

**SURF PINES ASSOCIATION**  
**Resolution of the Board of Directors**  
**ENFORCEMENT AND FINES**

**RECITALS**

- A. The Surf Pines Association (“**Association**”) is charged with the operation and management of Surf Pines, located in Clatsop County, Oregon (the “**Oregon Planned Community**”).
- B. The Association is governed by the following:
  - 1. 2021 Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Surf Pines (“**Declaration**”).
  - 2. Amended and Restated Bylaws of Surf Pines Association (“**Bylaws**”).
  - 3. The Surf Pines Association Policy and Procedure Manual, which includes rules and regulations adopted by the Board of Directors.
  - 4. Oregon Planned Community Act, ORS 94.550-94.783.
  - 5. Oregon Nonprofit Corporation Act, ORS Chapter 65. The Association was formed as a nonprofit corporation by Articles of Incorporation filed with the Oregon Secretary of State on July 2, 1969; the Articles of Incorporation were last amended August 18, 2021.
- C. Article 8.1(a) of the Bylaws grants the Board of Directors the power to: “Adopt and publish rules and regulations governing the use of common properties and facilities provided by the Association, and the personal conduct of members and their guests thereon, and to establish penalties for the infraction thereof.”
- D. Article 9.8 of the Declaration [Rules and Regulations; Enforcement] states: “If it appears to the Board at any time that a violation of the Declaration or the Bylaws has occurred, the Board shall send a notice to the violation Owner. The notice shall provide the Owner with the opportunity to schedule a hearing not less than thirty (30) days after notice of the purpose of the hearing and its purpose is mailed by certified mail to the Owner at the address that appears in the records of the Association or actual residence. The Board may adopt further rules and regulations interpreting this Declaration and the Bylaws governing the use of Lots and conduct of Owners. Such rules may include procedures for enforcement and a Schedule of Fines for violations of use restrictions provided in this Declaration, the Bylaws, or any adopted rules and regulations.”
- E. ORS 94.630 empowers the Board of Directors to adopt Rules and Regulations.
- F. ORS 94.630(1)(n) provides that the Board may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association after notice and an opportunity to be heard, if the fine is based on a *Schedule of Fines* adopted by a resolution of the Board.
- G. For the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure that owners receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.

- H. The Board deems it necessary and desirable to adopt a *Schedule of Fines*, attached as Exhibit A to this Resolution, to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

## RESOLUTION

**NOW, THEREFORE, IT IS RESOLVED** that the procedure set forth below shall be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations.

### ARTICLE 1 INITIATION OF COMPLAINT

#### 1.1. Source of Complaint.

- (a) A complaint may be initiated by the Board of Directors based on information from a management agent, owner, or other reliable source.
- (b) **Owners.** An owner ("**Complaining Owner**") who desires the Board of Directors to take corrective action against another owner or tenant ("**Alleged Offending Owner**") shall submit a complaint to the Board of Directors.

#### 1.2. **Written Complaint.** The complaint must be in writing and must include:

- (a) The name, if known, and the Surf Pines address of the Alleged Offending Owner.
- (b) A description of the offending behavior or activity, including the date(s) and approximate time(s) it occurred; and
- (c) Whether or not the Complaining Owner attempted contact with the Alleged Offending Owner regarding the alleged violation.

### ARTICLE 2 INVESTIGATION OF COMPLAINT AND DETERMINATION BY BOARD OF DIRECTORS

- 2.1. **Investigation.** Upon receipt of a written complaint, the Board, or a person authorized by the Board, has the discretion to investigate to confirm the nature and existence of the alleged violations contained in the complaint.
- 2.2. **Within 45 days of receipt of the complaint, the board shall determine by majority vote** whether there is a violation of the Declaration, Bylaws, or rules and regulations and whether it is in the best interest of the Association and owners to address the violation with the Alleged Offending Owner.

### ARTICLE 3 NOTICE PROCEDURE

- 3.1. **Notice of Violation.** If the Board determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Owner the following Notice of Violation:
  - (a) Notice and Right to Hearing. After making the determination that the Alleged Offending Owner is in violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Owner a notice and the right to a hearing ("Notice").

