

**“RIDGEVIEW” CONDOMINIUM OWNERS’ ASSOCIATION**  
**Resolution of the Board of Directors**

**ENFORCEMENT**

**RECITALS**

- A. The “**Association**” is “Ridgeview” Condominium Owners’ Association, an Oregon nonprofit corporation. The Association is charged with the operation and management of “Ridgeview” Condominium (“**Condominium**”) located in Multnomah County, Oregon.
- B. The Association was established by the following documents recorded on September 15, 1978 in the records of Multnomah County, Oregon:
  - 1. *Declaration of Unit Ownership for “Ridgeview” Condominium*, recorded in Book 1294, Pages 2309-2346, including any amendments thereto (“**Declaration**”);
  - 2. *By-Laws of “Ridgeview” Condominium*, recorded in Book 1294, Pages 2347-2360 including any amendments thereto (“**Bylaws**”);
  - 3. Plat of “*Ridgeview*” *Condominium*, recorded in Book 1209, Pages 82-91, plat records, including any amendments thereto (“**Plat**”).
- C. The Oregon Condominium Act, ORS Chapter 100 also governs the Association (the “**Act**”).
- D. ORS 100.405(3) and Article IV, Section 3 of the of the Bylaws vest the Board of Directors (“**Board**”) with all of the powers and duties necessary for the administration of the affairs of the Association.
- E. ORS 100.405(3), Article III, Section L of the Declaration, and Article IV, Section 11 of the Bylaws empower the Board to adopt rules and regulations.
- F. ORS 100.405(4)(k) provides that the Board of Directors may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association after notice and an opportunity to be heard, if the fine is based on a Schedule of Fines adopted by a resolution of the Board.
- G. ORS 100.450(4)(c) provides that fees, late charges, fines, and interest imposed, pursuant to ORS 100.405(4)(k), are enforceable as assessments.
- H. For the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure that owners receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.

- I. The Board deems it necessary and desirable to adopt a *Schedule of Fines*, attached as Exhibit A to this Resolution, to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

## **RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** that:

**I.** All prior Enforcement Resolutions or Financial Penalties Resolutions, if any, are rescinded and are no longer of any force.

**II.** The procedure set forth below shall now be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations.

## **ARTICLE 1 OVERVIEW OF PROCESS**

- 1.1. **Complaint.** An owner may file a written complaint with the Board of Directors regarding a violation of the Declaration, Bylaws, or Rules and Regulations by another owner, tenant, or guest. The Board of Directors may also initiate a complaint (Article 2).
- 1.2. **Investigation.** The Board of Directors has the discretion to investigate the complaint and decide if it is valid (Article 3).
- 1.3. **Violation and Notice.** If the Board of Directors finds there is a violation, the Board or its representatives must provide notice to the Alleged Offending Owner. The Board will first provide a First Notice to the Alleged Offending Owner. If the violation is not remedied or ceased within the time specified in the notice, then the Board will provide a second notice to the Alleged Offending Owner. This second notice must contain certain provisions, including giving the Alleged Offending Owner an opportunity for a hearing (Article 4).
- 1.4. **Hearing.** If requested, the Alleged Offending Owner may present testimony or evidence regarding the violation at the next board meeting (Article 5).
- 1.5. **Fines.** The Board may impose fines pursuant to the *Schedule of Fines* if the violation is not remedied or ceased within the time specified in the notice, provided the owner has the opportunity for a hearing (Articles 3, 6, and 7).

## **ARTICLE 2 ORIGINATION / INITIATION OF COMPLAINT**

- 2.1. **Board of Directors.** A complaint may be initiated by the Board of Directors based on information from a management agent, owner, or other information the Board deems reliable.

2.2 **Owners.** An owner (“**Complaining Owner**”) who desires the Board of Directors to take corrective action against another owner or tenant (“**Alleged Offending Owner**”) must submit a complaint to the Board of Directors. The complaint must be in writing and must include:

- (a) The name, if known, and address of the Alleged Offending Owner;
- (b) A description of the offending behavior or activity, including the date(s) and approximate time(s); and
- (c) Whether or not the Complaining Owner attempted contact with the Alleged Offending Owner regarding the alleged violation.

