

Sahalee Subdivision Policies (Fencing, Late Payments, Garbage Disposal)

Here are the policies currently in effect for fencing, late payment, refuse disposal, and enforcement of violations.

Sahalee Subdivision Fencing Policy

Current CC&R Provisions:

No fences shall be erected or placed on any Lot in front of the dwelling, except fences installed by the Developer at certain intersections and along certain streets and green belts. Fences shall be no higher than six (6) feet. Posts and stringers reside on the inside of the fence and facings or rails are on the outside of the fence perimeter.

Fences installed by the Developer shall be maintained by the Association.

Late Payment Policy

SAHALEE HOMEOWNERS ASSOCIATION

ADMINISTRATIVE RESOLUTION # 1

ASSESSMENTS AND COLLECTIONS

WHEREAS, Article III Section 3.02 (a) of the Declarations of the Association grants the

Association all the powers, authority and duties permitted pursuant to the Act necessary and proper to manage the business and affairs of the Common Interest Community, and

WHEREAS, Article VIII, Section 8.02 of the Declarations of the Association grants any Common Expense for services provided by the Association for the benefit of an individual Lot shall be against said lot, including any fees, charges, late charges, fines, collection costs, and interest charged against a Lot Owner pursuant to this Declaration and the Act, and

WHEREAS, Article IV, Section 2 of the Bylaws establishes the Powers and Duties of the Executive Board that include (b) establishment and collection of annual or special assessments against the Members for common expenses, and fines; and

WHEREAS, lien foreclosure procedures may be pursued under AS 34.08.470, and

WHEREAS, there is a need to establish consistent, orderly procedures for collection of delinquent Assessments, and

WHEREAS, the Board of Directors wishes to establish steps for collection of delinquent assessments,

NOW, THEREFORE, BE IT RESOLVED THAT

1. Assessments are levied annually.
2. Each annual assessment is due and payable on January 1, of each year, and is delinquent (30) days after the due date.
3. Delinquent annual assessments not paid by the last day of January shall be assessed a late charge of \$10.00 each month thereafter until the account is paid in full.
4. Delinquent assessments not paid within 270 days after which the assessment is due, may be referred to an attorney for collection.
5. Delinquent Assessments, including fines, fees and maintenance pass-through, in the amount equal to \$500 may be referred to an attorney for collections.
6. To protect the rights and resources of the Association, all available legal methods to collect delinquent assessments may be utilized including but not limited to small claims action, judgments, and foreclosure proceedings under AS 34.08.470.
7. All collection costs incurred shall be charged to the delinquent owner as an additional assessment against the unit.

Accepted for Review: July 6, 2005

Adopted by Board of Directors: October 19, 2005

Effective Date: October 19, 2005

Garbage & Refuse Disposal Policy

SAHALEE HOMEOWNERS ASSOCIATION

ADMINISTRATIVE RESOLUTION # 2

GARBAGE AND REFUSE DISPOSAL

Distributed to owners for comment and review on August 21, 2008.

WHEREAS, Article III Section 3.02 (a) of the Declarations of the Association grants the Association all the powers, authority and duties permitted pursuant to the Act necessary and proper to manage the business and affairs of the Common Interest Community, and

WHEREAS, Article VIII, Section 8.02 of the Declarations of the Association grants any Common Expense for services provided by the Association for the benefit of an individual Lot shall be against said lot, including any fees, charges, late charges, fines, collection costs, and interest charged against a Lot Owner pursuant to this Declaration and the Act, and

WHEREAS, Article IV, Section 2 of the Bylaws establishes the Powers and Duties of the Executive Board that include (b) establishment and collection of annual or special assessments against the Members for common expenses, and fines, and

WHEREAS, garbage and refuse placed out early has been attracting bears and causing a safety hazard for the residents of the Association, and

WHEREAS, Anchorage Municipal Code 26.07.050 on Solid Waste Storage states that solid waste shall not be stored on or in view from any public street except on the day of garbage pickup, and

WHEREAS, Article VII Section 7.01 (I) of the Declarations of the Association states that trash, garbage or other waste must be kept in a secure and sanitary container and out of public view except on the eve or day of garbage pickup, and

WHEREAS, the current Association violation enforcement policy dated February 20, 2002, has not been effective in deterring some homeowners from placing garbage and refuse by the curb on days prior to the eve of garbage pickup, and

WHEREAS, the Board of Directors wishes to establish a policy that effectively enforces Article VII Section 7.01 (I) of the Declarations of the Association,

NOW, THEREFORE, BE IT RESOLVED THAT

A weekly refuse inspection of the Sahalee Subdivision may be made by a member of the Board of Directors or a member of the Modifications Committee on the day before the eve of garbage pickup.