- (b) Required Notice Provisions. The Notice required under this Subsection must:
- i. Describe the violation.
  - ii. Contain a statement that the Alleged Offending Owner can request a hearing and explain the procedure to request a hearing.
  - iii. Contain a statement advising the Alleged Offending Owner that if a hearing is not requested within twenty-one (21) days, fines will be assessed, beginning on the day following the specified compliance deadline, pursuant to the *Schedule of Fines* adopted by the Board as “Exhibit A” to this resolution.
- 3.2. **Delivery of Notice**. The Notice shall be mailed by certified mail, return receipt requested, to the addresses on record with the Association. In the case of non-owner residents, the notice may be mailed to both the address on record with the Association for the owner and to the lot address.
- 3.3. **Sample Notice**. A sample Notice is attached to this Resolution as Exhibit B. This sample notice is for illustrative purposes only.
- 3.4. **Repeat Violations**. Owners who repeat any violation within a 12-month period of receiving a Notice are not entitled to an additional notice or hearing, regardless of whether the owner participated in a hearing because of the first violation. For such repeat violations, the Board may automatically begin fines as outlined in the attached *Schedule of Fines*.
- 3.5. **Informal Action**. Nothing in this article 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 Offending Owner prior to sending Notice described in 3.1, above.

#### **ARTICLE 4 HEARING PROCEDURE**

**Hearings Procedure**. No fines may be levied against an Alleged Offending Owner until after the owner has been provided notice and opportunity to be heard. If an owner requests a hearing, the Board shall utilize the following procedure for violation hearings to be held during a regular or special open Board Meeting:

- 4.1. **Appearances at the Hearing**. The board shall notify the Alleged Offending Owner of the date of the hearing at least seven (7) calendar days in advance of the meeting. If the Alleged Offending Owner fails to appear within *fifteen minutes (15)* of the time set for the hearing, the Board may, at its sole discretion:
- (a) Conduct the hearing without the presence of the Alleged Offending Owner.
  - (b) Allow the Alleged Offending Owner additional time that day to day.
  - (c) Reset the hearing to another date and time; or
  - (d) Dismiss the complaint. In the case of dismissal, the Board shall notify the Alleged Offending Owner, in writing, that the Complaint has been dismissed.

#### 4.2. **Conduct of Hearing.**

- (a) Testimony from Parties. If the Complaining Owner chooses to appear and the Alleged Offending Owner appears, the Board shall proceed to hear from the Complaining Owner and then from the Alleged Offending Owner.
- (b) Evidence and Witnesses. The Complaining Owner and the Alleged Offending Owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. An owner's testimony shall not exceed 15 minutes.
- (c) Board Determination. Following the testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior determination of violation under Sections 3.1 and 3.2 above. The Board also has the discretion to reevaluate the fine, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.
- (d) Open Meeting. The discussions must be in open session as directed by ORS 94.640.
- (e) Decision. The Board shall either make its decision at the conclusion of the hearing or take the matter under advisement and notify both parties of the decision within ten (10) days after the hearing date.

### **ARTICLE 5 OTHER LEGAL ACTION**

- 5.1. **Board Actions.** In addition to levying fines, action by the Board may include, but need not be limited to:
  - (a) Seeking injunctive or declaratory relief action against any Alleged Offending Owner and tenants, guest, or other occupants of the Alleged Offending Owner; and/or:
  - (b) Taking immediate legal action, as the Board finds necessary, to stop conduct which it has determined is in violation of the Governing Documents, Bylaws, Rules and Regulations, or applicable state or federal law.
- 5.2. **Right of Board to Take Additional Corrective Action.** If the Alleged Offending Owner fails to correct the matter, which is the ultimate cause of the violation, the Board may take additional corrective action without prior notice to the Offending Owner or opportunity for a hearing.

### **ARTICLE 6 MISCELLANEOUS**

- 6.1. **Owner responsible for violations of tenants and others.** The owner of any lot shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or Rules and Regulations while in Surf Pines by authority of that owner .
- 6.2. **No Fines Pending Resolution of a Hearing.** Pending resolution of a requested hearing, no fines may be charged against the account of an Alleged Offending Owner.
- 6.3. **Mediation.** ORS 94.630(4)(a) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the PCA and the Bylaws do

not apply to the actions of the Association in its enforcement responsibilities if no litigation has been filed.

**BE IT FURTHER RESOLVED** that the *Schedule of Fines* attached as **Exhibit A** is adopted by the Board of Directors to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association. A copy of this Resolution and any amendments will be sent to all members of Surf Pines Association.

