

**Limerick Park (in Lacamas Valley Estates)
Home Owners Association
Fine Policy for Dumping on HOA Common Areas
(LP HOA BOD Policy 116225-1)**

BACKGROUND: There have been incidents of individuals as well as homeowners dumping yard waste or placing hazardous materials in storage containers on HOA managed common areas.

COMMON AREAS: HOA Common Areas are the responsibility of the Limerick Park HOA to manage and maintain. Common Areas are defined in the Limerick Park CCRs as well as multiple plat maps approved by and on file with Pierce County but are defined here, albeit not all inclusive, as:

- A. Areas noted on Limerick Park, P.D.D.- Phase 1 maps as TRACTS A & B (commonly referred to as “the park”).
- B. Areas noted on Limerick Park, P.D.D.- Phase 4 maps as TRACTS N, O, P, Q, R & S, some of which have multiple designations for purpose but all noted as managed by the HOA.
- C. Areas noted on Limerick Park, P.D.D- Phases 2&3 map as TRACTS F, G, H, J, K, L, & M.

These same tracts may be reflected in other Platt maps of Limerick Park HOA with other Alpha character designations. Tract D adjacent to Lot 60 being an example, it being Tract D on one such map and J on another, albeit with the same measurements for size and placement.

- D. Areas as defined in the Limerick Park CCRs Exhibit B as:
 - 1. All landscape, irrigation, and fixtures located within Tracts A and B.
 - 2. All sidewalks within defined areas of the Property.
 - 3. All roadways within defined areas of the Property.
 - 4. All street lighting, street signage, and mailboxes within defined areas of the Property.
 - 5. Fencing and signs constructed on the lines between any Common Area tract administered and maintained by the Association and abutting lots.
 - 6. Planter Islands (if any) within the cul-de-sacs, entrance landscaping and entrance monument signage for the Property.
- E. Any area as yet to be determined the responsibility of the HOA to maintain that is not other wise identified above.

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F. Article 7.4 of the Declaration of Covenants, Conditions and Restrictions for Limerick Park gives "The Board" authority for imposing sanctions for violations of the Governing Documents after notice and a hearing in accordance with procedures set forth in the By Laws. The extract (7.4, a, b, c) is a partial from the CCRs.

7.4 Compliance and Enforcement

Every Owner and occupant of a Lot shall comply with the governing Documents. The board may impose sanctions for the violations of the Governing Documents after notice and a hearing in accordance with the procedures set forth in the Bylaws. Such sanctions may include, without limitation:

a. Imposing reasonable monetary fines which shall constitute a lien upon the violator's Lot. (In the event that any occupant, guest or invitee of a Lot violates the Governing Documents and a fine is imposed, the fine shall first be assessed against the violator; provided, if the fine is not paid by the violator within the time period set by the Board, the Owner shall pay the fine upon notice from the Board);

b. Suspending an Owner's right to vote;

c. Suspending any Person's right to use any Common Areas; provided, nothing herein shall authorized the Board to limit ingress or egress to or from a Lot;

G. Dumping of yard waste or vegetation as well as refuse or junk in or on HOA Common Areas is not allowed. Individuals or Members of the HOA who do so may be fined and as well as assessed the cost of commercial removal and disposal of the waste. If the individual responsible is not a Lot owner and refuses to pay, the fine and cost will be levied upon the Lot owner who the individual was a guest of or if a renter, then the Lot owner. The fine will be as indicated in the table I. Notification will be by letter from HOA Board of Directors. There is no warning policy for this action.

Failure to pay IAW with guidelines will result in **Claim of Lien** against property.

TABLE I
FINE FOR DUMBING YARD WASTE & VEGETATION RESIDUE & REFUSE

1 st Offense	\$ 100.00	Plus Cost of Removal *	Payable Within 15 Days
2 nd Offense	\$ 150.00	Plus Cost of Removal *	Payable Within 15 Days
3 rd Offense	\$ 200.00	Plus Cost of Removal *	Payable Within 15 Days
Each Additional Offense	\$ 200.00 Per Offense /Plus the	Plus Cost of Removal Loss of HOA voting	Payable Within 15 Days rights for 1 year

- Billing for cost of removal may not be concurrent with notification of fine. Removal costs are also payable within 15 days of notification.

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H. Dumping, disposing of Hazardous Material (HAZMAT) and Toxic MATERIAL or storage of it in containers in or on HOA Common Areas is not allowed.

Individuals or Members of the HOA who do so may be fined and as well as assessed the cost of commercial removal and disposal of the waste. If the individual responsible is not a Lot owner and refuses to pay then the fine and cost will be levied upon the Lot owner who the individual was a guest of or if a renter, then the Lot owner. The fine will be as indicated in the table II, additionally any County, State or Federal Agency having jurisdiction over wetlands or environmental issues will be notified by the HOA as appropriate, both to seek guidance as well as turn in the offending party or parties.

TABLE II
FINE FOR DUMPING OR DISPOSING OF HAZMAT/TOXIC MATERIAL & STORAGE

1 st Offense	\$1,000.00 And loss of	Plus Cost of Removal HOA voting rights	Payable Within 15 Days if BOD so directs
Subsequent Offenses	\$1,000.00	Plus HOA will file to prohibit further	action in Superior Court violations.
NOTIFICATION:	To appropriate	County, State or Federal	agencies as required

I. Appeal: Individuals or lot owners fined for dumping per item G., and H., above may appeal such fines. To appeal a fine and concurrent or subsequent billing for commercial costs of clean up or removal individuals involved must notify the HOA Board of Directors (BOD) via US mail within 10 days of receiving notification of a fine and or billing for commercial costs of clean up.

The right of appeal as well as the notification procedures are specified in Limerick Park By Laws, paragraph 3.23 (a): In short, the individual being notified of the violation has 10 days to respond. That response must be in writing, and unless received within the 10 day period (plus 3 days allowing for mail delivery) the sanction shall be imposed.

The BOD Secretary (or Covenants Committee, when appointed) will schedule a time, date and place for the appeal to take place and notify the individual/lot owner. If not appealed the violator must pay the fines and associated costs as reflected within the period shown in Tables I and Table II.

If appealed and the BOD or Covenant Committee upholds the fine, then the payment is due 15 days following that action; it being recognized that commercial costs of clean up may take a considerable time to be arrived at if HAZMAT clean up is involved.

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J. This policy and associated fines has been approved by majority vote of the HOA Board of Directors in the HOA BOD meeting on 12 August 2016.

K. Appeals as well as inquiries regarding this policy may be directed in writing to:

Secretary
LIMERICK PARK HOA
PO BOX 5262
Spanaway, WA 98387

Correspondence needs to have the name and lot number, return address, as well as a working telephone number and reference to a violation notification if an appeal is being requested.