

# **Rules & Regulations**

## **Vehicles**

### **I. Introduction**

1.1 **Authority.** Article IX, Section 4 of the Fairwood Greens' CC&Rs require that each homeowner is to maintain the exterior appearance of his/her property in a manner that upholds the quality of our neighborhood. These declarations are to protect every homeowner's property value by ensuring a well-kept and desirous place in which to live.

Additionally, the CC&Rs, Article IX, Section 4, specifically prohibit the repair of vehicles outdoors on any lot.

1.2 **Definition.** Vehicles that are in violation are:

- a) In state of disrepair and the factors which will be considered include without limitations, flat tires, on stands, significant amount of foreign material (moss, pine needles, bird dropping, etc), on vehicle or;
- b) In long-term storage and the factors which will be considered include without limitations, having expired license plates and/or are covered with a material/tarp that makes them inoperable as they stand.

1.3 **Purpose.** The prolonged visible presence of inoperable and/or unoperated/storage vehicles in the neighborhood is unattractive if not properly regulated and restricted. This rule is adopted to prevent the prolonged parking or storage of inoperable and/or unoperated/storage vehicles unless in the garage or otherwise properly screened after prior Association approval of such screening location, configuration, and materials.

### **II. Infraction**

Once a violation has been reported by an individual homeowner and/or by the Fairwood Greens' Security Patrol, confirmation will be determined, the violating homeowner notified in writing, and, if not corrected in a timely manner, fines assessed according to Section III.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines will continue to be assessed while the legal action is in process if the homeowner continues to violate the declaration. All legal expenses associated with the enforcement of this declaration may be assigned to the violating homeowner.

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

### **III. Repetitive / Chronic Offenders**

3.1 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."

3.2 **Purpose.** The Board considers it reasonably necessary to address the Repetitive Offender situation because it results in far more Association time, monies (including attorneys 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.

- a) In state of disrepair – three (3) violations occurring within any twelve (12) month period;
- b) In long-term storage –at least one violation occurs each year for two (2) consecutive years;

The above listing is not intended to limit the Board in considering other patters or topics as being within the category of Repetitive Offender. The Board retains the discretion to look at other categories or topics and evaluate an owner's pattern of conduct in addressing such topic, and determine whether the owner is a Repetitive Offender and therefore subject to this Rule or Policy and the enhanced fines set forth below.

3.4 Enhanced Fines. 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 IV, Fines, Section C**).

#### **IV. Fines**

4.1 Standard Fines. Fines for violation of the parking/storing of a vehicle will be imposed at the following daily rates:

- a) First Offense - \$10/day
- b) Second Offense - \$25/day
- c) Third and All Subsequent Offenses - \$50/day

4.2 **Repetitive Offenders/Enhanced Fines.** - at such time as an owner is determined to be a Repetitive Offender as set forth above, the following enhanced fines are applicable to and may be imposed against such owner as to all subsequent same or similar violations:

- a) First confirmed violation: notice/warning letter; no fine;
- b) Second and thereafter confirmed violations: \$25 fine per day until fully corrected; provided, however, that if the nature of the repeated violation or offense is entirely intermittent, by way of example such as failure to continuous violating parking / storage the fine will be \$500 per incident.

4.3 **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 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).

#### **VI 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 22th day of May, 2012.**