

Mariners Village Homeowners Association

P.O. Box 2792
Florence, OR. 97439

INDIVIDUAL ASSESSMENT POLICY DURING CONSTRUCTION

RESOLUTION 2006-1

ORS 94 Section 704 Subsection 8, Article 6 Section 6 and Article 7 Section 2 of the Declaration grants the Association the ability to levy reasonable individual charges for violations of the declaration, bylaws, rules and regulations of the Association after giving notice and an opportunity to be heard, in accordance with applicable state law.

The Board of Directors wishes to establish the amount of the individual assessments which may be imposed during construction within Mariners Village and the procedure for imposing the same.

Individual Assessment Procedure:

Informal Notice

Two Board Members may notify Lot Owners of violations of the Declaration, bylaws, rules and regulations of the Association by Lot Owners, their contractors or sub-contractors, by personal contact. The Board views this practice as desirable in order to resolve such issues quickly and with a minimum of time and expense to the Association and to the individual Lot Owners. The Board, however, is not required to provide such informal notice and failure to receive such informal notice is not a basis for disputing a fee.

Formal Notice

The Board shall initiate the formal individual assessment procedure by sending a Notice of Violation and Intent to Assess substantially in the attached hereto— by certified letter with return receipt requested.

Public Hearing

A Lot Owner receiving a Notice of Violation and Intent to Assess shall have Thirty (30) days from the date of its receipt to request a meeting with the Board and demonstrate why such a charge should not be levied.

Assessment

If a Lot Owner fails to request and/or appear before the Board within the specified time or fails to demonstrate that such charge should not be levied to the satisfaction of the Board, the Board may levy the charge against the Lot Owner. Such charges shall be treated as an individual assessment for all purposes in accordance with the Declaration. In the event that the Board levies a charge, it shall provide written notice of such action to the affected Lot Owner at the Lot Owners' address of record with the Association.

Continuing Violations

The Board shall specify at the time an individual charge is levied whether the charge is for a continuing violation. A Lot Owner charged for a continuing violation shall be responsible for demonstrating to the Board or its designate that the violation has ceased. Individual charges for continuing violations will continue to accrue until the Lot Owner demonstrates to the Board's satisfaction that the violation has ceased.

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CODE OF CONDUCT FOR BUILDING IN MARINERS VILLAGE

1. All construction within Mariners Village shall adhere to all Code regulations (federal, state, county, city, and any other regulations that may apply including the community CC&R's) regarding start time for construction, safety, portable commode and hazardous waste.
2. Building site shall be kept clean and orderly, throughout the entire construction process.
3. A trash receptacle shall be provided for use by workers for cans, lunch wrappers, cups, other trash and any excess building debris.
4. All heavy equipment must be off loaded on the lot, not the street.

5. No more than FIVE (5) truckloads, not to exceed 10 yards per load of fill dirt, sand or gravel shall be allowed on the roads without HOA Board approval, in writing.

For loads over 5 truckloads an appropriate access point to the lot shall need to be established and the owner shall be responsible for all costs associated with repairs to the roadbed and asphalt.

A minimum \$100,000.00 (One hundred thousand dollar) bond must be posted and held for 12 (twelve) months after construction is complete.

6. Owners shall post a minimum bond of \$100,000.00 (One hundred thousand dollars) to insure against damage to Mariners Village HOA infrastructure, gates and roads. Damage to roads includes nicks and gouges to the asphalt and hazardous material spills that require removal and replacement or patching of the asphalt. Owners who fail to obtain a bond shall be charged an individual assessment and billed the cost of repairs, when required.
7. Workers must park off the street and not block the road, fire hydrants or mailboxes. Two vehicles must be able to pass in the street in a safe manner.

8. Swearing, offensive language or excessive noise will not be tolerated. ~~Two written complaints to the Board from homeowners shall result in an individual assessment to the lot owner.~~ **APRIL 19, 2025**

REPEALED

9. Construction site dirt shall be washed from the roadway on a weekly basis to avoid tracking it throughout the community.
10. Failure to complete construction in the time limit established by the declaration shall result in a daily assessment until the project is complete.

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APPEAL PROCESS FOR INDIVIDUAL ASSESSMENTS

Any owner receiving a Notice of Violation and Intent to Assess, who believes no violation has occurred may submit a written explanation to the Board of Directors.

Upon receipt of a written Appeal from the Homeowner, the Board shall suspend the assessment of additional "daily charges" for the violation in Appeal.

Assessments classified as "per occurrence" that have been assessed prior to the date of the Homeowners written appeal remain the responsibility of the Homeowner and shall continue to accrue interest until paid in full.

The Board shall review the Appeal and shall make a determination regarding the violation in question. The Board shall notify the Homeowner of their decision within 5 days of receipt of the Appeal.

Should the Board determine that there was no violation (for the owner), written notification shall be provided to the Homeowner, and all charges and fees previously paid for this violation shall be refunded to the Homeowner.

Should the Board determine that there is a violation (against the owner), written notification shall be provided to the Homeowner and the assessment of fees shall resume. All fees shall be due and payable as of the date of this notification. The fees shall continue to be assessed until the violation is remedied.

The Board's ability to impose an individual assessment in no way limits its authority to seek other or additional remedies for violations of the CC&R's, bylaws, rules or regulations of the Association as provided therein or by state law.

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SCHEDULE OF INDIVIDUAL ASSESSMENTS

1. Failure to adhere to all Code Regulations
\$250.00 plus \$5.00 a day
2. Disorderly worksite \$25.00 plus \$5.00 a day
3. No trash receptacle \$25.00 plus \$5.00 a day
4. Heavy equipment offloaded on street
\$100.00 per occurrence; plus damages if any occur
5. Failure to secure a bond and/or Board approval for
over 5 truckloads/ 25 yards of fill material.
\$250.00 to \$1000.00 (depending on severity of
violation) plus damages if any occur
6. Failure to obtain a bond for possible infrastructure,
gate or road damage.
\$500.00, plus the cost of repairs, if any occur
7. Blocking the roadway, fire hydrant, or
mailboxes/parking on street
\$25.00 per occurrence
8. ~~Offensive noise or language~~ ^{APRIL 19, 2025}
\$25.00 per occurrence
9. Failure to wash dirt off roads, weekly.
\$50.00 plus \$5.00 a day
10. CC&R's Section 3.21 requires all construction shall be
complete within eighteen (18) months of
commencement. Owners shall be assessed \$25.00 per
day for each day over schedule.

REPEALED