 90 days shall automatically constitute a lien on the Lot and all it's improvements, and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. Liens filed with Okanogan County will include unpaid fines and lien fees. Levied fines are the personal obligation of the Lot Owner that may be reduced to judgment in the same manner as any other debt.

Adopted by the Nine Mile Ranch Board of Directors on September 7, 2019.

Revised by the Nine Mile Ranch Board of Directors on January 18, 2020.

Revised by the Nine Mile Ranch Board of Directors on January 14, 2021.

Revised by the Nine Mile Ranch Board of Directors on September 8, 2023.