

**ENFORCEMENT RESOLUTION**  
**(updated 2/27/2023)**

**RECITALS**

A Jantzen Beach Moorage, Inc Owners Association (JBMI) is governed by the CCRs, Bylaws, Articles of Incorporation, Rules and Regulations, this Resolution and all JBMI Policies/Rules (collectively the "Governing Documents") and the Oregon Nonprofit Corporation Act, ORS 65.

B Article III of the CCRs states that the CC&Rs include by reference all Articles, Bylaws, Rules and Regulations of the Association as may be in force from time to time

C Article 1, Section 4 of the Bylaws states that the Association, Members and all persons using the moorage shall be subject to the Bylaws and to all other Association Rules and Regulations, including the CCRs and Articles.

D Article IV, Section 11 of the Bylaws gives the Board of Directors ("Board") all of the powers and duties necessary for the administration of the affairs of the Association and to do all such acts and things as are not by law or by the Bylaws directed to be exercised and done by the Members

E Article IV, Section 12(k) of the Bylaws empowers the Board to adopt reasonable Rules and Regulations deemed necessary or advisable for management, administration, or use of any part of the moorage, and to supplement, interpret or apply the Bylaws.

F Article IV, Section 12(k) further provides that the Rules and Regulations may provide for penalties to be charged against persons violating provisions of the Bylaws or Rules and Regulations, and that all such penalties shall be deemed special assessments imposed against the Member upon whom they are assessed.

H From time to time the Board receives complaints from management/owners/residents regarding alleged nuisances, improper, offensive or unlawful activities or use of the premises, or other alleged violations of the Governing Documents.

I For the benefit and protection of the Association and individual owners/residents, the Board deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Governing Documents to ensure that owners/residents receive notice and an opportunity to be heard in cases involving alleged violations of the Governing Documents.

J The Board deems it necessary and desirable to adopt a Schedule of Special Assessments to be used by the Board in imposing sanctions for violations of the Governing Documents.:

K This Resolution was adopted on 12/30/2011. Revisions will become effective as of the date indicated at the top. The document will be posted under Governance on the JBMI.NET website and a communication sent to all current members and residents.

**RESOLUTION - IT IS RESOLVED that**

I Any complaint/issue where there is a violation of the governing documents should be resolved as quickly and as fairly as possible.

II. Any pending special fees/assessments will be subject to the procedural rules of this resolution. All persons with pending special fees/assessments will be protected by the Enforcement Resolution Process

**ARTICLE 1 - OVERVIEW OF PROCESS**

1. Complaint. An owner/resident may file a written complaint with the office or Board regarding a violation of the Governing Documents by another owner, renter, worker, resident or guest (hereafter referred to as the "Alleged Offender").
2. Investigation. The Board has the discretion to investigate the complaint and decide if it is valid.
3. Informal Action. Nothing precludes the President, a designated Board member or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call or a warning letter to the Alleged Offender.
4. Violation and Notice. If the Board finds there appears to be a violation, the Board must send notice to the Alleged Offender of the violation and advise them of the right to a hearing.
5. Hearing and Determination. If requested, the Alleged Offender may present testimony and/or evidence regarding the violation.
6. Special Assessments and other actions. The Board may impose special assessments pursuant to the Schedule of Special Assessments (Appendix A).
  - a. Assessment Effective Date: The special assessment start date may be declared to be the day of the complaint, or there may be a compliance period designated.
  - b. Deferred charge: The assessment will NOT be charged against the account of the owner, during the resolution process. The Resolution Process outcome and the stated compliance date will determine if/when charges will be assessed.
  - c. The owner of the slip is financially responsible for assessments caused by an occupant, worker, guest or family member who violates any portion of the Governing Documents or law.
  - d. Other possible actions are noted in Section 6.

**ARTICLE 2 - INITIATION OF COMPLAINT**

A. Board of Directors. A complaint may be initiated by the Board based on information from JBMI office or other information the Board deems reliable

B. Owners/Resident. An Owner/Resident who desires the Board to take corrective action for an issue caused by the Alleged Offender must submit a written complaint to the Board. Complaints must include:

1. The name, if known, and address of the "Alleged Offender".
2. A description of the alleged offending behavior or activity, including the date(s) / time(s), witnesses and/or video (if available), and
3. Whether or not there was attempted contact with the Alleged Offender regarding the alleged violation, and/or any attempt to resolve it.

**ARTICLE 3 - INVESTIGATION OF COMPLAINT**

A. Investigation. Upon receipt of the written complaint, the Board or any person(s) authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.

B. Determination of Violation. If, after review of a complaint, the Board determines there is a violation of the Governing Documents, and the Board determines that it is in the best interest of JBMI to address the violation with the Alleged Offender, the Board will give notice as described below. Documentation of alleged violations and resulting outcome will be kept in the owners' file.

