

**The Seasons
Fines & Penalties Schedule
(Revised November 2015)**

The Association's rules are established to:

- 1) Encourage all homeowners to abide by the Association's rules,
- 2) Encourage consistency in the architectural look and feel of the community, and
- 3) Maintain and even increase the value of all properties within the Association.

The flexibility in this schedule allows the Board to assess reasonable fines and penalties based upon the egregiousness of the violation while setting maximum limits for all penalties.

It is the intent of this schedule to impose fines and penalties in a fair and consistent manner that will encourage homeowners to adhere to the Association's rules.

A. General

Fines and penalties, for violation of the RCW 64.38, Covenants, Bylaws, etc. are allowed by RCW 64.38.020(11) and Bylaws Article VII, Section 1.

The Association may:

- 1) Impose and collect charges for late payments of assessments and, after notice and an opportunity to appeal in accordance with the Association's procedures as provided in the bylaws or rules and regulations adopted by the board of directors, and
- 2) Levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association.

Homeowners are responsible for their contractors and others acting on their behalf and their renters. Homeowners of record are responsible for ensuring their property is maintained, including normal and expected upkeep of buildings and landscaping. This includes rental properties, vacant properties, and vacant lots (Covenants Article III – Permitted and Prohibited Uses, paragraph (y)).

FIRST NOTICES, FINE NOTICES, and LIEN NOTICES will be in writing from the board and mailed to the address of record provided by the homeowner.

Within 30 days after issuance of the FINE NOTICE, the homeowner may APPEAL, in writing, to the Board to present pertinent information that may bear upon his/her situation.

Unless excused, the fine will be due 30 days from the date of the FINE NOTICE.

Payment of a fine by the homeowner does not discharge the homeowner's obligation to ensure compliance with the covenants and the standards of The Seasons.

Until the violation is corrected or abated to the satisfaction of the Board, additional penalties may be imposed.

- 1) Subsequent fines for ongoing non-compliance may be issued on a monthly basis until the violation is abated/corrected to the satisfaction of the Board (RCW 64.38.020(11)).
- 2) The Board may suspend the voting rights and right to use of the recreational/common facilities by an owner for any period during which any assessment against the owner's property remains unpaid or for a period not to exceed 60 days for any infraction of its published rules and regulations (Covenants Article II, Section 1(B)).
- 3) Collection action may be initiated to collect any unpaid fine(s).

B. Failure to get written approval prior to construction or alteration

Covenants Article V – Architectural Control.

Homeowners are required by the Covenants to obtain written approval of the Architectural Control Committee before they construct or change or alter buildings, roofs, fences, walls or other structures on their properties. This includes all painting unless the exact original color is restored.

Any homeowner who fails to do so will be fined up to \$500.

The Board will notify the homeowner of the violation and fine in writing (FINE NOTICE).

The Board may excuse the fine if the homeowner can demonstrate to the satisfaction of the Board that:

- (1) The construction, change, or alteration complies with all the provisions in the covenants and meets the standards established for The Seasons, and
- (2) There were compelling reasons that prevented the homeowner from obtaining prior written approval.

C. Failure to get written approval of the Architectural Control Committee before cutting down a tree

Covenants Article III- Permitted and Prohibited Uses, paragraph (q).

Homeowners are required to get written approval of the Architectural Control Committee before they cut down any tree(s). Any homeowner who fails to do so will be fined up to \$100 for each tree cut down, up to a maximum of \$500 per occurrence.

The Board will notify the homeowner of the fine in writing (FINE NOTICE). The notice will specify the nature of the violation(s) and how the homeowner can correct it.

The Board may excuse the fine if the homeowner can demonstrate to the satisfaction of the Board that:

- 1) Immediate action was necessary because the tree posed imminent danger to any person or property,
- 2) The violation has been corrected to the satisfaction of the board, or
- 2) There were compelling reasons that caused the homeowner to make the violation(s).

D. Violation of the covenants - General

Covenants Article III - Permitted and Prohibited Uses, paragraphs (a) through (p), and (r) through (bb).

Fines will be levied for failure to comply with the covenants, as follows:

- 1) The Board will notify the homeowner in writing (FIRST NOTICE) that a violation(s) has occurred. The notice will specify the nature of the violation(s) and how the homeowner can correct it.
- 2) The homeowner will be given 15 days from the date of the FIRST NOTICE to correct the violation(s).
- 3) If the violation(s) is not corrected within 15 days after the FIRST NOTICE, a fine of \$100 will be issued. The Board will notify the homeowner of the violation and fine in writing (FINE NOTICE).

The Board may excuse a fine if the homeowner can demonstrate to the satisfaction of the Board that:

- 1) The violation(s) has been corrected to the satisfaction of the board, or
- 2) There were compelling reasons that caused the homeowner to make the violation(s).

E. Regulate the use, maintenance, repair, replacement, and modification of common areas

Covenants Article III- Permitted and Prohibited Uses, paragraph (y).

RCW 64.38.020(6) Regulate the use, maintenance, repair, replacement, and modification of common areas.

It is a violation to:

- a) Install or place personal property, trees, or plants in any common or storm water drainage area without approval of the Board,
Dispose of, store, or otherwise deposit grass clippings, tree limbs, construction material, pet waste or any other type of debris in any common or storm water drainage area without approval of the Board, or
- b) Cause any damage that, in the opinion of the Board, interferes with the intended use of any common area or storm water drainage area.

Fines will be levied for failure to comply with the covenants, as follows:

- 1) The Board will notify the homeowner in writing (FIRST NOTICE) that a violation(s) has occurred. The notice will specify the nature of the violation(s) and how the homeowner can correct it.
- 2) The homeowner will be given 15 days from the date of the FIRST NOTICE to correct the violation(s).
- 3) If the violation(s) is not corrected, to the satisfaction of the Board, a fine will issued for \$200 and/or the cost of cleaning up or restoring the common or drainage area(s).

The Board will notify the homeowner of the fine in writing (FINE NOTICE).

The Board may excuse the fine if the homeowner can demonstrate, to the satisfaction of the Board, a valid reason why the violation(s) cannot or should not be corrected.

G. Failure to pay annual or special assessment

RCW 64.38.020(11) - Association Powers

Covenants Article VI – Covenant for Maintenance Assessments

If a homeowner fails to pay any annual or special assessment by the due date specified in the FIRST NOTICE the assessment is due, the Board will notify the homeowner in writing (FINAL NOTICE) that the assessment is late and a \$35 late fee has been assessed.

30 days after the FINAL NOTICE, the Board will notify the homeowner in writing (LIEN NOTICE), that:

1. Interest at the rate of 6% per annum will be charged until the assessment is paid in full,
2. That an assessment lien will be filed against the property, and
3. The homeowner is responsible for the cost of filing the lien and administrative expenses.