

**Palmer Lake Beach Club (PLBC)**  
**2022-12-20**  
**Compliance Policy & Schedule of Fines**

**1. Introduction:**

The 1971-07-09 Declaration of Covenants, Declaration of Restrictions, Covenants, Conditions and Easements for the Plat of Palmer Lake "Covenants", as well as the Bylaws adopted by the membership dated 2019-10-05 provide the Board of Directors the authority and responsibility to ensure compliance with the architectural standards and policies, as well as the Covenants and Bylaws of the HOA. This includes but is not limited to enforcement actions related to Article III, Section 5 of the Declaration *"No lot shall be used in whole or in part for storage of anything which will cause such lot to appear in an unclean, disorderly or untidy condition. No noxious or offensive activity shall be permitted on any lot nor shall anything be permitted on any lot that may be or may become a nuisance or unreasonably interfere with the use and enjoyment of any part of the real property"*.

The 1971-07-09 Covenants have multiple provisions which provide the underlying authority for the Bylaws and this policy, including but not limited to:

- Article II Building Restrictions
- Article III Land Use Restrictions
- Article IV Architectural Control Committee

**2. Structure:**

This policy has several sections, to implement the will of the membership as detailed in the Covenants and Bylaws:

- A. Architectural Standards and Appearance Standards/Policies and Use.
- B. Reports of Non-Compliance/Complaints
- C. Review and Analysis of Reports of Non-Compliance/Complaints
- D. Assessment of fines, fees, costs, penalties and other amounts related to non-compliance.
- E. Notice to Member of Non-Compliance
- F. Right of the Member to be Heard
- G. Recording assessments in PLBC Accounting Records

**3. Architectural Standards, Appearance Standards, Policies & Use**

The following standards are the policy of PLBC, and as such are general in nature. From time to time the condition of a property or it's use may be clearly in non-compliance, however the standards below may not specifically address the situation. In such cases, the Board of Directors may in its discretion apply the general authority within the spirit and objectives of the standards, Covenants and Bylaws to take action regarding a non-compliant situation. Additionally fines and penalties may be assessed to members for violations of rules and misconduct on HOA owned properties.

- A. Waste, litter, and other materials on a property which are of such a severe nature to constitute non-compliance.

- B. Properties which are under construction/renovation may not place trash, debris, or waste on the property for a period of more than 7 days where such trash/debris is visible from the public roadways adjoining the property. As a minimum, such trash/debris shall be covered with a tarp or other material during the 7-day period.
- C. Properties may not store inoperable vehicles of any type for more than 30 days on the property. Should the Board of Directors waive this rule, the Board of Directors may require such vehicles to be covered in a particular manner and not be visible from the public roadways adjoining the property.
- D. Uninhabited dwellings which are not secured or maintained.
- E. Properties which are abandoned, and/or uninhabitable in the opinion of the Board of Directors, and/or do not have a valid occupancy permit must have a current approval from the PLBC Board of Directors/Architectural Committee to remediate the deficiency.
- F. Properties which have people living in recreational vehicles, tents, shed and other facilities without a complete approved building permit for occupancy, running water and an approved septic system are in violation of the Covenants and/or Bylaws.
- G. Land clearing, construction or other activities which require advance approval.
- H. Storage of heavy construction equipment or materials on a lot which are not being utilized within 30 days for approved construction activities.
- I. Violations of rules for use of HOA owned property, damage to HOA property or misconduct on such property.
- J. Other situations regarding an unsightly appearance of a property may be determined to be a violation.
- K. Use or activity that is a nuisance or unreasonably interferes with the use and enjoyment of any part of the real property such as unrestrained or dangerous pets, etc..

**4. Reports of Non-Compliance/Complaints:**

- A. Members, employees, non-members, public safety officials and others may report perceived compliance issues to the Board of Directors in writing via email, regular mail or other means.
- B. Additional information regarding non-compliance may be obtained via photography, reports by government authorities, and other means.

**5. Review and Analysis of Reports of Non-Compliance/Complaints:** The Board of Directors, in its discretion will review reports of Non-Compliance/Complaints, and shall determine an appropriate course of action, which may be to ignore and take no action, or notify a member that they are non-compliant, and of their right to be heard (address the Board in person, or submit information in writing)

**6. Assessment of fines, fees, costs, penalties and other amounts related to non-compliance:** The Board of Directors shall create and approve a listing of general and specific descriptions of non-compliance, the typical number of days allowed for cure, and the fine/penalty/costs/fees and other amounts for the non-compliance or failure to cure. The Board of Directors may update this listing from time to time and from time to time to address issues not on the listing may deviate or supply such listing in its discretion. In cases where the Board of Directors believes that urgency exists, the Board of Directors, with a super-majority vote (1 additional vote more than a majority), may reduce or eliminate the number of days provided to cure the non-compliance. The Board of Directors shall have the right to file a lien in the amount of the assessment at any time after the Member is invoiced for a fine/penalty/cost and payment of such is not made in full within 30 days. Such lien costs will be billed to the member's account. The Board of Directors may, as a result of serious violations of rules regarding the use of Club property such as beaches and docks, revoke a member's right to access the same.

