

LAKELAND VILLAGE COMMUNITY CLUB
RESOLUTION No. 16
Amendment No. 2
Levy of Fines

The original Resolution No. 16, Amendment No. 2, was signed by James Byrne, LakeLand Village Community Club (LLVCC) President and Cynthia Ross LLVCC Treasurer/Secretary on May 25, 2022.

DIVISIONS 1 THROUGH 14

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 assessments 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 assessments for these violations and the schedule of assessments, therefore, will be in accordance with the attached Process and Assessment 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 May 25, 2022, and replaces previous resolution No. 16 file No.2013034, adopted by the Lakeland Village Board of Directors on April 24, 2019, signed by Richard N Caron LLVCC President and Leon Stevens Vice President.

Original Signed By
JAMES BYRNE
LLVCC President

Original signed by
CYNTHIA ROSS
LLVCC Treasurer/Secretary

**LAKELAND VILLAGE COMMUNITY CLUB
COMPLAINT AND HEARING 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 assessments 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. 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.

4. EXTENT OF RESPONSIBILITY

Adjudication can result in agreements, letters, fines, and/or restitution. If unpaid, monetary assessments 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.

5. PROHIBITED ACTIVITIES

No person subject to Lakeland Village covenants, by-laws, or other rules or regulations shall:

- A. Violate any applicable covenant or resolution not specified in sections 5.B. and 5.C.
- B. 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. Dogs 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. Keeping or raising any livestock, animals, or poultry, except cats, dogs, or other animals commonly defined as household pets.
 - 4. Breeding or maintaining ANY animals for commercial purposes.
 - 5. Burning that is not in compliance with Mason County fire codes and regulations and Lakeland Village rules and regulations.

6. Allowing or contributing to the accumulation of garbage, refuse, litter and/or unsightly materials, including inoperable vehicles, on private or community property.
7. Gas powered motors are prohibited on Lake Anderson (running or not). Only electric motors are allowed.
8. Dumping hazardous materials such as oil or toxic chemicals in the lake or on the ground anywhere within Lakeland Village. Assessment shall include cost of any necessary mitigation.
9. 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.
10. Parking of trucks, RV's, boats, and trailers not in conformance with covenants of the division involved.
11. 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.
12. Damage, vandalism or unauthorized use of common areas.
13. Conducting home business that would require the client to visit the home business.

C. Commit any of the following property related activities:

1. Take longer than one year to landscape property to a level consistent with community standards. The one-year period will commence the date the house is occupied.
2. Allow property to become an eyesore as seen by a reasonable person's view or is inconsistent with the neighborhood.
3. Use any method of disposal for human waste other than a county approved sewage system or approved portable toilets for use during construction.
4. Remove any trees without an approved permit issued by the Architectural Control Committee.
5. Remove any trees outside the scope of an authorized permit.
6. On lakeshore properties: building any structure within 50 feet of the lake; clearing native trees and vegetation beyond what is allowed by applicable covenant; unauthorized or non-compliant docks or floats, earth or gravel fills extending beyond the existing shore.
7. Have more than one single family dwelling on each legally platted lot such as an ADU (Accessory Dwelling Unit) per applicable covenant.
8. Uncompleted construction within one year of issuing permit for building. An additional one-year period is allowed for landscaping. Complete means acceptable exterior and landscaping.
9. Damage neighboring property. This includes the intentional drainage of surface water onto a neighboring property.
10. Clear any lot in preparation for planned or speculative development without approval of the Architectural Control Committee
11. Commence new construction (shed, fence, new residences, etc.) without approval of the Architectural Control Committee.
12. Post signs that are not in conformance with existing covenant requirements or other current

rules and regulations.

13. Common area boat storage violations include, but not limited to, unregistered boat/trailer, non-visible valid registration sticker, and unattached valid boat registration sticker. All valid registration stickers must be attached no later than May 1st of each year.

6. HEARINGS

A complaint that a property owner has committed a prohibited activity within Lakeland Village must be in writing, cite the covenant or resolution violated, and be signed. This complaint must be filed with the LLVCC Office. Upon receipt of the complaint and validation that the matter is within the scope of LLVCC authority; the LLVCC office will issue a Notice of Violation letter to the alleged offender and the LLVCC Board of Directors of the infraction with a timeline for rectifying the infraction. If the infraction is not resolved within the predetermined timeline, a second letter will be sent by the LLVCC office with a hearing date set by the LLVCC Hearing Committee Chair. At the hearing, a 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 shall be conducted in a manner that assures 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 9 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 offenses are found, the Hearing Committee will recommend to the Board of Directors its decision to impose an assessment. Subsequent to the approval by the Board of Directors to adopt, adopt with amendments, or reject the recommendation, the result of the Board of Directors decision shall be put in writing and sent to the alleged violator, any responsible person, and the Board of Directors.