**ARTICLE 4 - NOTICE PROCESS**

4.1 Notice of Violation. The Board shall send the Alleged Offender a written notice of the violation using contact information supplied to the office at move-in or as periodically updated by the owner/resident. The notice will specify:

- a. What in our Governing Documents has allegedly been violated
- b. The special fee/assessment for that violation from Appendix A
- c. The owner is required to reply, within 1 week, to request a hearing
- d. That even if the issue is about a non-owner, the owner is responsible.
- e. The start date for special fee/assessment. Note: If the start date is not immediate, then state compliance date (the date by which the alleged violation must stop or be remedied).
- f. No assessment will be posted to the owner account until the Resolution Process is complete.
- g. As required: Specify the action required to remedy the violation.

4.2 Repeat Violations - Any repeat of the same offense within a 1 year of the owner receiving an assessment for violation OR having a dismissal without prejudice will not get a 2nd hearing. An immediate special assessment may be called for. The board will determine corrective action.

**ARTICLE 5 - HEARING/DETERMINATION PROCESS**

If the Alleged Offender requests a hearing, it may be part of a Board or held with a designated person(s). The following procedure will be followed for violation hearings:

- A. If the Alleged Offender fails to appear within 15 minutes, the Board/designee may, at its sole discretion:
  1. Commence without the presence of the Alleged Offender
  2. Offer the Alleged Offender another day/time
  3. Dismiss the appeal.
  
- B. Conduct of Hearing
  1. Testimony from Parties. If the Complaining Owner/Resident chooses to appear, the complainant will be heard first.
  2. Evidence and Witnesses. The Complainant and the Alleged Offender may present evidence and witnesses at the hearing. The Board will limit testimony and evidence as it determines is reasonable and necessary. Time will be equally allotted with initial allotments of 10 minutes
  3. Following the testimony/evidence presented, the Board has the discretion to re-evaluate its prior determination of violation under Section 3.
  4. The Board also has the discretion to re-evaluate the special assessment, or any effort that aids in the resolution of the issue.
  5. Dismissal. If the complaint is dismissed, the Board shall notify the Alleged Offender, in writing and document in their folder, that the Complaint has been dismissed (with or without prejudice).
  6. The Board may offer community service, in lieu of some or all of the assessment.

## C. Board Determination,

If the Board designated person(s) conducts the hearing, a report to the board will be created. If the hearing is part of a Board Meeting, the board may decide immediately. The Board will strive to provide a decision in writing within 7 days, unless an attorney needs to be consulted.

**ARTICLE 6 - OTHER LEGAL ACTION**

- A. Board Actions. In addition to levying special assessments, action by the Board may include, but need not be limited to:
  - a. Seeking injunctive or declaratory relief action against any Alleged Offender
  - b. Taking immediate legal action, as the Board finds necessary, to stop issue or conduct which it determines is in violation of the Governing Documents or applicable local, state or federal law
  
- B. Additional Corrective Action by Board
 

If the Alleged Offender fails to correct the matter, which is the ultimate cause of the violation, the Board may take additional corrective action without another hearing. Notice of additional action will be sent.

## EXHIBIT "A"

## JANTZEN BEACH MOORAGE, INC. SCHEDULE OF SPECIAL ASSESSMENTS

(Board modified & approved 12/06/2022)

Unless otherwise stated below, all special assessments are levied per month, until rectified.

All of the violations listed below will first receive a letter from the office and then an assessment per occurrence as listed.

1. Obstruction, intentional damage or interference with moorage property including video, security and entry systems. (per occurrence). \$250
2. Unsightly exterior items and/or appearance. \$150
3. Violation of the Association's pet policy or rules (per occurrence)
  - a. First offense - citation
  - b. Second offense and subsequent. \$100
4. Feeding ducks, geese, or other wildlife on common property, includes feeding from your own float if food remains (per occurrence). \$250
5. Tripping or tampering with animal traps (per occurrence). \$250
6. Violation of the Association's parking policy or rules
  - a. First offense –citation
  - b. Second Offense. \$50
  - c. Any further violation could result in towing of vehicle at owner's expense.
7. Violation of the Association's fire protection policy or rules (per occurrence). \$500
8. Violation of the Association's policy or rules regarding modifications to floating homes or other Architectural Committee violations \$250
9. Violation of Article XIII of the Bylaws regarding proper maintenance of floating homes, boats, floats, and personal property. \$250
10. Unlawful Activities (per occurrence). \$250
11. Harassment of employees or Association Board of Directors (per occurrence). \$250
12. Storage of garbage on floating home. \$100
13. Failure to observe the no wake zone inside the moorage (per occurrence). \$100

14. Failure to comply with Association's resident screening policy and rules (per day). \$500
15. Other affirmative violation of the CC&Rs, Bylaws, Articles and Rules and Regulations of the Association. 1<sup>st</sup> occurrence \$250
16. Other continuing violations of the CC&Rs, Bylaws, Articles and Rules and Regulations (per day, until rectified). \$50
17. Failure to secure Personal Liability Insurance with a minimum liability of \$300,000, naming JBMI as additional insured. \$500
18. Advertising for short term rental – Less than 90 days \$500/Day
19. Violation of short-term rental policy. \$500/day
20. Not having HMC and Current State Registration displayed on vessel. \$250
21. Failure to provide liability insurance proof for vessel(s) to office with JBMI listed as additionally insured. \$250
22. Floats, as defined by Mooring Rules not approved by HMC in common water space. \$250
23. Obstructing safe ingress/egress in common water space, as determined by HMC. \$250