

--- Unofficial Duplicate ---

**LAKELAND VILLAGE COMMUNITY CLUB**  
**RESOLUTION No. 16**  
**Amendment No. 1**  
Levy of Fines

The original Resolution No. 16, amendment No. 1, was signed by Richard N Caron LLVCC President and Leon Stevens LLVCC Vice President on April 24, 2019.

**DIVISIONS 1 THROUGH 12**

**WHEREAS** LakeLand Village is a residential community in which the absolute majority of residents are peaceful, quiet, and preferring of a calm residential environment, **AND**

**WHEREAS** the absolute majority of LakeLand Village residents fully comply with the protective covenants of the various divisions and other governing documents of LakeLand Village, **AND**

**WHEREAS** increases in resident population have resulted in violations of these protective covenants, by-laws, and other rules and regulations within LakeLand Village that threaten the peace and quality of life for LakeLand Village residents, their families, tenants, and guests, **AND**

**WHEREAS** it is the responsibility of the Board of Directors of the LakeLand Village Community Club to enforce the protective covenants, by-laws, and other governing documents, **THEN BE IT THEREFORE**

**RESOLVED** that the LakeLand Village Community Club Board of Directors has determined that it has become necessary to implement a system whereby fines can be levied against property owners who choose to violate the protective covenants, by-laws, or other rules or regulations, **AND BE IT FURTHER**

**RESOLVED** that the process for levying fines for these violations and the schedule of fines, therefore, will be in accordance with the attached Process and Fine Schedule, **AND BE IT**

**FURTHER RESOLVED** that this resolution was amended and adopted at the regular board meeting of the Lakeland Village Community Club Board of Directors on April 24, 2019 and replaces previous resolution No. 16 file No. 678682, adopted by the Lakeland Village Board of Directors on October 28, 1998, signed by Kenneth C. Griffith LLVCC President and Marion J. Moss LLVCC Secretary/Treasurer

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*Original signed by*  
RICHARD N CARON  
President

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*Original signed by*  
LEON STEVENS  
Vice President

## **LAKELAND VILLAGE COMMUNITY CLUB**

### **PROCESS AND FINE SCHEDULE**

1. **PURPOSE:** To establish a methodology for levying fines against property owners who choose to violate the protective covenants, by-laws, or other governing documents, and to publish a schedule of fines for various violations.
2. **AUTHORITY:** The Protective Covenants for the various divisions and other governing documents charge the LakeLand Village Community Club Board of Directors with the enforcement of protective covenants, by-laws, and other rules and regulations. The Homeowner's Association Act which became effective July 23, 1995 authorizes the LakeLand Village Community Club Homeowner's Association to "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 by-laws, rules, and regulations of the association."
3. **ADJUDICATION HEARINGS:** A complaint that a property owner has committed a prohibited activity within LakeLand Village must be in writing and signed. This complaint must be filed with the Board of Directors. Upon receipt of the complaint, the Office Manager will issue a letter notifying the alleged offender of the infraction, with a predetermined time line for rectifying the infraction. If the infraction is not resolved within the predetermined time line a second letter will be sent with a hearing date set by the Hearing Committee Chairman. At the hearing, the Hearing Committee will provide the complainant, the alleged violator, and any other persons with relevant knowledge a fair and reasonable opportunity to speak. The hearing may be postponed for any reasonable cause, but should be held as soon as possible, while giving the alleged violator time to prepare a response.

The Hearing Committee shall determine the conduct of the hearing being sure the alleged violator has a fair chance to understand the complaint and respond to it. All persons who may be responsible, as stated in Section 5 below, for the conduct of another, such as owners, parents or landlords, will be given rights of notice and the opportunity to be heard.

The Hearing Committee can move from a fact-finding posture to mediating a solution with the interested parties at any time, and is encouraged to do so.

The result of the hearing can be a negotiated agreement, finding of no offense, or finding of an offense. If one or more offense is found, the Hearing Committee can send a letter, impose a fine, and/or impose a restitution requirement for damages. The result of the hearing shall be put in writing and sent to the alleged violator, any responsible person, and the Board of Directors.

4. **APPEALS:** The accused or responsible party may appeal a decision of the Hearing Committee to the full Board of Directors. An appeal must be filed with the Board, in writing, within seven (7) calendar days of notification of the decision or it will not be heard. The Board will follow the same procedures as the Hearing Committee.

5. **RESPONSIBLE PERSONS:** All 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. A violation on the part of any person for whom a member is responsible shall be treated

as a violation by the member.

6. **EXTENT OF RESPONSIBILITY:** Adjudication can result in agreements, letters, fines, and/or restitution. If unpaid, monetary assessments for fines and/or restitution, including filing, legal fees, and all associated expenses will be recorded as liens, and may be foreclosed upon as any other property.

