

**SURFSIDE HOMEOWNERS ASSOCIATION  
PACIFIC COUNTY, WASHINGTON  
RESOLUTION 2012-05**


**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SURFSIDE HOMEOWNERS  
ASSOCIATION ADOPTING AN ENFORCEMENT RULE**

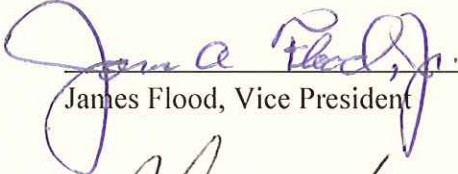
**WHEREAS**, Surfside Homeowners Association provides potable water to Member lots within the boundaries of the Association; and

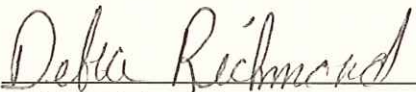
**WHEREAS**, The Board of Trustees of the Surfside Homeowners Association desires to provide enforcement procedures in the event a Member fails to comply with laws, regulations, policies and other requirements applicable to the Surfside Water System; now therefore be it

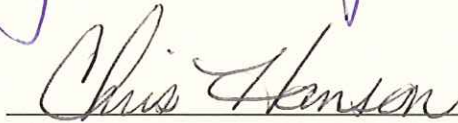
**RESOLVED** that the Board of Trustees of the Surfside Homeowners Association adopts the attached,  
**“ENFORCEMENT RULE”**

**ADOPTED** by the Board of Trustees of the Surfside Homeowners Association at its regular meeting held April 21, 2012.

  
Gary Williams, President

  
James Flood, Vice President

  
Debbie Richmond, Secretary

  
Chris Hanson, Treasurer

Motion By Murden Jenkins

Second By John Williams

Yea:  8

Nay:  0

Abstain:  0

Absent:  1

## ENFORCEMENT RULE

**Purpose of Rule.** The purpose of this Rule is to provide enforcement procedures and mechanism in the event a water customer fails to comply with laws, regulations, policies and other requirements applicable to the Surfside water system or the use of water supply by the Association (in any case, a "Violation").

**Other Remedies.** Nothing in this Rule in any way limits or affects the rights of the Association to pursue any remedy otherwise available to it. Further, nothing in this Rule limits the right of the Association to take whatever immediate action it deems appropriate in the event it determines, based on the information then available to it and considering the need to protect the quality of the water provided by the Surfside water system and the integrity of that system, that such action is appropriate to protect the quality of the water provided by the Surfside water system and the integrity of that system.

**Notice to Property Owner.** In the event Surfside determines that a Violation is or may be occurring, it shall, except as otherwise permitted in this Rule, send a letter (the "Violation Letter") by first class mail to the owner of the relevant property at the address of the owner in the real estate tax records of Pacific County, Washington. Prior to sending a Violation Letter, the Association may investigate the matter, as described in this Rule, but is under no obligation to do so. The Violation Letter will describe what needs to occur to correct the Violation, provide a specific deadline, commensurate with the seriousness of the Violation and the time reasonably needed to correct the Violation, to correct the Violation and describe the enforcement mechanism (shutting off the water, fines, etc.) for failing to correct the Violation by the deadline. The Violation Letter will also contain a summary of the procedures for appealing the Violation.

**Investigation.** If the Association believes a Violation may be occurring, it may contact the owner or occupant of the relevant property, either in writing or orally, to attempt to resolve the matter informally, to request information and to request permission for a representative of the Association to come on to the property to investigate the situation. If the owner or occupant refuses to grant permission for the representative of the Association to come on the property to investigate the situation, the Association may, if it deems it appropriate under the circumstances, shut off the water service to the relevant property until it can complete its investigation to determine if a Violation is occurring.

**Appeal Procedures.** If an owner receives a Violation Letter, that owner may, by written appeal received by the Association within ten days of the date of the Violation Letter (the "Appeal"), request that the alleged Violation and/or enforcement mechanism be reviewed. If the Association receives a timely Appeal, it shall appoint an Association Trustee or other person designated by the Association Board who, in either case, has had no prior involvement in the Violation alleged. The designated person shall thereafter hold a hearing, on at least ten days written notice, at which the property owner, personally or through representation, and a representative of the Association may present relevant information regarding the matter. The designated person shall then promptly issue a written decision affirming or reversing the Violation and affirming, reversing or changing the enforcement

mechanism. This designated person shall affirm the Violation and the enforcement mechanism unless he or she determines that the property owner has demonstrated, by a preponderance of the evidence, that the Violation does not exist and/or the enforcement mechanism is inappropriate, as the case may be. The designated person may affirm the Violation but impose an alternate enforcement mechanism.

**Specific Enforcement Mechanisms.** If the Violation has not been corrected, to the satisfaction of the Association, within the time stated in the Violation letter, then the Association may shut off the water service to the property on which the Violation is occurring and/or that is owned or occupied by the person or persons responsible for the Violation. The Association may also adopt and publish a fine schedule for specific types of Violations which may be used, at the discretion of the Association, in lieu of shutting off the water service. Without, in any way, limiting the other rights of the Association, the Association may also seek correction of a Violation by a suit in Pacific County Superior Court. The owner of property on which a Violation is occurring or has occurred as well as the person responsible for a Violation, if different, shall be liable for all of the Association's cost's, including, without limitation, disconnection and reconnection costs and attorney's fees, related to the Violation, and these costs shall be a lien on all property owned by that person subject to the Surfside Estates of Pacific County Washington Restrictive Covenants. Except as otherwise provided in this Rule, the Association may not shut off water service or take any other enforcement action, if the Violation has been timely appealed, until after the decision on the appeal has been issued.

**Physically Disabling Reconnection.** The Association may, if it deems it appropriate, physically disconnect the water service or take other action to physically prevent the unauthorized use of water from the Association system to serve a property.