



# Standards for Home Maintenance

## Overview

### **OBJECTIVE**

The objective of these rules is to clarify the standards for home maintenance and how they will be applied and enforced by the Mountain Park Home Owners Association (Association).

### **AUTHORITY**

These rules are authorized by Mountain Park's Codes, Covenants, & Restrictions, the Board of Director's resolutions and decisions, ORS 94.630(1)(a), and ORS 94.640.

### **INTERNAL OPERATING PROCEDURES**

To facilitate the implementation of these rules, the Association's Executive Director and staff are responsible for monitoring compliance with these standards and managing the Association's internal operations regarding these standards as required by the Board of Directors (Board) and the Home Maintenance Committee (Committee).

### **APPLICABLE LAWS**

All compliance standards of the Association are subordinate to the regulations of Federal, State and local laws; however, Association rules may be more restrictive than legal requirements and will be applied unless the Association's more restrictive rules conflict with legal requirements.

When a violation of these standards occurs that is also a violation of the law, the Association reserves the right to report this to the appropriate authorities.

### **STANDARDS OF LOCAL ASSOCIATIONS**

Other organizations within the Mountain Park community, including other local homeowners associations, have rules and policies related to properties that have an overlapping scope with those of the Association. Any policies or rules of a local association within Mountain Park are independent from the policies and rules described in this document. In the event of any conflict, the Association's rules and procedures supersede any local association's policies and rules, unless the local association's rules are more restrictive.

If the Association cannot identify the homeowner responsible for complying with these standards, the Association may communicate with any other homeowners association that has governing documents covering the property in order to obtain compliance and take appropriate action.

## **STANDARDS OF OTHER STANDING COMMITTEES**

In addition to the Home Maintenance Committee, there are three other standing committees that have authority delegated to them by the Mountain Park Board of Directors for developing and enforcing rules of the Association. These committees are the Architectural Committee, the Common Property Committee, and the Clubhouse Committee.

The Architectural Committee develops and enforces its rules regarding its application process, as well as the committee's mandates regarding construction materials and associated issues for permanent structures and hardscape.

***NOTICE: Before proceeding with repairs and material replacement mandated in the rules of the Home Maintenance Committee, the member also must obtain approval of the Architectural Committee regarding its mandates.<sup>1</sup>***

The Common Property Committee develops and enforces its rules regarding its application process and other mandates provided in its rules regarding common property.<sup>2</sup>

The Clubhouse Committee develops and enforces its rules concerning clubhouse behaviors and interactions with Association staff.<sup>3</sup>

## **ENFORCEMENT ACTIONS**

The procedures for enforcing these standards are provided in section L. Compliance Procedures for Home Maintenance Standards.

## **FINES**

Fines for violations are assessed according to the Penalty Schedule, Appendix A.

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<sup>1</sup> Insert hyperlink to Architectural Committee's rules.

<sup>2</sup> Insert hyperlink to Common Property Committee's rules.

<sup>3</sup> Insert hyperlink to Clubhouse Committee's rules.

# Home Maintenance Rules

## A. HAZARDOUS AND UNSAFE CONDITIONS

Any violations of these rules by any act or omission that creates or contributes to hazardous or unsafe conditions must be remedied immediately.

Violation of this standard is a Category 3 violation.

## B. DWELLINGS AND STRUCTURES

### 1. General Maintenance

All external parts of dwellings and ancillary structures, which includes, but is not limited to, windows, screens, awnings, doors, siding, elevated landings, porches, decks, arbors, sheds, play structures, flag poles, chimneys, railings, mailboxes, and stairs, are subject to the following requirements:

- a. Dwellings and other structures must not exhibit deterioration, disrepair or damage.
- b. Dwellings and other structures must be clean and free of moss and algae.
- c. Paint, stain, and other external treatments must be uniform in color and without cracking, peeling or fading.
- d. Masonry must be maintained in good condition and damaged masonry must be repaired.
- e. Rotten wood, broken or missing boards, and damaged siding, shingles or shakes must be repaired.

Violation of the above requirements must be remedied within 45 days following the issuance of the Notice of Violation and Opportunity for Hearing (NOV). If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of these standards is a Category 2 violation.

### 2. Roofs

Roofs, which includes, but is not limited to, rafters, soffits, fascia, downspouts, chimneys and gutters, and other related components, are subject to the following requirements:

- a. Roofs that are damaged, deteriorated or in disrepair must be repaired.
- b. Roofs must be clean and free of debris, algae, grass and moss.
- c. Gutters and downspouts must be kept clear of blockages and in good repair.