7. SCHEDULING 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.

8. HEARING COMMITTEE COMPOSITION

The Hearing Committee will be composed of three members - one Board member to serve as Chair, and two LakeLand Village Community property owners in good standing. The Chair 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 of the Board of Directors, will replace a member who has a conflict of interest.

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

Chair

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

It is the responsibility of the Chair to ensure that all members of the committee are aware of the nature of the complaint, the Division covenants involved, the resolutions which pertain, and the fine structure prior to the date of the meeting.

Secretary

A Board designee 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 Chair 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 Chair) can be present.

9. ADJUDICATION HEARING PROCESS

- The Hearing Committee will review the matter after a Notice of Violation has gone unresolved in the timeline granted in the notice.
- If the Hearing Chair or Board of Directors determines a hearing is needed, they will inform the office or designee who will send a notice to the complainant and the alleged violator and/or responsible persons (property owner(s)/property management company, or parent) advising them of the hearing.
- A board designee will also pull any relevant past history of the alleged violator for the committee to review. This history will only consist of matters subsequent to the effective date of the first issue of resolution 16.
- 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(s) and witnesses.

- The Chair will read the complaint and be sure the alleged violator understands the complaint.
- The hearing Chair 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 hearing(s), 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 Chair 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 and recommendations of the Committee.

10. FINES

Assessments/fines if not paid, will be added to the member's account, 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 an assessment is imposed, the following schedule shows the maximum amount for various circumstances. Interest and all legal fees for assessing and/or collecting said assessments shall be added as incurred. Violators of covenants and other governing documents, not specifically identified in the Assessment Schedule below, will receive a penalty befitting the nature and severity of the offense. After the initial grace period to correct the Covenant infraction, assessments based on section 5.B of this document will normally be assessed on a weekly basis until the violation is resolved. All other assessments such as outlined in section 5.A and 5.C (property violations) will be assessed on a monthly basis until the violation is resolved but could be more frequent depending on the seriousness and urgency of the violation.

11. 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.

12. FINE SCHEDULE

Offense	Paragraph	1st Offense	2nd Offense	3rd Offense	4 + Offense(s)
Covenant or resolution violation	5.A.	Warning	\$25	\$50	\$100 to \$200
Barking Dog	5.B.1.	Warning	\$25	\$50	\$100 to \$200
Loose Pet	5.B.2.	Warning	\$25	\$50	\$100 to \$200
Livestock	5.B.3.	Warning	\$25	\$50	\$100 to \$400
Animal Breeding	5.B.4.	Warning	\$25	\$50	\$200 to \$400
Illegal Burning	5.B.5.	Warning	\$25	\$50	\$100 to \$300
Garbage/Refuse	5.B.6.	Warning	\$25	\$50	\$100 to \$300
Gas Motor on Lake	5.B.7.	Warning	\$25	\$50	\$100 to \$400

Offense	Paragraph	1st Offense	2nd Offense	3rd Offense	4 + Offense(s)
Dumping	5.B.8.	\$50	\$100	\$200	\$400 to \$500
Loud Noises	5.B.9.	Warning	\$25	\$50	\$100 to \$200
Parking	5.B.10.	Warning	\$25	\$50	\$100 to \$200
Firearms	5.B.11.	\$50	\$100	\$200	\$400 to \$500
Vandalism, Damage or Unauthorized Use of Common Areas	5.B.12.	**\$50	**\$100	**\$250	**\$500 to \$1,000
Home Business	5.B.13.	Warning	\$250	\$500	\$750 to \$1,000
Landscape Property	5.C.1.	Warning	\$25	\$50	\$100 to \$250
Property Eyesore	5.C.2.	Warning	\$25	\$100	\$250 to \$500
Human Waste Disposal	5.C.3.	\$100	\$250	\$500	\$750 to **\$1,000
Unauthorized Tree Removal	5.C.4. & 5.C.5.	*\$500	*\$500	*\$500	*\$500
Lakeshore Violations	5.C.6.	**\$100	**\$250	**\$500	**\$750 to **\$1,000
More than Single Family Dwelling	5.C.7.	\$100	\$250	\$500	\$750 to \$1,000
Incomplete Construction	5.C.8.	\$100	\$250	\$500	\$750 to \$1,000
Damage Neighbor's Property	5.C.9.	**\$100	**\$250	**\$500	**\$750 to **\$1,000
Unauthorized Lot Clearing	5.C.10.	\$500	\$1,000	\$1,500	\$2,000 to \$2,500
Build without Permit	5.C.11.	\$500	\$1,000	\$1,500	\$2,000 to \$2,500
Sign Violations	5.C.12.	Warning	\$25	\$50	\$75 to \$100
Common Area Boat Storage	5.C.13.	Warning	\$25	\$100	\$200 to \$300

*Fines will be assessed **PER TREE, PER LOT****These fines will be assessed in addition to restitution deemed necessary by the Hearing Committee or the Board of Directors.

ADDITIONS to the 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.

5.C (property violations) will be assessed on a monthly basis until the violation is resolved but could be more frequent depending on the seriousness and urgency of the violation.