**RESOLUTION No.1 OF SURFLAND No.1 RESIDENTS ASSOCIATION**

**Fine Policy**

**WHEREAS, pursuant to Oregon Revised Statutes (ORS) 94.572(1)(a), Surfland Unit No.1 is a planned community subject to certain provisions of the Oregon Planned** **Community Act; and**

**WHEREAS, ORS 94 630(1)(n) and 94 640(1) authorize the Board of Directors of the Surfland No.1 Residents Association to levy reasonable fines for violations of the declaration, bylaws, rules and regulations of the association, after giving written notice and an opportunity to be heard, provided that the fine levied is based on a schedule contained in a resolution of the board of directors that is delivered to each lot, mailed to the mailing address** **of each lot, or mailed to the mailing addresses designated in writing by the owners,**

**IT IS HEREBY RESOLVED that the following fine schedule and procedure is adopted by the Board of Directors of the Surfland No.1 Residents Association.**

**1. Violation. In the event any owner, tenant or guest violates any provision of the Declaration of Restrictions of Surfland No.1, as amended ("the declaration'), the bylaws of the Surfland No.1 Residents Association, or any rule or regulation adopted by the Board of Directors pursuant to such declaration, bylaws, or Oregon law, the Board may impose a fine, after written notice of violation and opportunity for a hearing as provided below**

**2. Amount. The maximum fine shall be as follows**

**(a) For performing any construction or exterior alterations of an existing structure without first submitting plans to the Improvement Committee (see Attachment 1 of this document: “Surfland Construction and Remodeling Guidelines”) and receiving final approval of the Board as required by paragraph 13 of the declaration, the maximum fine shall be**

**(1) $100 per day, commencing on the eighth (8”) day after the date of the notıce of violatıon described ın paragraph 3 below and endıng on the date plans are submitted and all work on the construction or alteration has ceased pending the Board's decision, up to a maximum total of $5000**

**(2) $5000, if construction of a house or garage is completed before the notice of violation described in paragraph 3 below is given, or**

**(3) $2000, if any exterior alteration of an existing structure is completed before the notıce of vıolatıon described ın paragraph 3 below is given.**

**(b) For cutting any tree over twenty inches circumference without written consent of the Improvement Committee in violation of paragraph 338 of the declaration, the maximum fine shall be**

**(1) For the first tree, $500, (2) For the second tree, $2000, and (3) For the third and subsequent trees, $5000 each. Any tree cut after permission has been expressly denied will result in a fine of $10,000 per tree. For trees 40 inches or greater in diameter, the each fine is doubled.**

**Girdling and other actions that would normally kill a tree over twenty inches circumference is considered a violation of paragraph 338, and is subject to the fines** **provided in this subparagraph.**

 **(c) Operating as a vacation rental/short term rental, as defined by Lincoln County, without a current Lincoln County Short Term Rental license, will result in a $1000 per incident fine.**

**(d) The fine for any other violation shall be $250 per incident or, if the violation is continuing, $100 per day from the date that a written notice of fine is mailed until the violation ceases or is corrected, whichever is greater**

**3. Notice of Violation. The written notice of violation shall identify the provision alleged to be violated and the maximum fine that may be imposed, describe the violation in a reasonable manner, and shall state when and where the Board will consider the matter, and that the owner, tenant or guest may either appear at that time to be heard or respond in writing before such time. The notice shall be personally delivered, or mailed by first class mail and certified mall, to the owner, and to the owner's tenant or guest (if alleged to have committed the violation), not less than fourteen (14) days before the hearing. A copy of the notice of violation shall be sent at the same time by first class mall to any person who made a written complaint to the Board regarding the alleged** **violation.**

**4. Hearing. At the time set for hearing the Board may consider any information presented ın wrıtıng or orally that it deems approprıate, ıncludıng, but not lımıted to, any signed written complaint or report from an owner or other person, any testimony, and any response from the owner or other person alleged to have committed the violation. In any case** **the Board may decide to impose a fine less than that provided in paragraph 2 above**

**5. Notice of Fine. In the event the Board imposes a fine, within 48 hours after the hearing a notice of fine stating the amount thereof and the lot affected shall be mailed by first class mail and certified mall to the owner of the lot and any tenant or guest found to have committed the violation. If the Board does not impose a fine, notice of that decision shall be mailed by first class mail**

 **6. Accrual. When a continuing violation ceases or 1s corrected after a notice of fine described in paragraph 5 has been given, the Board shall determine the total amount of the fine that accrued and gave notıce thereof as provided ın paragraph 5.**

**7. Lien. The fine shall be an assessment and lien on the owner's property until paid by the owner, tenant, or guest, and shall bear interest and be enforced in the same manner as any other assessment.**

**8. Other Remedies. Assessment of a fine shall not prevent the Association from exercising any other remedy allowed by law, the declaration or the bylaws.**

Resolution No.1 of Surfland No.1 Residents Association, May 1, 2017