Documentation may be made of all Lots that have garbage and refuse, including yard waste, in public view at the time of the inspection.

For first time violations of the Declarations regarding garbage and refuse disposal the Lot Owners shall receive a letter of warning.

For all subsequent violations of the Declarations regarding garbage and refuse disposal the Lot Owners may be fined \$100.

This resolution replaces the Sahalee Homeowners Association Enforcement of Violations policy dated February 20, 2002, for violations regarding garbage and refuse disposal only. All other violations of the Declarations shall continue to be enforced by the February 20, 2002, policy.

Accepted for Review: August 13, 2008

Adopted by Board of Directors: November 12, 2008

Effective Date: November 12, 2008

Enforcement Procedures

SAHALEE HOMEOWNERS ASSOCIATION

ADMINISTRATIVE RESOLUTION # 3

DUE PROCESS

WHEREAS, Article III Section 3.02 of the Declarations of the Association grants that the:

Association shall have all the powers, authority and duties permitted pursuant to the Act necessary and proper to manage the business and affairs of the Common Interest Community. [AS 34.08.330], and

WHEREAS, Article VI, Section 2 of the Bylaws of the Association grants that the:

Executive Board: has the authority of (e) Administration, interpretation and enforcement of the covenants, conditions, restrictions, easements, uses, limitations, obligations and all other provisions set forth in the Declarations and Bylaws, and (f) Establishment, and enforcement of such reasonable rules and regulations as may be necessary for the operation of the Association and the use occupancy of Lots with right to amend same from time to time, and

WHEREAS, Article VI Section 4 of the Bylaws of the Association grants the Executive Board the power to ...after Notice of Hearing, levy reasonable fines for violations of this Declarations, and the Bylaws, Rules and regulations of the Association; and

WHEREAS, for the benefit and protection of all of the members of the Association, the Executive Board deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges and to establish a procedure for enforcement of the regulations of the association which are consistent with principles of due process and Alaska law.

NOW, THEREFORE, BE IT RESOLVED THAT: On behalf of the Association, the Executive Board, or managing agent has the authority to issue a violation to any owner whose behavior or use of property does not conform to the Association's regulations, and the following guideline will be used for due process:

ENFORCEMENT PROCEDURES

- 1) A first offense of any violation of "Restrictions on Use, Alienation and Occupancy may result in a letter of warning with a request that the violation be corrected within a reasonable amount of time.
- 2) If the violation is not corrected within a reasonable amount of time, or if the violation is repeated or continuous, the unit owner may be assessed a minimum fine of \$50.00, with the exception being

finest established by the Modification Committee for initial construction and subsequent modifications, or garbage and refuse disposal policy as defined by Resolution # 2

3) For each documented subsequent violation of the same rule by the same lot, the fine may escalate for each violation occurrence.

4) Severe or recurring violations may at the discretion of the Board of Directors, result in larger fines in amounts deemed "reasonable" under Alaska law.

5) Any associated repair costs will be at homeowner's expense.

6) In addition to fines that may be levied, the Executive Board may institute legal proceedings or correct violations (i.e. repairs, restoration, vehicle towing, etc.), charging all associated cost the offending homeowner as additional fines, which may be collected as assessments. If the association must retain legal counsel to enforce House Rules, Declaration or Bylaw provisions, legal costs may be assessed against the owner as additional fines.

7) Notice of fines shall be delivered to the unit owner by first class mail sent to the owner's address listed in the association records. Hand delivery to the unit shall be an acceptable alternate form of notice.

8) Fines shall be tentatively assessed as additional homeowner dues immediately following the infraction and shall become final unless appealed to the Executive Board within 30 days thereafter.

9) Homeowners may address the Executive Board at the next regularly scheduled meeting to appeal any fine, provided the homeowner files a written notice of appeal with the Executive Board or the association manager within thirty days after the fine is levied. Fines shall be levied to ensure compliance with association rule and regulations, rather than to raise revenue. Any written correspondence should be sent to Sahalee Home Owners Association, Executive Board, @ 405 W. 27th Ave. Anchorage, AK 99503. Or via email to the Board at: www.sahalee.org

10) This Resolution replaces all other previous due process rules and specifically the "Enforcement of Violations" procedures adopted by the Executive Board on February 20, 2002

The Executive Board reserves the power to hold owners legally responsible for ensuring that their tenants, guests, or invitees comply with the Association's regulations.

The procedures outlined in this resolution may be applied to all violations of the Association's regulations, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's legal documents, including, but not limited to, the initiation of suit or self-help remedies. The Executive Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice.

Accepted for Review: November 12, 2008.

Distributed to owners for comment and review on 12/26/2008

Adopted by the Executive Board: 02/18/2009.

Effective Date: 02/18/2008.