

FINE SCHEDULE / DUE PROCESS

Mill Creek Community Association



The Mill Creek Community Association has the ability to fine its Owners for violations of the Governing Documents under RCW 64.38.020(11) and Section XIV of the Declaration of Restrictive Covenants. The following policy sets out the procedures for the fine process.

This Fine Schedule /Due Process was adopted by the Board on November 16, 2022

Fine Policy

1. The goal of MCCA is to work with our residents to achieve compliance, not to assess fines. Residents shall be given an opportunity to be heard before fines are assessed.
2. Any resident may be fined for violating the Association’s Governing Documents. The fines shall be assessed against both the Residence/Unit and the Owner of the Residence/Unit, and shall be collected as any other Assessment. Owners are notified of fines via mail or email, or as otherwise provided in the Covenants.
3. Any violation by any Owner, resident, occupant, tenant, animal, and/or guest of a Residence/Unit shall be treated as a violation by the entire Ownership of the Residence, and any fine resulting from said violation(s) shall apply against the Residence/Unit Owner.
4. The Association exercises its enforcement powers as provided in Article 14 of the Covenants.
5. The Board has adopted increasing fines for repeat violations and any violation that is considered a “chronic violation.” A chronic violation is a repeat or continuing violation as determined by the Board.

Fine Schedule

1. If any fine assessed is not paid within thirty days, it will be dealt with in the same manner as delinquent assessments and will be subject to all the same collection remedies detailed in the Governing Documents of the Association.
2. Owners and/or residents receiving Notices should deliver their responses in writing to the Association Compliance Coordinator via mail or email. All contact information is available on the MCCA website (www.mcca.info).

Violation	Fine
Pet off Leash	\$50.00 & doubles for each occurrence thereafter up to \$200 maximum per occurrence.
Storage of waste/recycle containers in view	\$50.00 & doubles for each occurrence thereafter up to \$200 maximum per occurrence.
Storage of boats, RVs, trailers	\$100.00 & doubles for each occurrence thereafter up to \$400 maximum per occurrence.
Excessive noise past 9:00 pm	\$100.00 & doubles for each occurrence thereafter up to \$400 maximum per occurrence.

Noxious or offensive activity creating a neighborhood nuisance.	\$100.00 & doubles for each occurrence thereafter up to \$800 maximum per occurrence.
Dumping in common areas	\$500.00 & doubles for each occurrence thereafter up to \$2000 maximum per occurrence plus costs associated with clean-up.
Property Owners who do not submit resident contact information on rental units within ten calendar days of any new tenant.	\$250.00 per violation.
Failure to apply for a Home-Based Business	\$250.00 per violation.
Projects that do not receive ACC approval before the beginning of the project	From \$100.00 to \$1,000.00 per violation, for example: \$100 for changing doors, garage doors, or windows without approval \$500 for unapproved structures (shed, gazebo, play structure, fences) \$500 for painting without approval \$1000 for unapproved major construction projects (roofing, additions, pool, patio or deck, driveway)
Trees deemed "healthy" and "native old growth", that are removed or trimmed without written permission of the ACC	\$500.00 for removing a landscape tree or a native evergreen with a stump of less than 6" in diameter \$1,000.00 for removing landscape tree or native evergreen with a stump of more than 6" in diameter
Chronic Violations: A violation is chronic when the Owner has already been invited to a Covenant Hearing Board or a violation for the same circumstances has previously been found. Examples of chronic violations: 1. Prior violation for failure to perform required maintenance 2. Prior violation for failure to remove an unauthorized improvement 3. Prior violation for rental of a residence/unit or running a home-based business in violation of the Covenants	Weekly fines: \$100 per week for failure to perform required maintenance. \$200 per week for failure to remove an unauthorized improvement. \$200 per week for the rental of a residence/unit or running a home-based business in violation of the Covenants. \$100 per week for all other chronic or continuous violations.
Other Violations: Any violation that falls under Articles VII, VIII, IX, and X of the Restrictive Covenants.	\$100 for each violation, doubles for each successive violation within 12 months, to a maximum of \$1000 for violations not specified above.

Due Process/Opportunity to be Heard Procedure

1. The following procedures allow members of the Covenant Committee, the Board, and management to review issues and evidence of a violation(s) and to consider appropriate action(s) if any when requested by an Owner.
2. If any Owner and/or resident feels that the enforcement for any rules violation has been issued in error, or would like to present information for any reason, he/she has the right to be heard before the Covenant Hearing Board (CHB) comprised of members of the Association, including Board members.
3. To obtain a hearing, the Owner and/or resident shall request a hearing from the Compliance Coordinator, in writing, within 10 days of receiving a Notice of Violation.
4. The Compliance Coordinator will respond to the hearing request within 10 days following receipt of the written request and will schedule a hearing. If any party desires to reschedule the hearing, the other party(s) shall be notified at least 10 days before the scheduled date of the hearing.
5. The parties may provide the CHB with a written summary of their positions 10 days before the hearing.
6. The CHB will consist of three Owners, one of whom shall be a Board Member and the other two may be Board Members. The Compliance Coordinator or the Association Director will assemble the CHB members. None of the CHB members shall be a party to the complaint. The hearing participants will consist of:
 - a. The CHB members.
 - b. The party(s) bringing the complaint (this party may be an Owner, and may be a Board member, the Association Director, or Compliance Coordinator);
 - c. The party requesting the hearing (this party shall be an Owner). The Owner may be represented by an attorney if the Hearing Panel is informed in advance, in which case the Association's attorney may also attend;
 - d. Witnesses, if not included in the above; and
 - e. Any and all other Owners that have or may have an interest or concern.
7. The hearing will be informal with the Compliance Coordinator or Association Director acting as the facilitator. All sides may present evidence, witnesses, and testimony regarding the validity, non-validity, or other issues relevant to the violation or fines to be assessed. The time allowed for such evidence, witnesses, and testimony may be limited by the CHB facilitator. The minutes of the hearing will be kept by the facilitator. All evidence presented at the hearing shall become the property of the Association.
8. If a hearing is requested and any of the parties fail to appear at the hearing, the CHB will base its findings on the information presented at the hearing or otherwise available to it.

9. Within 5 business days of the hearing, the CHB shall prepare and deliver written findings and fines, if any, to the Owner and/or resident. The Owner has a right to appeal to the Board of Directors the CHB's findings and recommendations (within 10 days of the filing of the findings and recommendations) by sending a written request to the Compliance Coordinator. No appeal shall be granted if the party requesting the appeal failed to appear at the original hearing.
10. Any appeal shall be sent to the Compliance Coordinator in writing and addressed to the Board of Directors. All materials for the appeal shall be delivered to the Compliance Coordinator at least 10 days before the next regularly scheduled Board meeting, and the appeal shall be placed on the meeting agenda. The Board shall consider the documents provided and shall have the Compliance Coordinator inform the parties of the Board's decision in writing no later than 10 business days after the Board meeting.
11. If an Owner disputes the Board's final determination, they may use the Dispute Resolution Procedure in Article XIV of the Covenants.

This Policy was adopted by the Board on November 16, 2022 and has an effective date of January 30, 2023. A copy of this policy was mailed to all Owners via regular U.S. Mail on or before January 17, 2023.

SIGNED this 30th day of November, 2022 by Jay Hiester, President of the Board of Directors for Mill Creek Community Association.


Name: _____ Date: 11/30/2022