

**Waterfront District Homeowners Association, Inc**

Resolution of the Board of Directors  
Trash/Recycle Container Violations  
Effective May 1, 2017

WHEREAS, "Master Declaration" is the "Declaration of Covenants, Conditions and Restrictions for Waterfront District" pertaining to and affecting Waterfront District; "Association" is the Waterfront District Homeowners Association; "Bylaws" are the Bylaws of Waterfront District Homeowners Association; and, "Board" is the Waterfront District Board of Directors.

WHEREAS, Article V, Section 5.4 of the Master Declaration directs that the affairs of the Master Association shall be conducted and managed by a Board.

WHEREAS, Article V, Section 5.5 of the Master Declaration and Article VII of the Bylaws vests the Board with the powers and duties to perform any and all acts which may be necessary to, proper for or incidental to the property management and operation of the Common Areas and its other assets, to adopt, amend and repeal rules and regulations, including suspension of privileges and monetary fines for infractions of the rules and regulations.

WHEREAS, Garden City Municipal Code, Chapter 2 Municipal Refuse Collection, Section 4-2-7 Containers: C. Container Placement: Containers shall be placed adjacent to streets or alleys during the scheduled pickup day and shall be moved back from the street or alley within eight (8) hours after pick up.

WHEREAS, "Enforcement Resolution", effective July 1, 2016, defines the Association's updated procedure for enforcing rules, covenants and restrictions in accordance with Idaho Law. (HOA Fine Statute I.C. §55-115).

WHEREAS, in order to maintain the pleasant living environment for which Waterfront District was created, the Board deems it necessary to adopt a uniform method of procedures outlining the manner with which the Association will deal with trash/recycle container issues applicable to all members and their activities consistent with the covenants and policies of the Association and Garden City Municipal Code. This method of procedures may be modified from time to time as the Board determines to be in the interest of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures be adopted:

When a violation of the above Municipal Code is reported to the management company or Board, the following process will be followed.


1. The member or agent responsible for the violating container will be identified by the serial numbers, address label on the container/s or other means.
2. A violation ticket or notification will be submitted to the Association management company and copied to the Board.

3. The management company will contact the member and relate the violation to them and issue a warning of non-compliance and request that the container/s be removed from the street. The owner may contact a member of the board to discuss the "non-compliance" violation at any point during this process.
4. Upon a second violation reported to the management company or Board within a 12 month period, the management company will contact the member and relate the violation to them and request that the container/s be removed from the street. The management company or Board may contact Garden City Code Enforcement office and submit the violation to them.
5. Additionally, the member account will be marked as "non-compliant" for a period of 30 days. If no additional violations occur within 30 days, the "non-compliant" status will be removed.
6. Furthermore, the Board will determine if the violations warrant utilizing the Enforcement Resolution which may include a fine and/or legal action, as an additional encouragement to cease the violations.
7. If additional violations occur within the following 6 month period after the second violation, the management company will contact the member and relate the violation to them and request that the violation cease and that the containers/s be removed from the street. The management company or Board may again contact Garden City Code Enforcement office and submit the violation to them.
8. Additionally, the members account will be marked as "non-compliant" for a period of 60 days. If no additional violations occur during the "non-compliant" period, the "non-compliant" status for the violation will be cleared.

NOW, BE IT FURTHER RESOLVED THAT if further violations occur after the procedures described above, the Board may seek legal counsel to determine subsequent procedures to deal with the violations.

Adopted this 8<sup>th</sup> day of May, 2017.

I hereby certify that this procedure was adopted by the vote of the Board at a properly-called meeting of the Board of Waterfront District Homeowners Association, Inc.

  
 Name: Craig Weaver  
 President

  
 Name: Becky Bunderson  
 Secretary