Adopted April 10, 2026 by the Board of Directors of Surf Pines Association

By: John P. Yerke  
John Yerke, President

By: Brent Seppa  
Brent Seppa, Secretary

**Exhibit A  
SCHEDULE OF FINES**

Type of Violation	Amount	Frequency
<b>VIOLATIONS OF <u>ARTICLE 9 OF DECLARATION</u> [Use Restrictions]</b>		
Use of lot for unauthorized business use or use other than as a residence, in violation of <u>Article 9.1 of the Declaration</u> .	\$500	Daily
Use of a trailer, camper, basement, shed, garage or barn as a temporary residence for more than 14 days, in violation of <u>Article 9.1 of .the Declaration2</u>	\$100	Daily
Construction of any part of a residence, or any object, or planting of vegetation that intrudes on views to the west of the ocean-front setback line defined in Article 9.4 of Declaration, in violation of <u>Article 9.4 of Declaration</u> .	\$200	Weekly
Failure to maintain seriously deteriorated building structures, and exterior areas in violation of <u>Article 9.5 of Declaration</u> .	\$200	Weekly
Outdoor storage of items prohibited by <u>Article 9.6 of Declaration</u> .	\$25	Daily
Failure to screen trailers, boats, campers, motorhomes or other vehicles listed in <u>Article 9.7 of Declaration</u> for more than 14 days.	\$25	Daily
<b>VIOLATION OF RULES IN "<u>ROADS AND GROUNDS</u>" SECTION OF POLICY AND PROCEDURE MANUAL</b>		
Construction of a fence in Right of Way without first identifying property corners and notifying the Board of Directors, or any other violation of the <u>Right of Way Landscaping</u> rules.	\$200	Weekly
Parking on roads or road shoulders in violation of the <u>Parking on Streets and Rights of Way</u> rule.	\$25	Daily
Trimming or topping trees in a manner prohibited by the <u>Tree Trimming and Topping Policy</u> .	\$250	Per occurrence
Placing signs or advertising that is prohibited per the <u>Yard Signs</u> rule.	\$50	Daily
Use of the park for a group gathering and not cleaning up after a group gathering or event.	\$100	Per occurrence
Use of an ATV on the roads, easements, beach paths, and dunes.	\$250	Per occurrence
<b>VIOLATION OF RULES IN "<u>SAFETY</u>" SECTION OF POLICY AND PROCEDURE MANUAL</b>		
Not following gate procedures resulting in damage to the gates.	Cost of Repairs plus \$250	Per occurrence
Conducting open houses, or garage, estate, or moving sales in a manner not consistent with the <u>Open Houses, Garage Sales, Estate Sales and Moving Sales</u> rules.	\$100	Per occurrence
Burning during times of burn bans or not following local burn restrictions or the rules of <u>Burning Brush and Other Debris</u> .	\$500	Per occurrence
Use of fireworks of any kind, including firecrackers, in Surf Pines	\$200	Per occurrence
Discharging a firearm	\$500	Per occurrence
Hunting, trapping, injuring or killing animals or birds (with exception for control of damaging rodents if done in a way that doesn't endanger children, pets, or other wildlife)	\$500	Per occurrence
Exceeding speed limit on Surf Pines Roads.	See fine schedule listed separately in the Safety section of the Policy and Procedure Manual.	
Actions or conditions that conflict with Surf Pines Association's governing documents or local laws and require the involvement of the Safety/Maintenance Manager to mitigate the situation.	\$500	Per occurrence

**Violations of VACATION RENTALS POLICY in the Policy and Procedure Manual**

See fines schedule listed separately as part of the Vacation Rentals (aka Short-Term Rentals) Policy found in the Policy and Procedure Manual.

**Violations of MISCELLANEOUS section of Policy and Procedure Manual  
(including dogs and other animals)**

Unauthorized keeping of animals other than household pets or keeping of more than five (5) dogs in violation of Dogs and Other Animals section of Policy and Procedure Manual.	\$200	Weekly
Failure to keep pets controlled per policy.	\$100	Per occurrence
Keeping of a dog that is considered a nuisance dog as defined by Clatsop County ordinance and in violation of the Dogs and Other Animals section of the Policy and Procedure Manual.	\$50	Daily
Keeping of a dog that is considered a dangerous dog by Oregon statute and in violation of <u>Dogs and Other Animals</u> in the Policy and Procedure Manual.	\$200	Daily
<b>VIOLATIONS NOT LISTED ABOVE</b>		
Other per occurrence violations	\$200	Per occurrence
Other continuing violations	\$100	Daily

**EXHIBIT B**  
**SAMPLE NOTICE**

**Surf Pines Association**

Attn: [Association Representative], [Title]

[Address]

[Date]

John Doe

[Address]

**RE: Notice of Violation and Opportunity for a Hearing**

Dear Mr. Doe:

This letter is to inform you that an action you have taken or a condition or occurrence on your property has been reported to be in violation of the Association's Declaration, Bylaws or Policy or other rules and regulations. Owning a home in an HOA community has many advantages but also imposes some boundaries that are necessary to maintain harmony and consistency within the community and help enhance property values.

Specifically, the following violation has been reported:

[Description of Violation with citation to specific rule]

You can request a hearing to discuss this violation with the Board of Directors. You must either request a hearing or correct the violation within twenty-one (21) days of this letter. If you do not request a hearing or correct the violation within that time, the Board may exercise any or all of its remedies related to the violation, including but not limited to fines beginning on [date] according to the Association Schedule of Fines.

Thank you for your prompt attention in this matter.

Sincerely,

Association Representative

Title: \_\_\_\_\_