### **ARTICLE 3 INVESTIGATION OF COMPLAINT**

3.1 **Investigation.** Upon receipt of a written complaint, the Board, or a person authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.

3.2 **Determination of Violation.** If, after review of a complaint, the Board of Directors determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents and the Board determines that it is in the best interest of the Association and owners to address the violation with the Alleged Offending Owner, the Board shall proceed to give notice to the Alleged Offending Owner as described below.

### **ARTICLE 4 NOTICE PROCEDURE**

4.1 **Notice of Violation.** The Board shall give the Alleged Offending Owner written notice of the violation.

- (a) Notice of Violation and Right to a Hearing. The notice required under this section must:
  - (1) Describe the violation;
  - (2) Contain a statement that the Alleged Offending Owner has fourteen (14) days to request a hearing at the next scheduled Board Meeting (or at another, mutually agreed upon Board Meeting), and that any request for a hearing must be in writing;
  - (3) Contain a statement advising the Alleged Offending Owner that if no hearing is requested within fourteen days, and if the alleged violation is not remedied or ceased within those fourteen days, fines may be assessed, beginning on the day following the specified compliance deadline, pursuant

to the *Schedule of Fines* adopted by the Board of Directors as Exhibit A to this Resolution.

- (b) Optional Notice Provisions. The notice may also provide or specify any or all of the following:
    - (1) Specific action the Board is requiring to remedy the violation;
    - (2) The particular language or Section from the Declaration, Bylaws, or Rules and Regulations which have been violated; and
    - (3) Any other information as directed by the Board.
  - (c) Delivery of Notice. The notice may be hand-delivered to the unit. In the event no individual is at the unit to receive the hand-delivery, the notice shall be affixed to the door of the unit.
  - (d) Mailing of Notice. The notice may be mailed to the address on record with the Association. In the case of non-owner residents, the notice may be mailed to both the address on record with the Association for the owner and to the unit address. The mailing may be by first-class mail or by certified mail, at the option of the Board.
- 4.2 **Repeat Violations.** Owners who repeat any violation within a 12-month period of receiving a second Notice are not entitled to an additional notice or hearing, regardless of whether or not the owner participated in a hearing as a result of the first violation. For such repeat violations, the Board may automatically begin fines as outlined in the attached *Schedule of Fines*.
- 4.3 **Informal Action.** Nothing in this article precludes the President, a designated Board member, or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call, or a warning letter to the Alleged Offending Owner.

## **ARTICLE 5 HEARING PROCEDURE**

- 5.1 **Hearing Procedure.** In the event that an owner requests a hearing, the Board shall utilize the following procedure for violation hearings to be held during a regular open Board Meeting:
- (a) Appearances at the Hearing. If the Alleged Offending Owner fails to appear within *fifteen (15) minutes* of the time set for the hearing, the Board may, at its sole discretion:
    - (1) Conduct the hearing without the presence of the Alleged Offending Owner;

- (2) Allow the Alleged Offending Owner additional time that day to appear;
  - (3) Reset the hearing to another date and time; or
  - (4) Dismiss the complaint.
- (b) Dismissal. In the case of dismissal, the Board shall notify the Alleged Offending Owner, in writing, that the Complaint has been dismissed.
- (c) Conduct of Hearing.
  - (1) Testimony from Parties. If the Complaining Owner chooses to appear and the Alleged Offending Owner appears, the Board shall proceed to hear from the Complaining Owner and then from the Alleged Offending Owner.
  - (2) Evidence and Witnesses. The Complaining Owner and the Alleged Offending Owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. An owner's testimony shall not exceed 15 minutes.
- (d) Board Determination. Following the testimony and any evidence presented by the parties, the Board has the discretion to reevaluate its prior determination of violation under Sections 3.1 and 3.2 above. The Board also has the discretion to reevaluate the fine, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.
  - (1) The discussions must be in open session as directed by ORS 100.415(1)(f).
  - (2) The Board shall either give its decision at the conclusion of the hearing or take the matter under advisement and give the decision a later date not to exceed ten (10) days after the hearing date.