- 7. Notice to Member of Non-Compliance:** In the event that the Board of Directors, as the result of a super majority vote (majority plus 1) related thereto determines to notify a member they are non-compliant or there have been complaints thereof, a letter shall be sent by US Certified Mail to the member, detailing the non-compliant issue, and providing the right to be heard. After being heard, or in the event that there is no response or a failure to appear or provide documents “to be heard”, the Board may send a formal notice of non-compliance including a potential assessment if the non-compliance is not cured within a specified number of days. In certain cases, such as land clearing, unapproved construction or other non-reversible or safety issues/activities which require immediate stoppage, the notice of right to be heard may be immediately followed by a formal notice of non-compliance or court action.
- 8. Member Right to Be Heard:** As detailed in RCW 64.38.020 (11), members have a right to be heard prior to the assessment or levy of any fine/penalty/fee under this policy. As part of the notice of non-compliance “Notice”, members will be informed of their right to be heard and will normally be given 15 days from the date of the Notice to notify the Board if they desire to be heard (in person or in writing). This notification period may be limited to as little as one day for activities that cause irreversible damage or safety risks. If the member desires to be heard in person, the Board will provide a date and time for such. If the Member desires to submit materials in writing, they will normally have 15 days from the date of notifying the Board of such desire to submit such materials. Should a member not inform the Board that they want to be heard within the foregoing timeframes, or fail to appear or fail to submit materials in writing within the foregoing timeline, they will be deemed to have waived their right to be heard. After hearing the member, reviewing member materials or in the event that the Member has waived their right, the Board shall take such action it deems appropriate with regard to the Notice. The Board can be notified via email at [contact@palmerlakebeachclub.com](mailto:contact@palmerlakebeachclub.com) or by mail to the Corporation’s address shown on the Notice.
- 9. Recording Assessments in PLBC Accounting Records:** Assessments which are levied and not appealed, or where the appeal is not granted, shall be charged to the member and shall be payable within 30 days from date of invoice. The amount of fine shall be entered into the accounting records of PLBC.
- 10. Additional Actions:** Nothing in this policy shall preclude or limit PLBC from taking other actions, including but not limited to court actions, injunctive relief, suit for damages or coordination of information for serious violations to civil authorities.

**Listing of General & Specific Descriptions of Non-Compliance, Days to Cure & Assessment Amounts**

Non-Compliance Description	Days to Cure	Assessment Amounts
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**Unightly Appearance Situations**

Waste, Litter, Refuse & Other Materials on a Property	15	\$500~\$2,000
Construction debris	10	\$500~\$2,000
Inoperable Vehicles	20	\$500~\$2,000
Uninhabited dwellings which are not secured or maintained	20	\$500~\$2,000
Dwellings with gross maintenance/upkeep issues	20	\$500~\$2,000

**Unapproved Living Conditions**

People living in RV's in violation of County rules/regulations	20	\$500~\$2,000
People living in dwellings without power and/or water and/or septic	10	\$500~\$2,000
People living in structures without County occupancy permits/approvals	10	\$500~\$2,000

**Unsafe Conditions**

Manufacturing or other activities which violate zoning/policies	10	\$500~\$2,000
Storage of bulk toxic or hazardous materials	10	\$500~\$2,000
Materials or other items on a property that represent a safety hazard	5	\$500~\$2,000
Human or substantial animal waste on a property	20	\$500~\$2,000
Waste or containments that flow into Palmer Lake	2	\$2,000 ~ \$5,000

**Unauthorized Construction/Clearing**

Clearing of 1~5 trees 6" or larger without approval or documentation of hazard	0	\$2,000 ~ \$5,000
Clearing of 5+ trees 6" or larger without approval	0	\$5,000 ~ \$10,000
Grading, clearing, creation of road access, including for Perc testing. (Perc testing that does not involve clearing or tree cutting is not a violation)	0	\$2,000 ~ \$5,000
Construction/start of construction of a structure > than 20 sq ft, < 100 sq ft	0	\$500~\$2,000
Construction/start of construction of a structure more than 100 sq ft	0	\$2,000 ~ \$5,000
Excavation for construction	0	\$500~\$2,000
Installation of temporary electrical service for construction	0	\$500~\$2,000
Construction of docks on the lake	0	\$500~\$2,000

**Other**

Safety or non-compliance under Article III of the Declaration	0	\$500~\$2,000
Dangerous or unrestrained Pets/Animals	0	\$500~\$2,000
Violations of County Code that generally fall in the overall intent of the Bylaws & Covenants	TBD	\$500~\$2,000
Violations of rules and policies regarding use of Club beaches, docks, etc	0	\$500~\$2,000

**Repeat/Continuous Non-Compliance:**

In the event that non-compliant condition is not cured, at the approval of the Board of Directors the property can be assessed for non-compliance repeatedly at 30 day intervals. For unauthorized construction/clearing, the repeated compliance assessment can be as frequent as every other day.