

# **Olympic Canal Tracts**

## **Nuisance Rules**

### **Purpose**

In order to maintain and improve our community in the years to come and because of increased population and associated activities, Olympic Canal Tracts (OCT) has a need to have in place certain nuisance rules and a published schedule of fines for violations of those rules.

### **Authority**

The Board of Trustees is charged with the enforcement of the OCT Articles of Incorporation, Bylaws, policies, and all other governing documents.

### **Complaints**

If a member has a complaint about another property owner, they must file a written and signed complaint to the office manager or to a person on the Complaint Committee.

### **Responsible Person**

All OCT members are responsible for their own behavior, the behavior of their family members, people living with them, their tenants, and the guests of any of these. The member shall be held responsible for any violation(s) committed by them or any person as listed above.

### **Complaint Committee**

The Complaint Committee shall consist of one Board member, appointed by the Board, and the Board shall also appoint three other Association members. One from the waterfront area, one member from the river area and one member from the upper area. These shall be appointed by the first meeting following the Annual meeting of the members. The committee does not have a specific term but serves at the pleasure of the Board.

### **Nuisances generally defined**

A nuisance is a condition or action that unreasonably offends or annoys other members. Nuisances can involve, for example, pets, garbage, septic systems, noise, firearms, vehicles and behavior. "Unreasonably" is judged within the context of the Olympic Canal Tracts development, and the sole authority for making a determination of unreasonableness is the Board of Trustees. The Complaint Committee is the sole authority for making a determination to proceed or dismiss the complaint.

## **Complaint Process**

1. The committee will evaluate the complaint by visiting the site and/or discussing the problem with the responsible member.
2. If after investigation, the Committee determines that a provision of the OCT Nuisance Rules has been violated, a notice of voluntary correction letter will be the first attempt at obtaining compliance. If the Committee deems the complaint is valid, according to the rules, a written notice will be sent stating the reason for the decision to the member who filed the complaint.
3. The Notice of Voluntary Correction shall state the following:
  - a. The street address, when available, and/or a legal description of real property sufficient to identify where the violation occurred or is located;
  - b. The description of the activity that is causing a violation;
  - c. Each provision violated under the OCT Nuisance Rules;
  - d. The corrective action necessary to comply with said provisions;
  - e. A reasonable time and date by which the corrective action is to be completed. However, in no event shall the time given for voluntary correction be greater than 30 calendar days.
  - f. That continued or subsequent violation may result in fines of \$100 a month and possible suspension of membership rights and privileges by the Board, set forth in Article 2 Section 6 of the Bylaws.
4. Following a Notice of Voluntary Correction, the Committee and person in violation may meet to develop a compliance plan. A compliance plan shall establish a reasonable and specific time frame for compliance. No further action will be taken if the terms of the compliance plan are met. If voluntary compliance is not obtained, the committee will meet to decide and recommend what action should be taken next.
5. If the complaint cannot be settled, by compliance with either a notice of voluntary correction or a Compliance Plan, the Board of Trustees will hold an open hearing. The property owner(s) will be given 30 days written notice by registered mail. If either side needs to postpone the meeting, a notice must be given 7 days prior to the meeting. A quorum of the Board of Trustees will be present, with the OCT President conducting the hearing. Both sides will be able to present their case and have witnesses heard. Each side will be given a reasonable time to present their case.
6. After all the information has been presented, the Board will issue a decision within 7 days. The written decision shall be sent by registered mail to the member(s) in violation.
7. The violator will be given 2 weeks from date of the letter to initiate corrective action, if necessary. If no corrective action is taken or the violator has not contacted the Board with a specific plan of action within two weeks, a \$100 fine will be given. Thereafter, a \$100 fine will be added every 30 days until a plan of action has been received. If after 6 months, the Board has not received a response from the violator, the matter will be referred to the OCT attorney for foreclosure.

## **Nuisance Types are briefly described below:**

### **Health Nuisance**

A condition that causes an unhealthy situation as defined by the Jefferson County Health Department. For example: garbage or trash that accumulates to such a state that a fire danger is created or it becomes a haven for rodents or other vermin; open or failed septic systems; or improper storage of toxic chemicals.

### **Junk Vehicle Nuisances**

To store junk vehicles or parts thereof on private property unless the vehicle or parts is completely enclosed within a building where it is not visible from the street or neighboring properties. See *Jefferson County Unified Development Code: Outdoor Residential Storage*. A junk vehicle shall be defined as a motor vehicle that meets at least three of the following requirements:

- Is three years old or older
- Is extremely damaged. Such as, but not limited to, any of the following: broken windows, or missing wheels, tires, motor or transmission.
- Is apparently inoperable
- Has a fair market value equal only to the value of the scrap in it.

### **Hazard Nuisance**

1. Any abandoned or partially destroyed structure that may endanger the residents of the neighborhood.
2. Any unprotected or abandoned excavation, pit, well, or hole dangerous to life.
3. Any shooting of firearms, or explosion of fireworks or explosives of any kind within OCT. Fireworks may be allowed on certain dates and locations as approved by the Board of Trustees of OCT.

### **Noise Nuisance**

This is a situation that repeatedly causes excess noise between the hours of 10:00 pm and 8:00 am. For example: the playing of loud music or the running of a non-muffled engine or other equipment.

### **Animal Nuisance**

1. An animal that is not restrained by the owner(s) and is allowed to run freely throughout OCT.
2. The keeping or harboring of any dog or other animal which, by frequent or habitual howling, yelping, barking or the making of other noises, annoys or disturbs the neighborhood.
3. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot for the purposes of resale.

### **Trash Nuisance**

Trash/litter must not be visible from the road or neighboring properties. Such as, but not limited to, rags, empty barrels, boxes, crates, mattresses, bedding, lumber that is not neatly piled, scrap iron or any other material not neatly piled

**Commercial Business Nuisance**

The erection, continuance or use of any building, room or other place in said Olympic Canal Tracts for the exercise of any trade, employment or manufacture which may cause noxious exhalations, offensive odors, excessive traffic, or is discomforting or offensive or detrimental to the health of individuals or of the public. The Olympic Canal Tracts is not zoned for commercial business.

Adopted by Membership: January 12, 2002

President: Jacqueline Hartley  
Secretary: Judy Eaglestone

Revised by Membership: May 28, 2022

President: Jacqueline Hartley  
Secretary: Laurie Plunkett