Violation of the above requirements must be remedied within 45 days following the issuance of the NOV. If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of these standards is a Category 2 violation.

### 3. Driveways

Driveways, which include pathways adjacent to the house, parking pads and bays, and other parking areas that are visible from the street, are subject to the following requirements:

- a. Driveways must be clean and free of weeds, accumulated leaf debris, and moss and algae.
- b. Driveways that are damaged, deteriorated or in disrepair must be repaired.

Violation of the above requirements must be remedied within 45 days following the issuance of the NOV. If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of these standards is a Category 1 violation.

#### **4. Fences**

- a. Fences must be clean and upright.
- b. Obscuring vegetation must be maintained to screen the back side of the fence if the supporting structures for the fence are visible from the street or common areas.
- c. Dilapidated fences must be replaced.
- d. Rotten wood and damaged or missing fencing material must be replaced.
- e. Fencing material must be uniform in color, without cracking, peeling or fading.

Violation of the above requirements must be remedied within 45 days following the issuance of the NOV. If a member is unable to complete repairs within 45 days because of pending permitting requirements or Architectural Committee approval, the fine for this violation may be mitigated when the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of these standards is a Category 2 violation.

#### **5. Sidewalks**

Sidewalks, including the property lying between the sidewalk and the adjacent and abutting property must be in good repair and the adjoining property must be free of weeds, debris and other obstructions.

Violation of this standard is a Category 1 violation.

#### **6. Exterior Water Amenities**

Swimming pools, ponds, hot tubs, spas, rainwater collection systems, other water-related facilities and water features, including waterfalls and fountains, must be properly maintained to avoid nuisance conditions. Nuisance conditions include, for example, improper water storage resulting in uncontrolled runoff and overflow, stagnant water with algae growth or insect breeding, and the presence of odors or debris.

Violation of these standards is a Category 1 violation.

### **C. LANDSCAPE**

#### **1. Planting Areas Generally**

Planting areas, which includes all areas in a landscape planted with vegetation or suitable for growing vegetation, are subject to the following requirements:

- a. Planting areas must present a neat and well-tended appearance year round.
- b. Planting areas must be free of weeds and debris, including leaf litter, dead plants, and trash.
- c. Wildflowers are permitted as part of landscapes but must not be the predominant feature of the landscape.
- d. Ground cover must be neatly trimmed and must not encroach on streets, neighbors' properties or common property.
- e. Mulch or bark dust is acceptable as ground cover, except when used as the predominant feature in the landscape.
- f. Bare ground must be planted to avoid erosion or the incursion of weeds and noxious vegetation.

Violation of these standards is a Category 1 violation.

## **2. Lawns**

- a. Lawns must be kept watered, mowed, and weed free.
- b. Lawns along sidewalks and other paved areas must be neatly edged.
- c. Lawns must be free of debris, including leaf litter, dead plants, and trash.

Violation of these standards is a Category 1 violation.

## **3. Weeds, Brush and Noxious Vegetation**

- a. Weeds and dead vegetation must be eliminated from landscapes and around hard surface areas and must be collected for disposal as yard debris.
- b. Invasive plant species, identified in Appendix B, must be removed immediately from the landscape.
- c. English ivy must be removed from trees and prevented from invading streets, neighbors' properties and common property.

Violation of these standards is a Category 1 violation.

## **4. Trees, Shrubs and Bushes**

- a. Street trees along the adjacent right-of-way are the member's responsibility and must be properly maintained.
- b. Shrubs and bushes must be pruned as needed to maintain a neat, well-tended appearance.
- c. Dead trees, branches, stumps, and other dead vegetation must be removed without delay.

**NOTICE:** Lake Oswego's Tree Code, Chapter 55, applies to tree maintenance, trimming, and removal.<sup>4</sup>

Violation of these standards is a Category 1 violation.

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<sup>4</sup> Insert hyperlink to code.

## 5. Yard Debris

- a. Yard debris, such as fallen leaves, needles, cones, dead branches, grass and plant clippings, and dead vegetation, must be collected for proper disposal.
- b. Yard debris must be prevented from blowing into streets, storm drains, common areas or neighbors' properties.
- c. Disposal of yard debris must be in accordance with the Association's Yard Debris Policy.<sup>5</sup>

Violation of these standards is a Category 1 violation.

