

## **RULES AND REGULATIONS OF CONDUCT AND ACTIVITIES OF THE NORTH WOODS ASSOCIATION, INC.**

Adopted by Board of Director of The North Woods Association, Inc., Inc., pursuant to the By-Laws of The North Woods Association, Inc., Inc., Article XV, Sections 1 and 2 on December 1, 1997, amended on October 24<sup>th</sup>, 2001, amended on July 29, 2013, amended on May 12, 2015, and amended on January 22, 2018,

### **I. GENERAL PROVISIONS**

#### Section 1. Applicability

These rules and regulations are applicable to that tract of land in the Southeast 1/4 of Section 2, T7N, R6E, W.M., in Skamania County, Washington, known as the North Woods, and more particularly described as Government Lots 4 and 8, Section 26, Township 7 North, Range 6 East, Willamette Meridian, having an area of 88.40 acres, more or less. These rules and regulations shall govern the conduct of each person and organization being or becoming a lessee, either alone or jointly, of a lot (cabin site) in the North Woods and their lessees, co-tenants, co-owners, renters, guests, dependents and visitors, while anywhere within the North Woods, including any lot, road, easement or common area.

#### Section 2. Responsibility for Adherence to Rules and Regulations

Each lessee of a North Woods cabin site shall be responsible for compliance to these rules and regulations by such lessee, and such Lessee's co-tenants, co-owners, renters, guests, dependents and visitors at the North Woods, or any person using such lessee's lot in the North Woods with the permission of the lessee's renter, co-tenant or co-owner. All lessees of a North Woods cabin site shall be jointly and severally liable with any such person for all compliance or liability for violations of these rules.

#### Section 3. General Definitions

- (1) "Association" means The North Woods Association, Inc., Inc. composed of members of The North Woods Association, Inc. Corporation who are lessees of lots in the North Woods.
- (2) "Board" shall mean the Board of Directors of The North Woods Association, Inc.
- (3) "Cabin Site" shall mean any lot or division (as that term is defined in RCW 58.17.020) in the North Woods, located on the west side of County Road 90, which is not common area.
- (4) "Common Area" shall mean any portion of the North Woods that is owned or possession of which is controlled by The North Woods Association, Inc., such as roads and the recreational swim area.
- (5) "Enforcement Officer" as used in these rules shall mean such person or persons as the Board shall authorize, including the caretaker, to utilize the Enforcement Provisions hereof, including levying fines and issuing abatement orders, under the direction of the Board of Directors.
- (6) "Generator" is a machine that changes mechanical energy into electrical energy.

- (7) "Hearing Examiner" shall mean such person or persons as the Board may select to hear and decide appeals under the Enforcement Provisions.
- (8) "Lessee" shall mean the owner of a cabin site, who is renting a cabin site from Water Front Recreation, Inc. or its successors or assigns, and such lessee shall also be referred to as a "Cabin Owner."
- (9) "Master Lease" shall mean that restated lease, identified as Lease No. 58985, between the State of Washington, acting by and through the Department of Natural Resources and Water Front Recreation, Inc. dated February 26, 1986, and having the North Woods as its subject matter.
- (10) "Motorcycle" shall mean:
- (a) Every two-, three- or four-wheeled ATV vehicle which is self-propelled and having a saddle for use of the rider; or
  - (b) Every vehicle which is self-propelled and not actually licensed for travel upon the road by any state of the United States; or
  - (c) Any vehicle not displaying any such license in the form of a license plate.
- (11) "Muffler" means a device consisting of a series of chambers, or other mechanical devices for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting there from.
- (12) "North Woods" shall mean that real property described in Section I of these rules.
- (13) "Person" means any individual, corporation, partnership association or other entity whatsoever.
- (14) "Waterfront recreation swim area" shall mean that common area between cabin sites 18 and 19 as shown on the plat of the North Woods, and west of the road easement common area nearest the shore of Swift Reservoir.
- (15) "Joyriding" means riding around the North Woods in or on a motorized vehicle with no intended destination.

## **II LOT RESTRICTIONS (Supplement to By-Laws Article XVII)**

### **Section 4. Vehicles**

No vehicles shall be parked in roadways, with the exception of the caretaker in the advancement of his duties. Vehicles shall not be operated carelessly or in excess of posted speeds. No vehicle shall be operated any time without a muffler in good working order. Excessive motor noise or annoying smoke is forbidden. No vehicle shall at any time be operated in excess 10 mph. No vehicles or motorcycle shall be driven in the waterfront recreation swim area, except the parking lot. No

vehicle or motorcycle shall be driven so as to slide or fishtail. No vehicle may egress up the hill to the 90 road by the Eagle Cliff Store. All vehicles must egress via the 10 road only.