## **ARTICLE 6 OTHER LEGAL ACTION**

- 6.1 **Board Actions**. In addition to levying fines, action by the Board may include, but need not be limited to:
- (a) Seeking injunctive or declaratory relief action against any Alleged Offending Owner and tenants, guest, or other occupants of the Alleged Offending Owner; and/or
  - (b) Taking immediate legal action, as the Board finds reasonably necessary, to stop conduct which it determines is in violation of the Governing Documents, Bylaws, Rules and Regulations, or applicable state or federal law.

## 6.2 Additional Corrective Action by Board.

- (a) Right of Board to Take Additional Corrective Action. If the Alleged Offending Owner fails to correct the matter which is the ultimate cause of the violation, the Board may take additional corrective action without prior notice to the Offending Owner or opportunity for a hearing.
- (b) Notice of Additional Action. The Board shall give an Alleged Offending Owner written notice of any additional action taken under Subsection (a) of this section.

## ARTICLE 7 MISCELLANEOUS

- 7.1 **Renters and Other Non-Owner Occupied Units and Guests.** The owner of any unit shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or Rules and Regulations.
- 7.2 **No Fines Pending Resolution of a Hearing.** Pending resolution of a requested hearing, no fines may be charged against the account of an Alleged Offending Owner.
- 7.3 **Mediation.** ORS 100.405(11)(a) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the Act and the Bylaws do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.

**BE IT FURTHER RESOLVED** that the *Schedule of Fines* attached as **Exhibit A** is adopted by the Board of Directors to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association. A copy of this Resolution and amendments will be sent to each owner at the address shown in the records of the Association.

DATE 11/11/2020

ATTEST:

DocuSigned by:  
David Parks  
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Chairperson, Board of Directors  
"Ridgeview" Condominium Owners'  
Association

DocuSigned by:  
Ash Prasad  
0DB7A370D90C4C0...  
Secretary, Board of Directors  
"Ridgeview" Condominium Owners'  
Association

## **EXHIBIT A**

### **SCHEDULE OF FINES**

All fines are per occurrence. For multiple occurrences of the same type of violation, the amount of the fine will double for each subsequent infraction. In the event a violation is continuing in nature, the fine will renew either daily, weekly, or monthly until the violation is remedied or ceased. Unit owners are responsible for violations of their tenants and guests.

1. Using a unit for a purpose other than as a single-family residence.  
**\$500 per week**
2. Leasing a unit for any period shorter than 30 days, leasing less than an entire unit, or failing to obtain a written lease that includes a provision making the lease subject to the Declaration and Bylaws.  
**\$500 per occurrence**
3. Obstructing or storing items in the common elements without prior written consent of the Association.  
**\$150 per week**
4. Hanging, displaying, or otherwise affixing to or placing on the exterior walls or roofs anything, including, but not limited to, a sign, awning, or canopy, without prior written consent of the Association.  
**\$250 per week, plus cost of removal or repair**
5. Installing a window-mounted HVAC unit.  
**\$250 per week, plus cost of removal or repair**
6. Keeping or breeding an animal or bird for a commercial purpose or failing to pick up and dispose of all animal waste.  
**\$100 per occurrence**
7. Carrying out a noxious or offensive activity in any unit or the common elements, or doing anything in a unit or common element that is or may become an annoyance or nuisance.  
**\$100 per occurrence**

8. Hanging clothes, sheets, blankets, laundry or other articles out of or on common elements.  
**\$50 per occurrence**
9. Placing or maintaining rubbish, debris, or other unsightly materials on common elements, or placing garbage or trash outside of an appropriate container.  
**\$100 per week, plus cost of clean up**
10. Disturbing other unit owner(s) by the noisy use of any musical instrument, or operation of a radio, television, amplifier or loudspeaker.  
**\$100 per occurrence**
11. Parking a boat, trailer, motorcycle, truck, camper or other similar equipment on the property.  
**\$150 per week**
12. Carrying out an unauthorized alteration of a unit.  
**\$250 per week**
13. Carrying out an unauthorized alteration of a common element.  
**\$250 per week, plus cost of repair**
14. Failing to maintain a unit or other item of owner responsibility in good order, condition or repair.  
**\$100 per week**
15. Placing any window covering without a neutral backing; placing any window covering with an exterior side of any color other than white or off-white; placing any window coverings other than horizontal blinds and curtains, except on sliding glass doors (which may include vertical blinds); use of blankets, towels, shutters, or similar as window coverings.  
**\$100 per week**