

Rules & Regulations

Waste Containers Storage

I. Introduction

The Board of Trustees adopts this Rule pursuant to the authority granted to the Association in the Revised Code of Washington 64.38.020 (1) and Article IX, Section 4 of the Fairwood Greens' CC&Rs, which requires that each Homeowner is to maintain the exterior appearance of his/her property in a manner that upholds the quality of our neighborhood and/or community. The covenants exist to protect every Homeowner's property value by ensuring a well-kept and desirous place in which to live.

These Rules & Regulations supersede any and all previously adopted Rules & Regulations on the same topic.

All exterior areas must be consistently maintained. The placement and storage of waste (garbage, yard) and recycling containers (hereafter "containers") where they are visible from the street and by neighbors adversely affect the marketability and value of our homes, the quality of life of Owners, and the use of common spaces or elements. It is important to protect the shared enjoyment of common spaces, and to maintain the Association community's visual appeal and the unimpaired access of vehicles and pedestrians in the use of the common spaces. The purpose of this Rule is to protect those valuable elements of our community.

The intent and goal of this Rule is to govern the storage and placement of containers so as to minimize or eliminate their visibility from the street, alleyways, and from neighbors' homes and yards as much as reasonably possible. The Board recognizes that the physical nature of the residential structures, their yards and parking amenities, and of the streets, alleys and other common spaces, make it difficult to adopt a general rule that fits everyone and every situation. Accordingly, in order to assure the best chance of successfully using this Rule and protecting the community's interests in controlling storage and placement of containers, it is necessary for the Board to have discretion to make decisions on a case-by-case basis as circumstances call for it.

II. General Rule:

Except on collection day, owners shall store their containers within their backyards, garages or other private areas, and otherwise so they are not visible from the street or to their neighbors. Containers shall be maintained and located in a manner and place so as to minimize odor to habitable areas and their neighbors. When necessary to prevent containers being stored outside from being visible, Owners must screen their containers in a manner and with materials and coloration that is homogenous with their home and other homes in the community. Screening is subject to ACC approval. Owners must submit an application for the screening and obtain written approval for it from the Architectural Control Committee (ACC) before installation, all pursuant to and in compliance with requirements set forth herein or in other governing documents

A. On Collection Day:

Containers may be placed outside of their normal, required private storage area for collection for 24 hours, and must be removed and moved back to their place of storage by end of the next day. Containers shall not be placed for collection in any location which blocks or otherwise impairs other owners access for parking their vehicles in their driveway areas, or which blocks or interferes with

the use of sidewalks, streets, alleys or other spaces or elements of the Association community available for the common use of or access by other Owners.

B. Non-Collection Day:

On all other days than collection day and the 24-hour grace period mentioned above, the following standards or requirements apply:

- (a) Containers may be stored within garages;
- (b) Containers are allowed to be stored within fenced rear or side yards; provided, however, that they be screened from view if they are visible to neighbors;
- (c) Containers may not be stored in the front area of a home which can be visible from the street regardless of screening;

C. On All Days:

Garbage and debris containers must have lids tightly attached or, if containers are those provided by the collection company with attached swivel lids those lids must be kept closed. The contents of containers, including without limitation recycle bins, must be secured in a fashion so that contents will not scatter or otherwise be released from the container and on the ground.

D. Discretion of the Board:

Notwithstanding anything to the contrary in this Rule, in order to effectively and properly govern and control storage and placement of containers within the infrastructure of our Association community, the Board has the discretion to make, implement and enforce decisions regarding the storage, placement and screening of containers on a case-by-case, owner-by-owner, and lot-by-lot basis, especially when (but not limited to) a particular owner's lot does not easily fit within the above provisions of this Rule.

III. Repetitive / Chronic Offenders

The Association previously adopted a Rule on Repetitive/Chronic Offenders, which applies to violations of this Rule. For ease of understanding this Rule, the definition of such an Offender is: when the acts or omissions of an owner, which violate governing documents requirements or restrictions including those within this Rule or Policy, repeatedly and continually occur over periods of time despite past notice or letters of the Association informing owner that such actions or omissions are violations, such an owner is a "Chronic" or "Repetitive Offender."

The Board considers it reasonably necessary to address the Repetitive Offender situation because it results in far more Association time, monies (including attorney fees), materials, monitoring and corrective effort being spent or done than on owners who are single, isolated or rare offenders. Further, the Repetitive Offender has a much greater adverse impact on the attractiveness and value and marketability of homes in the community, and on the quality of life of other owners. Accordingly, the Board has adopted this particular Article and those in other Articles in this Rule or Policy related to this topic, in the hopes, first of all, of deterring owners from becoming or continuing to be Repetitive Offenders, and, secondly, to help recover the costs of the excessive time, effort and monies expended by the Association in dealing with such owners.

For the purpose of the Board determining whether an owner should be classified as a Repetitive Offender of this Rule, the primary factor, but not the sole factor the Board may consider is Owner having three (3) or more violations of this Rule occurring within any twelve (12) month period.

The above listing is not intended to limit the Board in considering other factors or conduct in determining whether an Owner is a Repetitive Offender under this Rule. The Board has the discretion to look at other actions or conduct of an Owner in order to make a determination whether the owner is a Repetitive Offender and therefore subject to this Rule or Policy and the enhanced fines set forth below.

Due to the increased problems for the Association and the community caused by Repetitive Offenders, and because such owners continue to violate the same or similar governing document issues time after time, it is reasonable to impose enhanced fines or penalties on them. If the Board or any Committee designated by it to monitor and address this topic determines that an owner is a Repetitive Offender regarding one or more issues or violations of the governing documents, the Board will issue a notice to owner at his or her last known address that owner is now considered a Repetitive Offender, and to cease and desist the violation(s) then at issue. At that point and thereafter, if such owner does not stop or correct the violation(s) involved, enhanced fines may be imposed pursuant to those listed in the schedule below (see **Article V, Fines, Section B**).

IV. Infractions

Once a violation has been reported and confirmed and the violating homeowner notified in writing, if it is not corrected in a timely manner, fines may be assessed according to Section V.

At the Board's discretion, legal action may be taken against the violating owner at any point once a violation has been confirmed. If fines are imposed, additional fines will continue to be assessed while the legal action is pending if the owner remains in violation of the declaration. All attorneys' fees and other costs associated with enforcement of this Rule may be assigned to or assessed upon the violating owner

V. Fines

A. Waste Containers – Garbage, Yard Waste / Recycle

- 1) First Offense - notice/warning letter; no fine;
- 2) Second Offense - \$10/day until compliance occurs;
- 3) Third Offense - \$25/day until compliance occurs.

B. Repetitive Offenders - at such time as an owner is determined to be a Repetitive Offender as set forth above (essentially fourth and all subsequent offenses occurring within any twelve (12) month period), the following enhanced fines are applicable to and may be imposed against such owner:

- 1) Next confirmed violation: notice/warning letter of Repetitive Offender status; no fine;
- 2) Thereafter all confirmed violations: \$50 fine per day until full compliance occurs.

D. Collection of Fines - The Association will bill the violating Homeowner the applicable fines at such time and for such periods as the Association considers reasonable.

All fines imposed by the Association upon an owner which remain unpaid for 60 days after being invoiced to owner 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. The Association may file a formal lien with the county in order to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

The opportunity to appeal the Board's decision is available under the Association's Rules and Regulations on "Appeal Process"

VI. Miscellaneous – Effective Date – This rule and regulation shall become effective 90 days after being adopted and enacted by the Board.

VII. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

Dated and adopted by the Board of Trustees the 25th day of April, 2017.