

## **Rules & Regulations** **Annoyance / Offensive Conduct**

### **1. Annoyance Conduct:**

In such cases where a homeowner, or his tenants or occupants of the property, or their guest(s) (collectively "homeowner" in this Rule) has engaged in conduct which involves the typical noise or annoyance situations (for example and including without limitation loud talking, loud music and/or loud party) and it causes annoyance or nuisance to a neighbor or neighbors, after confirmation of the incident an immediate written warning notice may be issued by the Association to the offending homeowner to cease and desist and not further engage in such conduct. Such written notice will advise the offending homeowner that if the conduct does not immediately cease or occurs again, for every confirmed instance of such conduct after the notice is given a fine of \$100 will be imposed on the homeowner.

If the offending conduct does not cease after two (2) \$100 fines are imposed the fine will increase to \$150 per additional confirmed incident until the conduct ceases. Further, after two (2) \$150 fines are imposed for additional similar conduct or incidents, the fine will thereafter increase to \$200 for every additional confirmed incident.

To summarize the warning and fines schedule:

First confirmed incident:	warning letter; no fine;
Second & Third confirmed incidents:	\$100 fine for each incident;
Fourth & Fifth confirmed incidents:	\$150 fine for each incident;
Sixth & after confirmed incidents:	\$200 fine for each incident.

### **2. Offensive or Egregious Conduct:**

In such cases where a homeowner is engaging in offensive or egregious conduct which, by its nature, is intentional for causing, or can be reasonably interpreted as intended to cause annoyance, nuisance or offensive to a neighbor or neighbors and which is of a type or to an extent which adversely effects or impacts the neighbors and/or the neighborhood or community welfare, upon confirmation of the incident an immediate written warning notice may be issued by the Association to the offending homeowner to cease and desist such conduct and to not engage in it in the future, and that fines will be imposed if further similar conduct occurs. Such written notice will advise the offending homeowner that if the conduct occurs again, for every confirmed instance of such similar conduct or incident after the notice is given a fine of \$300 will be imposed on the homeowner. If the offending conduct occurs again after two (2) \$300 fines are imposed for similar incidents the fine will increase to \$500 per confirmed incident. After receiving two (2) \$500 fines for further similar incidents the fine will increase to \$1000 for every confirmed incident in the future.

To summarize the warning and fines schedule:

First confirmed incident:	warning letter; no fine;
Second & Third confirmed incidents:	\$300 fine for each incident;
Fourth & Fifth confirmed incidents:	\$500 fine for each incident;
Sixth and after confirmed incidents:	\$1,000 fine for each incident.

The intention behind this rule and regulation is to prevent or stop offensive conduct which includes but is not limited to profane, intimidating, and/or abusive physical or verbal conduct directed at or which affects a neighbor or neighbors, which is not an isolated act or incident, and which, by its nature, has an adverse impact or effect on surrounding neighbor or neighbors. It is recognized in a civilized society that such conduct adversely affects the safety and welfare of the neighborhood and community at large.

This Rule and Regulation is designed and intended to handle really egregious, unusual situations where the homeowner/tenants or their guest(s) conduct is/are causing annoyance or nuisance of a nature or to an extent which significantly affects quality of life or enjoyment of home and property by a neighbor or the surroundings to the neighborhood.

The Washington statute R.C.W. 64.38.020, provides that an Association can levy reasonable fines in accordance with a previously established and adopted by the Board of Trustees.

“All fines imposed by the Association upon an owner which remain unpaid for sixty (60) days shall constitute a lien on the Lot and all its 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 covenants and the laws of the State of Washington. The Association may file a formal lien with the county in order to protect its payment interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorneys’ fees, incurred by the Association in the collection of such unpaid fine(s).”

The fine process for this Rule and Regulation, and any possible appeals, will be enforced and subject to the same guidelines that are used for other Rule and Regulation violations, which include being turned over to the Association's Legal Counsel for the possible filing of a lien/foreclosure or enforcement lawsuit to curtail and end any such conduct.

Dated and enacted January 25, 2011.