

# **Westbrook Homeowners' Association**

## **Parking Fine Schedule and Enforcement Policy**

### **BACKGROUND**

Homeowners purchased their homes in the Westbrook development in order to enjoy the attractive residential environment that the development provides. However, the purchase of a home in this community also imposes a legal obligation on all homeowners to adhere to the Westbrook Covenants, Conditions & Restrictions (CC&Rs) and related policies. And a home's purchase here comes with a clear expectation that the Westbrook CC&Rs and policies will be enforced on all homeowners in order to maintain an attractive and well-kept neighborhood with common amenities and, as far as possible, to maintain and/or increase property values.

The Board of Directors of the Westbrook Homeowners' Association (HOA) has a legal obligation to exercise reasonable business judgment and to act in the best interests of the entire community. Thus, Westbrook HOA Board members have an affirmative duty to enforce the CC&Rs and policies, but occasionally the only practical tool for enforcement of the CC&Rs and policies is a fine or the threat of fines. However, without a published Schedule of Fines, the Board of Directors cannot legally impose fines. The Washington State Law which governs Homeowners' Associations (RCW 64.38.020) states that Associations may "...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". Further documentation on fines can be found in the Westbrook CC&Rs, section 12.6 – Imposition of Fines. A Schedule of Fines will also help ensure that the board is not capricious, selective or arbitrary in enforcing the CC&Rs and related policies.

### **POLICY STATEMENT**

The attached Schedule of Fines has been adopted by the Westbrook HOA Board of Directors. It outlines specific violations of the CC&Rs and policies and lists the penalty for those violations. This policy also specifies that a fine may only be imposed after the owner has been sent written notice that a fine is being considered and is provided a reasonable opportunity to be heard regarding the alleged violation by the Board of Directors or a designated representative. No fine or enforcement fee will be imposed until after the requested hearing has taken place.

The purpose of fines is to encourage compliance with our CC&Rs and policies. This schedule of fines serves to provide each homeowner a clear understanding of the penalties involved for violations of our CC&Rs and policies, and for failure to respond to notice of alleged violations.

# Westbrook Homeowners' Association

## Parking Fine Schedule and Enforcement Procedure

### **Parking Enforcement Procedure on Waste Management (WM) Pickup Day(s)**

- First Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. If the vehicle is found to be owned/operated by a homeowner, tenant, or guest then a courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) in the future.
- Second Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. A courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) in the future.
- Third Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. A letter is mailed requesting the homeowner to appear at a hearing before the Board of Directors (or their appointed designees) to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the homeowner. The Board of Directors will notify the homeowner in writing of its decision.
- Fourth Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. A letter is mailed requesting the homeowner to appear at a hearing before the Board of Directors (or their appointed designees) to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the homeowner. The Board of Directors will notify the homeowner in writing of its decision.
- Continuing Violation:** The Board may impose a continuing monetary penalty without additional notice or hearing, until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected.)
- Repeat Violation:** Hearing Letter to Homeowner.  
(A repeat violation occurs when a person violates the same provision of the Association's governing document more than once and has already been given the appropriate warnings and offered a hearing. A repeated violation may result in an immediate doubling of fines.)

In the case of a repeat, continuing violation, fines may be assessed on a weekly basis until the violation is corrected.

### **Parking Enforcement Procedure on Non-Waste Management Pickup Day(s)**

- First Violation:** If the vehicle(s) is/are found to be owned/operated by a homeowner, tenant, or guest then a verbal warning will be given (if contact can be made with owner) else a letter is sent to the homeowners' last email

address on file (if available) else a courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) in the future.

**Second Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. If the vehicle is found to be owned/operated by a homeowner, tenant, or guest then a letter is sent to the homeowners' last email address on file (if available) AND a courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) in the future.

**Third Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. A letter is mailed requesting the homeowner to appear at a hearing before the Board of Directors (or their appointed designees) to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the homeowner. The Board of Directors will notify the homeowner in writing of its decision.

**Fourth Violation:** Any illegally parked vehicle(s) will be towed at the owner's expense. A letter is mailed requesting the homeowner to appear at a hearing before the Board of Directors (or their appointed designees) to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the homeowner. The Board of Directors will notify the homeowner in writing of its decision.

**Continuing Violation:** The Board may impose a continuing monetary penalty without additional notice or hearing, until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected.)

**Repeat Violation:** Hearing Letter to Homeowner.  
(A repeat violation occurs when a person violates the same provision of the Association's governing document more than once and has already been given the appropriate warnings and offered a hearing. A repeated violation may result in an immediate doubling of fines.)

In the case of a repeat, continuing violation, fines may be assessed on a weekly basis until the violation is corrected.

**Schedule of Fines** (NOTE: Monetary Fines are assessed on third and fourth violations)

3 <sup>rd</sup> Parking Violation (WM Day):	\$150.00 per violation
4 <sup>th</sup> Parking Violation (WM Day):	\$200.00 per violation
Subsequent Violation (WM Day):	\$200.00 per violation
3 <sup>rd</sup> Parking Violation (Non-WM Day):	\$150.00 per violation
4 <sup>th</sup> Parking Violation (Non-WM Day):	\$250.00 per violation
Subsequent Violation (Non-WM Day):	\$250.00 per violation

**NOTE: Any vehicle illegally parked that a Westbrook HOA board member is not able to affiliate with an owner, tenant, or guest may be towed immediately without notice.**