## 6. Vegetable and Fruit Gardens

- a. Vegetable and fruit gardens must be well-tended and must be devoid of rotting fruits and vegetation, unless the decaying vegetation is being properly composted.
- b. Vegetable gardens, if located in the front of the house, are not permitted to be the predominant feature of the landscape.

Violation of these standards is a Category 1 violation.

## 7. Composting

Compost piles and containers must not be visible from the street or common areas.

Violation of this standard is a Category 1 violation.

## 8. Exterior Flower Pots and Hanging Planters

Flower pots and hanging planters containing flowers or other vegetation that are visible from the street or common areas are permitted if they are well-tended and are primarily decorative.

Violation of this standard is a Category 1 violation.

## 9. Vegetation Affecting Sidewalks and Streets

- a. On a corner lot, hedges, bushes and shrubs in close proximity to the street are not permitted to exceed 36 inches in height above the crown of an adjacent street.
- b. Plants and trees must be trimmed to avoid impairing or obstructing travel on streets and sidewalks.

**NOTICE:** Lake Oswego's Tree Code, Chapter 55, applies to tree maintenance, trimming, and removal.<sup>6</sup>

Violation of these standards is a Category 1 violation.

## 10. Yard Equipment

The operation of power equipment, such as leaf blowers, lawn mowers, and power washers, is not permitted before 9 am or after 8 pm daily.

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<sup>5</sup> Insert hyperlink to policy.

<sup>6</sup> Insert hyperlink to code.

Violation of this standard is a Category 1 violation.

## **D. UNDEVELOPED LOTS AND UNTENANTED PROPERTIES**

### **1. Undeveloped Lots**

The Association may maintain vacant lots if the property owners are in violation of applicable standards and do not bring the property into compliance. Association maintenance includes: removing debris, weeds, invasive plants, or other waste material; trimming or removing dead or damaged vegetation; and cultivating or maintaining hedges, trees, shrubs, lawns and plants.

The property owners will be charged for the costs incurred by the Association to perform maintenance in addition to the fines for violating standards established for property in Mountain Park.

Violations on undeveloped lots of any applicable standard are Category 3 violations.

### **2. Untenanted Properties**

- a. If property within Mountain Park is untenanted or abandoned and the grounds are not maintained to the standards established for properties in Mountain Park, the Association may maintain the grounds. This includes: removing debris, weeds, invasive plants, or other waste material; trimming or removing dead or damaged vegetation; and cultivating or maintaining hedges, trees, shrubs, plants or lawns.
- b. The property owners will be charged for the costs incurred by the Association to perform maintenance in addition to the fines for violating the standards established for properties in Mountain Park.

Violations on untenanted properties of any applicable standard are Category 3 violations.

## **E. OUTDOOR STORAGE**

### **1. Outdoor Storage Generally**

- a. Garden supplies, equipment and tools, such as lawn mowers, ladders, landscape tools, hoses, bags of seed, fertilizer and mulch, must not be stored in the driveway or be visible from the street or common areas.
- b. Tarps may be used outdoors, but they must not be visible from the street.
- c. Firewood must not be stored where it is visible from the street.

Violation of these standards is a Category 1 violation.

### **2. Portable Outdoor Storage Units**

Portable outdoor storage units must not be placed on a property for more than 30 days within a 12-month period. If a member violates this requirement, the fine may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of this standard is a Category 1 violation.

### **3. Exterior Sports Equipment**

Free-standing, exterior sports equipment must be stored in a location that reduces, as much as possible, its visibility from the street when not in use. Storage in or near the street or on the sidewalk is prohibited.

**NOTICE:** See also maintenance requirements in Section K. 5.

Violation of these standards is a Category 1 violation.

## **F. CONSTRUCTION AND DEMOLITION**

### **1. Building Materials, Equipment and Debris**

- a. During construction or demolition, materials, debris, equipment and vehicles must not interfere with the use of streets and sidewalks by pedestrians or other vehicles.
- b. Construction or demolition equipment, materials and debris must not be stored on the property longer than 24 hours if left in an area visible from the street or common property, except construction debris may be stored in a dumpster. The fine for this violation may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of these standards is a Category 1 violation.

### **2. Dumpsters**

Dumpsters are not permitted on private property for more than 30 days within a 12-month period. If a member does not remove the dumpster within 30 days, the fine for this violation may be mitigated if the violation was caused by unavoidable or excusable circumstances as provided in the Penalty Schedule.