7. **PROHIBITED ACTIVITIES:** No person subject to LakeLand Village covenants, by-laws, or other rules or regulations shall:

A. Engage in noxious or offensive activities, which include but are not limited to:

1. Allowing dogs to bark excessively to the point where they are considered an annoyance. Dog and other household pet problems should be resolved between neighbors whenever possible and practical. If this cannot be accomplished or is not practical, the Hearing Committee will hear cases involving complaints against an alleged violator.

2. Allowing household pets to run loose outside their owner's property and/or control or to become a pest or nuisance to property owners.

3. Creating loud noises or performing loud activities at any time, but especially during the hours of 11:00 P.M. to 8:00 A.M. Construction noise shall be limited to the hours of 7:00 A.M. to 9:00 P.M.

4. Using any kind of motor, except electric, on the lake except as authorized by the Community Club Rules and Regulations.

5. Discharging firearms (including BB or pellet guns) and/or arrows from bows or crossbows within LakeLand Village. Detonation of explosives, except for small fireworks as permitted by state and county laws, is also prohibited.

6. Parking of trucks, RV's, boats, and trailers not in conformance with covenants of the division involved.

7. Dumping hazardous materials such as oil or toxic chemicals in the lake or on the ground anywhere within LakeLand Village.

8. Allowing or contributing to the accumulation of garbage, refuse, litter and/or unsightly materials, including inoperable vehicles, on private or community property.

9. Burning that is not in compliance with Mason County fire codes and regulations and LakeLand Village rules and regulations.

10. Keeping or raising any livestock, animals or poultry, except cats, dogs, or other animals commonly defined as household pets.

11. Breeding or maintaining ANY animals for commercial purposes.

12. Vandalism or unauthorized use of common areas.

B. Commit any of the following property related activities:

1. Have more than one single family dwelling on each legally platted lot.

2. Use any method of disposal for human waste other than a county approved septic system or sewage system.

3. Take longer than one year to landscape their property to a level consistent with community standards. The one-year period will commence the date the house is occupied.

4. Allow property to become an eyesore.

5. Remove any trees without an approved permit issued by the Architectural Control Committee.

6. Remove any trees outside the scope of an authorized permit.

7. Damage neighboring property. This includes the intentional drainage of surface water onto a neighboring property.

8. Commence building new construction, modifications, replacement, or alterations,

without approval of the Architectural Control Committee.

9. Clear any lot in preparation for planned or speculative development without approval of the Architectural Control Committee.

10. Post signs that are not in conformance with existing covenant requirements or other current rules and regulations.

11. Uncompleted construction within one year.

C. Other violations not included in A and B above.

8. HEARINGS: Hearings will be held in a timely manner, typically within two weeks of the complaint and will be convened in the LakeLand Village Clubhouse.

If the complainant and/or alleged violator cannot appear, the hearing may be postponed twice. After two continuances, the Hearing Committee will make a judgment based on the information at hand, and may include compromise, agreements, fact finding, penalties, restitution, probationary periods, etc., that are best calculated to prevent future violations, and promote the general harmony of the community. The alleged violator, if found guilty under this process, may appeal to the Board of Directors.

9. HEARING COMMITTEE COMPOSITION: The Hearing Committee will be composed of three members - one Board member to serve as a facilitator, and two LakeLand Village Community property owners in good standing. The facilitator will have the right to vote on all decisions.

Hearing Committee members must excuse themselves if they are personally involved with the complainant or the alleged violator, or the incident, or have any other significant conflict of interest so that their participation appears to be unfair to either side. Temporary member(s) appointed by the President, Board of Directors, will replace a member or members who has/have a conflict of interest.

The majority of the Hearing Committee must agree on the outcome of the complaint and fine/restitution.

#### The Facilitator:

Will be a Board of Directors member. The facilitator will chair the hearing, keep it on track, and schedule hearings as necessary. The facilitator will also be the contact between the full Board of Directors and the Hearing Committee. A facilitator whose term on the Board expires and is not re-elected for any reason will continue to serve as facilitator on any unresolved cases until their completion.

#### The Secretary:

The Office Manager will serve as Secretary for the Hearing Committee, and will:

- Ensure the tape recorder is operating properly during the hearings and when decisions are made.
- Be responsible for completing the information forms to give to the Facilitator so a letter can be written to the violator, complainant, and responsible persons, if any.
- Ensure recording tapes are maintained in the Community Club Business Office for a period of two (2) years.

Absences: Excused absences will be permitted with a valid reason. When absences are approved, a substitute Hearing Committee member will be appointed by the President of the Board of Directors. If no substitute can be found, the hearing must be postponed until three (3) members (including the facilitator) can be present.