#### Section 5. Maintenance & Appearance

All lots shall at all time be kept in a clean, sightly, and wholesome condition and no trash, garbage, litter, junk, boxes, containers, bottles, cans, machinery, implements, lumber or other building materials shall be permitted to be or remain exposed in any cabin site and visible from any street or adjoining or nearby premise. No vehicle, machinery, tractor, trailer or boat shall be continuously stored on any cabin site, which is visible from any other cabin site or common area, for a period in excess of 240 days. "Continuously stored" shall mean not used and moved for 240 days.

#### Section 6. Signs

No signs of any kind shall be displayed to the public view on any lot or road in the North Woods except one professional sign, of not more than 18 inches by 24 inches in size, advertising the property for sale or rent, and except signs used by a builder or developer to advertise the property during the construction and sales period, or signs identifying the cabin owner or the cabin name. The Board of Directors may authorize certain signs, i.e. Speeding, Rules, Parking, etc. at its discretion and in line with its users.

#### Section 7. Animals

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any cabin site, except that cats, dogs or other household pets may be kept, but not for any commercial purpose. Household pets shall not be allowed to become an annoyance or nuisance to the neighborhood.

- (1) No horse or pack animal shall be permitted anywhere within the North Woods.
- (2) No dog shall be permitted on any North Woods Association, Inc. owned docks in the common area except to be escorted by a boat user directly to or from a boat for or from transport by boat.
- (3) It shall be a violation of these rules for any person to cause, allow, permit or participate in any of the following, which are singly or together, defined as nuisances:
  - (a) Any dog, cat or household pet which by habitual howling, yelping, barking or other noise disturbs or annoys any person to any unreasonable degree.
  - (b) Any dog, cat or household pet that enters upon any cabin site or common area, so as to damage or destroy any real or personal property.
  - (c) Any dog, which chases, runs after or jumps at vehicles on roads in the North Woods.
  - (d) Any dog, which snaps, growls, snarls, jumps at or upon or otherwise threatens persons using any cabin site or common area.
  - (e) Dogs running in packs.

- (f) A female domesticated animal while in estrus, not confined, and accessible to other animals.
- (g) Animals kept, harbored or maintained and known to have a contagious disease.
- (h) Keeping any dog with vicious propensities or instincts.
- (i) Any dog that deposits excrement or other solid waste on a cabin site, or any common area, when the dog's owner (or other person having control) does not remove such waste.
- (j) Any dog which is unsupervised in the waterfront recreation area.

### Section 8. Fires and Fireplaces

Interior fireplaces, stoves, or other type burner must be fire proofed by use of spark-proof screens. All chimneys shall be capped with some form of spark arresting cap, screen or external spark arrester. All fires must be extinguished before leaving a cabin with no intent to return within twelve (12) hours. No fires shall be lit or maintained outside of any cabin except in barbecue grills using briquettes or a propane flame. UL approved propane fire pits are allowed to be used. Wood burning fire pits are prohibited.

### Section 9. Firearms, Fireworks, B-B Guns and Bows and Arrows

Discharging firearms, firecrackers, rockets or any other fireworks within the North Woods shall be prohibited. No person shall cause any pellet, arrow, missile, or similar projectile to be shot, discharged, ejected or launched by any means whatsoever, anywhere within the North Woods. This prohibition includes, but is not limited to, the firing, discharge or launching of any gun, rifle, air rifle, B-B gun or bow and arrow.

### Section 10. Changes to Cabin Exteriors/Construction, Replacement, Reinforcement, & Painting

- (1) Changes to a cabin exterior must first be approved by The North Woods Association, Inc. board member responsible for Buildings & Codes. This includes not only new construction or additions, but also changes such as reinforcement or replacement of existing structures (i.e. decks, storage sheds, roofs, etc) and changes of paint color to the exterior.
- (2) Requests for changes must be submitted on a Request for Building Code Approval Form, which is available at the caretaker's cabin, at the association's web site, or from the board member responsible for Buildings & Codes.
- (3) Skamania County Building permits must be submitted and approved before any construction requiring such permits begins.
- (4) Unauthorized work will be issued a "STOP WORK" order until the proper permits are received. Unauthorized work may be cited and is subject to fines.

### Section 11. Landscaping

All cabin sites in the North Woods shall be landscaped with material native to the Eagle Cliff area only. No cabin site or portion thereof shall be cleared of its native materials, except for the necessary location of driveways, paths, a cabin, normal outbuildings, and decks. Areas immediately adjacent to the water's edge of Swift Lake may grow cultured grass.

### Section 12. Generators

All generators shall at all times comply with the noise standards set forth in these rules. Except generators in occasional use during periods of construction, all generators in use shall be muffled and operated entirely within a wood-frame enclosure. All generators in use shall be operated with a muffler. No generator shall be operated between the hours of 5:00 p.m. and 10:00 a.m. except as follows.