Violation of this standard is a Category 1 violation.

### **3. Chemical Toilets**

- a. Chemical toilets are permitted and must be located to avoid, as much as possible, their visibility from the street.
- b. Chemical toilets must be removed as soon as possible from the site when no longer necessary.

Violation of these standards is a Category 1 violation.

## **G. GARBAGE AND RECYCLING**

### **1. Storage of Containers**

- a. Garbage and recycling containers must be stored in the garage or, if necessary, containers must be stored behind the building's front perimeter.



- b. If containers cannot be stored in the garage, they must be screened from public view by shrubbery, foliage, or an approved structure.<sup>7</sup>

See also the particular requirements for yard debris in the Association's Yard Debris Policy.<sup>8</sup>

## **2. Curbside Collection**

- a. Recycling and garbage containers are not permitted to be placed curbside more than 24 hours prior to the scheduled collection day.
- b. Containers must be returned to their proper storage area within 24 hours after the day of collection.

See also the particular requirements for yard debris in the Association's Yard Debris Policy.<sup>9</sup>

Violation of these standards is a Category 1 violation.

## **H. HOME-BASED BUSINESSES**

- a. A home-based business is not permitted if the business creates noxious, offensive or unlawful activity or creates excessive traffic or noise.
- b. A separate entrance, path, stairway, walkway, or other access created specifically for the use of the business or its customers is prohibited and must be removed.
- c. A home-based business is prohibited from using garage or yard sales from the home as a means of selling merchandise.

**NOTICE:** Lake Oswego Code 50.03.004.1.b.ii applies to home-based businesses.<sup>10</sup>

Violation of these standards is a Category 2 violation.

## **I. VEHICLES**

### **1. Vehicle Parking and Storage Generally**

- a. Vehicles must only be parked in the garage or on driveways, parking bays, parking pads, or on the street.
- b. Detached truck canopies and trailers used for hauling must not be stored where they are visible from the street or common areas.

Violation of these standards is a Category 1 violation.

### **2. Recreational Vehicles**

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<sup>7</sup> Insert hyperlink to Architectural Rules.

<sup>8</sup> Insert hyperlink to Yard Debris Policy.

<sup>9</sup> Insert hyperlink to Yard Debris Policy.

<sup>10</sup> Insert hyperlink to code.

Recreation vehicles are not permitted to be parked on driveways or in the street for a period in excess of 24 hours. Recreational vehicles include, but are not limited to, motor homes, travel trailers, Fifth wheels, ATVs, jet skis, and boats.

Violation of this standard is a Category 1 violation.

### 3. **Inoperable and Unsightly Vehicles**

Inoperable vehicles and vehicles having an unsightly appearance because they are dilapidated, damaged, or in disrepair must be parked in garages or in approved parking areas that are not within public view.<sup>11</sup>

Violation of this standard is a Category 2 violation.

## J. SIGNAGE AND ADVERTISEMENTS

### 1. **Signage in General**

- a. Commercial and personal signs, advertisements and display materials, political signs, general notices and other signs are not permitted, unless specifically allowed in rules J. 2 through 6.
- b. Property owners must remove any prohibited signs.
- c. No signs are permitted on a house, apartment or any ancillary structure or in the windows of these structures.

Violation of these standards is a Category 1 violation.

### 2. **Apartment Property Signs**

- a. Each apartment complex may have a maximum of two a-board advertisement signs, but only one a-board is permitted per entrance to the apartment complex.
- b. A-boards must not be larger than 32 inches wide and 44 inches high and may provide boxes for brochures and marketing material that do not project beyond the perimeter of the a-board.
- c. Balloons are not permitted, except they may be attached to a-boards on Saturdays and Sundays between the hours of 7:00 A.M. and 7:00 P.M. Any balloons used or displayed outside these permitted hours must be removed promptly.
- d. No flags or bunting are permitted.
- e. No signs are permitted on the apartments or on any ancillary structures or in the windows of the apartments or ancillary structures.

Violation of these standards is a Category 1 violation.

### **Real Estate Marketing Signs**

- a. Real estate marketing signs must be oval, 18 inches wide and 24 inches high, and include the Mountain Park logo. A sign provided by a listing agent is allowed if the agent is acting for the owner and the sign complies with these requirements.

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<sup>11</sup> Insert hyperlink to Architectural Rules.

