

June 15, 2020

## OTHOA SCHEDULE OF FINES:

The following fines are based on **The Declaration of Conditions, Covenants, and Restrictions, Oregon Trail HOA, City of Sherwood, Oregon (“Declaration”):**

### **Maintenance of Lot: IV, Section 7 of the Declaration:**

*7. It shall be the duty of the Owner or occupant of each Building Site to maintain in proper condition the area between the property line of the Building Site and the nearest curb or improved street, including public or private sidewalks within such area. Each Owner shall at all times keep the buildings, improvements, and appurtenances on the Building Site owned by such owner in a safe, clean, neat and sanitary condition.*

**Owners will be given notice in writing of any violation and allowed 10 days to correct before a fine is levied.**

**Failure to Comply (First Offense – A fine of \$10.00 a day after the 10<sup>th</sup> day until violation corrected.**

**Failure to Comply (Second Offense) – A fine of \$15.00 a day after the 10<sup>th</sup> day until violation corrected.**

**Failure to Comply (Third and all subsequent violations) – A fine of \$20.00 a day after the 10<sup>th</sup> day until violation corrected.**

### **Landscaping (Tree Removal and Replacement); Article VIII of the Declaration:**

*All front yard landscaping must include at least one deciduous street tree as required by the City of Sherwood. (City of Sherwood Code 16.142.060)*

- 1. Approval may be granted to remove a street tree provided that the owner and applicant comply with other provisions of this code. Permission to remove a street tree must be obtained from the OTHOA Board of Directors prior to removal. Street trees that are removed must be replaced by the owner/ applicant.*
- 2. The OTHOA Board finds that any change of trees is a “material modification” and requires that the property owner submit a copy of the application, to the OTHOA Board of Director’s, of the Permit Application or Permit submitted to the City of Sherwood.*
- 3. Owners will be given notice in writing and allowed six months to correct before a fine is levied. Once levied, a fine will not be rescinded.*

**Failure to Comply - \$50.00 a month if a replacement tree is not replaced within six months.**

**Property Use Restrictions: Article XI of the Declaration:**

3. *No part of any Property shall be used or maintained as a dumping ground for rubbish, trash, garbage, or any other waste. No garbage or other waste shall be kept or maintained on any part of the property except in a sanitary container. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition, and stored out of direct view from the street.*

**Owners will be given notice in writing of any violation and allowed 10 days to correct before a fine is levied.**

**Failure to Comply - A fine of \$25.00 per occurrence.**

4. *No noxious or offensive activity, or noxious or offensive or unsightly conditions shall be permitted upon any part of the Covered Property, nor shall anything be done on Covered Property which may be or become an annoyance or nuisance to the neighborhood.*

**Clarifying Definition:** All property owners shall control and remove noxious weeds (primarily dandelions that have, or are about to go to seed.) Control does not mean mowing; rather weeds must be removed, sprayed or a weed and feed type fertilizer applied.

**Owners will be given notice in writing of any violation and allowed ten (10) days to correct (weather permitting) before a fine is levied.**

**Failure to Comply (First Offense) - A fine of \$3.00 per day, starting 10 (ten) days from the date of the notification letter.**

**Failure to Comply (Second Offense) – A fine of \$4.00 per day, starting 10 (ten) days retroactive to the date of the notification letter.**

**Failure to Comply (Third and all subsequent violations) – A fine of \$5.00 per day, retroactive to the date of the notification letter.**

5. *No trailer, camper-truck, tent, garage, barn, shack, or other outbuilding shall at any time be used as a residence temporarily or permanently on any part of the property.*

**Owners will be given notice in writing of any violation and allowed ten (10) days from the date of the violation letter to correct before a fine is levied.**

**Failure to Comply (First Offense) - A fine of \$3.00 per day.**

**Failure to Comply (Second Offense) – A fine of \$4.00 per day.**

**Failure to Comply (Third and all subsequent violations) – A fine of \$5.00 per day, retroactive to the date of the notification letter.**

6. *No boats, trailers, trucks (except pickups), campers or truck-campers and similar equipment or junk cars or other unsightly vehicles shall be parked, stored, or kept on any part of the Covered Property or on public ways adjacent to Covered Property, unless such boat, trailer, truck, camper, truck camper, or similar equipment, or junk car, or other unsightly vehicle is stored on the Covered Property in an area that is fenced in a manner previously approved by the OTHOA Board of Directors. All other parking of equipment shall be prohibited except as approved by the OTHOA Board of Directors.*

**Owners will be given notice in writing of any violation and allowed ten (10) days from the date of the violation letter to correct before a fine is levied.**

**Failure to Comply (First Offense) - A fine of \$25.00 per day.**


**Failure to Comply (Second and all subsequent violations) – A fine of \$30.00 a day, retroactive to the date of the notification letter.**

7. For all other violations of the Declarations, Bylaws, or Rules and Regulations will result in a fine of \$50.00 per occurrence.


# OTHOA FINE PROCEDURE:

1. The authority to determine fines and fine procedure is derived from the Planned Community Act which states: "ORS 94.630 (1)(a) Article xx. Section XX of the Declaration or Bylaws empower the Board to adopt Rules and Regulations.
2. A copy of the Schedule of Fines and Protocols will be mailed to all current homeowners and new purchasers.
3. This document will become effective upon approval by the OTHOA Board of Directors.
4. If a majority of the OTHOA Board agrees that one or more of the above violations of the CCR's has occurred, the Board of Directors will send a notice/letter will be sent to the homeowner describing the nature of the violation and giving the homeowner the right to request a hearing within seven (7) days.
5. If the homeowner wishes to request a hearing, the homeowner must contact the OTHOA Board at PO Box 1508, Sherwood, OR 97140 within seven (7) days of the date of the letter..
6. If, after providing the owner with proper notice and opportunity for a hearing the OTHOA Board determines that a violation has occurred, the Board may use any legal remedy allowed under the governing documents and the Planned Community Act (ORS 94.550 et seq), which includes initiating a legal action to enjoin such violation or threatened violation in a court of competent jurisdiction. The Association has the right to use any and all remedies and may use more than a combination of remedies.
7. In the event legal action is required to initiate or defend any legal action or proceeding to enforce or interpret any of the terms of the document, Board may use any legal remedy allowed under the governing documents and the Planned Community Act (ORS 94.550 et seq). The prevailing party in any such action or proceeding shall be entitled to recover its reasonable cost and attorney fees, including its reasonable costs and attorney fees on any appeal. The Association shall have a right to recover its attorney fees and costs incurred in any enforcement action. Regardless of whether or not a suit has been filed.
8. Applicable fines will become effective within a specific number of days as outlined in the Schedule of Fines after the date of notification of violation(s) or date of the Board's decision following a hearing. **Non-payment of fines may result in referral to collections.**


Reviewed and Approved:

  
Erin Slater, President


  
Date

  
Mike Bollen, Vice-President

  
Date

  
Beth Purta, Secretary

  
Date

  
Wally Lagerhausen, Treasurer

  
Date