#### 10. ADJUDICATION HEARING PROCESS:

- The Hearing Committee will receive the complaint and review it.
- If they determine a hearing is needed, they will inform the Office Manager who will send a notice to both the complainant and the alleged violator and/or responsible persons (landlord/parent) advising them of the hearing.
- The Office Manager will also pull any relevant past history of the alleged violator for the committee to review. This history will only consist of matter subsequent to the effective date of this resolution.
- The complainant(s) are required to appear at the hearing. The alleged violator and responsible person, if any, should appear at the hearing. All parties may bring witnesses.
- Hearings are closed to all except the committee, the complainant(s), the alleged violator, responsible person and witnesses.
- The facilitator will read the complaint and be sure the alleged violator understands the complaint.
- The hearing facilitator will ask the alleged violator to respond to the complaint. If there is an admission of culpability with or without extenuating circumstances, discussion will follow. If there is no admission of culpability, discussion will follow from both sides, including witnesses if applicable.
- After conclusion, the committee will excuse both sides and go on to the next case.
- After the hearings, the committee will make a decision on each case, based on its own merits and the fine schedule.
- Hearing Committee decisions will be noted on a form and given to the Facilitator who will cause a letter to be sent to the complainant, the alleged violator, and to the Board of Directors setting forth the full findings of the Committee.

11. FINES: Fines and restitution, if not paid, will be added to the member's assessments and may be turned over to the attorney for legal action. This legal action may include filing a lien and eventually foreclosing on the property. If a fine is imposed, the following schedule shows the maximum amount for various circumstances. Restitution may also be assessed. All fines are separate from any restitution amount. All legal fees for assessing and/or collecting said fines shall be added as incurred. Violators of covenants and other governing documents, not specifically identified in the Fine Schedule below, will receive a penalty befitting the nature and severity of the offense. Fines based on Resolution 23 or section 7.A.1-12 of this document will normally be assessed on a daily basis until the violation is resolved. All other fines such as outlined in section 7.B.1-11 property violations will be assessed on a monthly basis until the violation is resolved but could be more frequently depending on the seriousness and urgency of the violation.

## FINE SCHEDULE

<b><u>Offense</u></b>	<b><u>1st</u></b>	<b><u>2nd</u></b>	<b><u>3rd</u></b>	<b><u>4th</u></b>	<b><u>5th+</u></b>
Barking Dog (Par 7A1)	Warning	\$25.00	\$50.00	\$100.00	\$200.00
Loose Pet Warning (Par 7A2)	Warning	\$25.00	\$50.00	\$100.00	\$200.00
Loud Noises (Par 7A3)	Warning	\$25.00	\$50.00	\$100.00	\$200.00
Motor on Lake (Par 7A4)	Warning	\$25.00	\$50.00	\$100.00	\$200.00
Firearms (Par 7A5)	\$50.00	\$100.00	\$200.00	\$400.00	\$500.00
Parking (Par 7A6)	Warning	\$25.00	\$50.00	\$100.00	\$200.00
Dumping (Par 7A7)	\$50.00	\$100.00	\$200.00	\$400.00	\$500.00
Garbage, Refuse (Par 7A8)	Warning	\$25.00	\$50.00	\$100.00	\$300.00
Illegal Burning (Par 7A9)	Warning	\$25.00	\$50.00	\$100.00	\$300.00
Livestock (Par 7A10)	Warning	\$25.00	\$50.00	\$100.00	\$400.00
Animal Breeding (Par 7A11)	Warning	\$25.00	\$50.00	\$200.00	\$400.00
Vandalism or Unauthorized Use of Common Areas (Par 7A12)	\$50.00	\$100.00	\$250.00	\$500.00	\$1000.00
More than single dwelling (Par 7B1)	\$100.00	\$250.00	\$500.00	\$750.00	\$1000.00
Unauthorized Human Waste Disposal (Par 7B2)	\$50.00	\$100.00	\$250.00	\$500.00	\$1000.00

Landscape Property (Par 7B3)	Warning	\$25.00	\$50.00	\$100.00	\$250.00
Property Eyesore (Par 7B4)	Warning	\$100.00	\$200.00	\$500.00	\$1000.00
Unauthorized Tree Removal (Par 7B5 and 7B6)	*\$500.00	*\$500.00	*\$500.00	*\$500.00	*\$500.00
Damage neighbor Property (Par 7B7)	**\$100.00	**\$250.00	**\$500.00	**\$750.00	**\$1000.00
Build without permit (Par 7B8)	\$500.00	\$1000.00	\$1500.00	\$2000.00	\$2500.00
Unauthorized Lot Clearing (Par 7B9)	\$500.00	\$1000.00	\$1500.00	\$2000.00	\$2500.00
Sign Violations (Par 7B10)	Warning	\$25.00	\$50.00	\$75.00	\$100.00
Incomplete  Construction (Par 7B11)	\$100.00	\$250.00	\$500.00	\$750.00	\$1000.00

\*Fines will be assessed PER TREE, PER LOT

\*\*These fines will be assessed in addition to restitution if deemed necessary by the Hearing Committee.

12. ADDITIONS TO FINE SCHEDULE: From time to time it may become necessary to add other violations to the above fine schedule and/or to change fine amounts. Should this become necessary, additions to the fine schedule or changes in fine amounts may be made by a properly issued resolution of the Board of Directors.