- b. Real estate signs must have their own stakes or supporting devices.
- c. Real Estate signs are limited to one sign per private property being offered for sale or rent.
- d. No real estate marketing signs are permitted on houses or structures or in their windows, except real estate marketing signs for condominium units that are for sale or rent.
- e. All signs must be removed when the sale is closed or the property is rented.

Violation of these standards is a Category 1 violation.

### **3. Garage and Moving Sale Signs**

- a. Garage and moving sale signs must be oval, 18 inches wide and 24 inches high, and include the Mountain Park logo. The Association provides signs for garage sales and moving sales. Signs must have their own stakes or supporting devices.
- b. Garage and moving sale signs are permitted to be displayed no more than 24 hours before a sale begins and must be removed as soon as the sale is over.
- c. No garage or moving sale signs are permitted to be displayed for more than four (4) consecutive days.
- d. No garage or moving sale signs are permitted on the house or on any ancillary structures or in their windows.
- e. Garage and moving sale signs obtained from the Association may be placed on common property to provide directions to the sale and are also subject to the limitations in this rule.

Violation of these standards is a Category 1 violation.

### **4. Open House and Estate Sale Signs**

- a. Open house and estate sale signs, including directional signs and a-boards, are permitted, but the signs must be displayed only during the hours of the open house or estate sale.
- b. Except for a-boards, signs must be oval, 18 inches wide and 24 inches high, include the Mountain Park logo and have their own stakes or supporting devices.
- c. A-boards must not be larger than 32 inches wide and 44 inches high.

Violation of these standards is a Category 1 violation.

### **5. Security, Safety and Hazard Signs**

- a. Security, safety and hazard signs that are less than 120 square inches in size are permitted on private property.
- b. Security, safety and hazard signs must be placed within 25 feet of the dwelling.

Violation of these standards is a Category 1 violation.

## **K. MISCELLANEOUS ISSUES**

### **1. Flags**

- a. Flags, including U.S., national, seasonal and decorative varieties, suspended from an attachment fixed to the house are permitted. Flags must be no larger than four (4) feet by six (6) feet. Strings of flags are prohibited.
- b. Flags that would alarm, threaten, or offend a reasonable person are prohibited, including flags that:
  - i. Refer to intimate body parts or to sexual or excretory acts or functions;
  - ii. Refer in an alarming or offensive manner to a person or class of persons on the basis of race, color, gender, ethnic heritage, national origin, or other characteristic;
  - iii. Refer to illegal acts.
- c. Flags must be in good condition. Faded, tattered, and torn flags must be removed.

**NOTICE:** Architectural Committee rules apply to flag poles.<sup>12</sup>

Violation of these standards is a Category 1 violation.

## **2. Pets**

- a. Pets are limited to dogs and cats unless they are confined to the inside of the dwelling at all times.
- b. Pets that exhibit aggressive, menacing or threatening behavior to neighbors or the Association's staff must be confined to areas that protect the neighbors and staff from being subjected to offensive behavior.
- c. Pet feces must not remain within view of the street and must be collected and disposed of properly.
- d. Pets must not be allowed to damage or destroy a neighbor's property.

Violation of these standards is a Category 1 violation.

## **3. Clotheslines**

Clotheslines are permitted, but must not be visible from the street.

Violation of this standard is a Category 1 violation.

## **4. Yard Decorations**

- a. Yard decorations that are visible from the street must be in good repair and well maintained. Yard decorations include, for example, statues, fountains, gnomes, wind chimes, flower pots and planters, and other decorative appurtenances.
- b. Yard decorations that are visible from the street must not be so excessive that they create a cluttered impression or diminish the curb appeal of houses in a high-class neighborhood.

Violation of these standards is a Category 1 violation.

## **5. Exterior Sports Equipment**

If visible from the street, sports equipment must in good repair, clean and free of moss and algae.

Violation of this standard is a Category 1 violation.

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<sup>12</sup> Insert hyperlink to Architectural Committee Rules.

**6. Exterior Holiday Decorations and Lighting**

- a. Exterior displays of winter holiday decorations, including decorative lights, are permitted to begin on Thanksgiving and must be removed by January 31 of the following year.
- b. All other exterior holiday displays and lighting are permitted two (2) weeks prior to the holiday and must be removed seven (7) days after the holiday.

Violation of these standards is a Category 1 violation.

**7. Exterior Strings of Lights**

Unless permitted as holiday lighting, exterior strings of decorative lights are prohibited.

Violation of this standard is a Category 1 violation.

**8. Noise**

Violation of the noise provisions in Lake Oswego Code 34.10.537-539<sup>13</sup> is prohibited.

Violation of this standard is a Category 1 violation.

**9. Garage and Yard Sales**

- a. Unless sponsored by the Association, garage and yard sales are not permitted to occur on any property more than three (3) times within 12 months.
- b. Advertisements for garage and yard sales must comply with the signage requirements in section J. 4.

Violation of these standards is a Category 1 violation.

**L. COMPLIANCE PROCEDURES**

**1. STAFF RESOLUTION OF COMPLIANCE PROBLEMS**

Ensuring compliance with the rules and standards of the Association is the responsibility of the Board, working in concert with its committees and Association staff.

The responsible senior staff leader for compliance is the Compliance Manager. The Compliance Manager has a broad range of responsibilities that include: a) monitoring the properties within Mountain Park; b) identifying compliance problems; c) communicating with Members and residents about compliance problems; d) working with Members and residents to achieve voluntary compliance; and e) issuing a Notice of Violation and Opportunity for Hearing (NOV) when this action is appropriate.

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<sup>13</sup> Insert hyperlink to the code.

## REPORTING REQUIREMENTS

At every monthly meeting of the Committee, the Compliance Manager will report on compliance activities regarding the Committee's rules. The report must include a summary of all compliance issues that resulted in the issuance of an NOV, as well as any other information for Committee review as determined by the Compliance Manager and the Committee.

## 2. COMPLIANCE PROCEDURES FOR HOME MAINTENANCE STANDARDS

### OVERVIEW OF COMMITTEES RESPONSIBILITY

If informal action by the Compliance Manager has not resulted in bringing a property into voluntary compliance with the Committee's rules, the Compliance Manager will issue an NOV. The Committee will decide whether there is a violation and the appropriate amount of the fine or sanction, if any, regarding all NOVs that have been issued regarding its rules. If a hearing has been requested to contest the allegations in any NOV, the Committee will conduct the hearing before making its decision.

### HEARING REQUESTS

To contest the allegations in an NOV, the affected Member must request a hearing in writing within 15 calendar days following the date of the NOV. Any written information the Member wants considered by the Committee must be provided to the Association within 15 calendar days following the date of the NOV.

The Association will provide an opportunity for a hearing that is within 45 calendar days from the date the NOV was provided or mailed to the Member.

### TIMELY RECEIPT OF DOCUMENTS

Documents must be received from Members within the timeframes specified in these procedures or as specified by the Committee. Documents are considered received according to the date of mailing (postmark) or upon receipt of an electronic submission. The Committee will determine if the hearing request or any other submissions was received within the specified timeframes if disputes arise regarding the timely receipt of documents.

## ***CONTESTED NOV'S***

### CONDUCT OF THE HEARING

If a hearing is requested to contest the allegations in the NOV, the Committee will conduct the hearing. At the hearing, the Member may explain the Member's position concerning the NOV. The Association's staff and the

Member may present information from witnesses and provide documents and pictures. The Committee may ask questions and request further information from the Member or the Association's staff in order to make its decision. The Committee may set reasonable time limits for oral presentations and the submission of any requested information.

The Committee will consider the information presented at the hearing by the Association's staff and the Member, or requested by the Committee, when making its decision. The Committee's decisions must be reasonable, based on applicable Association rules and policies, and consistent with prior decisions having the same or substantially similar issues.

Within 7 days of the hearing, the decision of the Committee will be provided to the Member in writing and it will include notice of the Member's right to appeal the decision to the Board.

#### APPEALS TO THE BOARD OF DIRECTORS AFTER HEARING

Any appeal to the Board must be made within 15 calendar days of the date of the Committee's written decision following a hearing. The appeal to the Board must be in writing and provide the specific reasons the Member objects to the Committee's decision.

The Board's review on appeal shall be limited to consideration of the documents, pictures, and written information presented to the Committee, the Committee's decision, and the objections raised in the Member's appeal. The Member may explain the specific objections raised in the appeal based on the information previously provided by the Member to the Committee. The Board may request an explanation from the Committee and the Association's staff regarding the Committee's decision and the issues raised in the appeal by the Member.

Based on the Member's specific objections provided in the appeal, the Board of Directors may decide that there was no violation, ratify and adopt the Committee's decision, or return the matter to the Committee for reconsideration.

After an appeal, the Board will provide its decision in writing to the Member. Any fine is due, and any other Board sanctions are effective, immediately after the Board issues its final decision.

#### *UNCONTESTED NOVS*

#### DECISIONS WHEN NO HEARING WAS REQUESTED

If no hearing was requested, the Committee will consider the allegations in the NOV and determine whether there was a violation and the appropriate penalty. In making its decision, the Committee may consider any additional information requested by the Committee or presented to the Committee by the Compliance Manager. The Committee's decisions must be reasonable, based on applicable Association rules and policies, and consistent with prior decisions having the same or substantially similar issues.

The Committee's decision will be presented to the Board for ratification and adoption as the final decision. Any fines are due, and any other Board sanctions are effective, immediately after the Board issues its final decision.

#### REPORTING COMMITTEE ACTIONS

Whenever there has been an action by the Home Maintenance Committee regarding any NOV, there will be a report presented within 30 days to the Board of Directors.

#### EFFECTIVE DATE

The effective date of these standards and procedures is \_\_\_\_\_. These standards and procedures apply to all violations pending on the effective date after reasonable notice is provided to any affected Members.

### **APPENDIX A**

#### **PENALTY SCHEDULE**

##### **I. Standard Penalties**

For purposes of determining what constitutes an “offense” under the penalty schedule, an offense is defined as an act or omission that violates the Committee’s rules. Under each category there are progressive penalties for subsequent, discrete violations of the Committee’s rules. Each rule violation is assigned a penalty category in the Committee’s rules.

Category 1:

\$100 first offense;

\$200 for second offense;

\$400 for each subsequent offense.

Category 1 violations include all rules enforced by the Home Maintenance Committee, unless the violation is specifically assigned to a different category in the Committee’s rules.

Category 2:

\$200 first offense;

\$400 for the second offense;

\$800 for each subsequent offense.

Category 3:

\$500 for first offense;

\$1,000 for second offense;

\$2,000 for each subsequent offense.

##### **II. Legal Action**

The Association may seek legal remedies at any time. When a violation is on-going and uncorrected for three 30-day periods or the total amount of fines unpaid by their due dates is \$3,000, whichever occurs first, the Association will pursue appropriate and available legal actions against the Member.

##### **III. Reasons for Mitigating the Standard Fine**



The Member may have the standard penalty reduced for good cause. For mitigation of the penalty for good cause, the Member must show the violation occurred because of unavoidable or excusable circumstances that were reasonably beyond the violator's control. Examples of good cause include prolonged illness or hospitalization or other substantial reasons that reasonably prevented the violator from correcting the violation.

The fine also will be mitigated if the Member corrects the violation prior to the Committee's decision regarding the NOV. Except regarding a Category 3 violation, no fine will be imposed for the first violation committed by the member, if it is corrected before the Committee's decision. A penalty will be imposed for subsequent violations.

#### **IV. Reasons for Aggravating the Standard Fine**

Additional penalties will be assessed for on-going violations that are not corrected by the responsible Member as required by the Committee's rules. The penalty may be assessed every 30 days, with notice and opportunity for hearing, until the on-going violation is corrected.

A Member's enjoyment rights regarding the clubhouse and common property may be suspended for thirty days if a violation is not corrected as required by the Committee's rules.

### **Appendix B**

#### **INVASIVE PLANT SPECIES**

English ivy (*Hedera helix*, *H. hibernica*)  
Himalayan blackberry (*Rubus armeniacus*, *R. discolor*, *R. procerus*, *R. bifrons*)  
Traveler's joy clematis, Old man's beard (*Clematis vitalba*)  
Herb Robert (*Geranium robertianum*)  
Kudzu (*Pueraria lobata*)  
Shining geranium (*Geranium lucidum*)  
Scotch broom (*Cytisus scoparius*)  
Spurge laurel (*Daphne laureola*)  
English holly (*Ilex aquifolium*)  
English laurel (*Prunus laurocerasus*)  
English hawthorn (*Craetegus monogyna*)  
Garlic mustard (*Allinaria petiolate*)  
Italian arum (*Arum italicum*)  
Poison hemlock (*Conium maculatum*)  
Yellow archangel (*Lamiastrum galeobdolon*)  
Lesser celandine (*Ranunculus ficaria*)

See ORS 569.350