- (1) Generators may be used non-continuously after 9:00 a.m. and until 9:00 p.m. when in use for operating power tools or construction machinery as a part of construction activity. "Non-continuous" as used in this subsection shall mean that the generator is only in operation while a power tool or construction machine is in actual use.
- (2) Generators may be used after 8 a.m. and until 9:00 p.m. to operate an appliance used to prepare food (i.e. coffee pot) if the period of operation of the generator does not exceed a cumulative total of 30 minutes.
- (3) Any generator may be used continuously from 8:00 a.m. until 10:00 p.m. if the 65-dba limit is not exceeded to any receiving property.

## **III. RULES FOR GOOD ORDER**

### Section 13. Vehicles and Recreational Equipment

All vehicles and recreational equipment, including boats, jet skis, canoes, paddle boats, etc., used on a regular basis in the North Woods, shall be marked with a North Woods sticker bearing the owner's cabin number on either side of the vehicle. Stickers are available from the Caretaker.

### Section 14. Motorbikes, motorcycles, two-, three- and four-wheeler ATV's, Golf Carts, and any other motorized vehicle

- (1) Motorbikes, motorcycles, golf carts, two-, three- and four-wheeler ATV's and similar off-road vehicles, and any other motorized vehicle are acceptable as long as they are operated by a driver who is licensed to operate a motor vehicle, motorcycle or off-road vehicle in the state in which they reside and show proof to the caretaker or appointed Enforcement Officer upon request. Operation is limited to leaving and returning to the North Woods property, visiting another cabin within the North Woods or going to or returning from the Common Area/Boat Launch Area. Joyriding is not acceptable.

- (2) All vehicles under this category shall have a prominently displayed sign or placard which identifies the cabin site number, of the cabin site from where the vehicle is being used, in clearly visible numbers at least 3" high. This sign/placard must be clearly visible from the rear, and is in addition to a North Woods sticker, which also bears the cabin number on either side of the vehicle.
- (3) All vehicles shall be equipped with mufflers. No vehicle in operation in the North Woods shall exceed 65 dba at any receiving property, and there shall be no adjustment to or exception from this limitation. No person shall operate any motorcycle, motorbike, golf cart, two- three- or four-wheeled ATV vehicle, or any other motorized vehicle who is not licensed to operate a motor vehicle or motorcycle in the state in which they reside unless they are accompanied by and under the supervision of a licensed adult 18 years of age or over. No vehicle shall be driven in the waterfront recreation swim area, except the parking lot.

#### Section 15. Curfew for Minors

In order to improve the safety for all North Woods members, there is a curfew for children under the age of 18. Unless children are accompanied by their parent, all children need to be at their cabins in the North Woods by 11:00 p.m. daily. There will be fines issued to cabin owners if a violation of this curfew is found to occur.

#### Section 16. Caretaker

The Caretaker is an Enforcement Officer and is a representative of the board of directors for The North Woods Association, Inc. The caretaker is expected to monitor the activities of cabin owners, guests, and other persons within the North Woods development and is to enforce the By-Laws, and the Rules and Regulations of The North Woods Association, Inc. to ensure that activities of members and their guests conform to such rules and regulations. The Caretaker will:

- (1) Provide security and surveillance duties so that no unauthorized activities take place on the premises known as North Woods.
- (2) Issue verbal and/or written warnings to violators of North Woods' rules and regulations in accordance with instructions from the North Woods' president or appointed board member.
- (3) Report to Skamania County Sheriff any unlawful actions occurring within the North Woods development.
- (4) Document violations of North Woods' rules and regulations in a form sufficient to allow the Board of Directors of North Woods to take appropriate action against said violations.
- (5) It is in violation of these rules if any member or guest displays inappropriate behavior, including threats or verbal abuse, to the Caretaker while he is in the discharge of his duties.

## Section 17. Boat Docks

It shall be a violation of these rules:

- (a) To swim or dive from or around the Association boat docks except within the boomed swimming area.
- (b) To dock a boat in a leased boat slip without the permission of the lessee of the boat slip.
- (c) To enter or stand upon any boat in a leased boat slip docked there, except with the permission of the lessee of the boat slip or the owner of the boat.
- (d) To fish from any area of the dock other than the designated fishing area.
- (e) Overwater fueling within the dock area is strictly prohibited. For the purposes of this rule, dock area includes any area inside of the boom logs.

## Section 18. Drug & Alcohol Use

No person shall consume or use any alcoholic beverage, drug or substance or controlled substance, in violation of Washington State Law.

## Section 19. Solid Waste

No garbage, waste, solid waste, refuse, litter, junk, boxes, containers, bottles, cans, machinery, implements, insulation, lumber or other unused building materials shall be deposited or discarded in any common area.

## Section 20. Common Area

No common area real or personal property shall be damaged or destroyed by any person. No open fire shall be maintained in any common area except in pits provided by the Association for that purpose.

## Section 21. Master Lease

It shall be a violation of these rules for any person to engage in an act of commission or omission, which constitutes or gives rise to a violation or breach of the Master Lease.

# **IV NOISE PROVISIONS**

## Section 22. Additional Definitions Relating to Noise

- (l) "Background Sound Level" means the level of all sounds in a given environment, independent of the specific source being measured.

- (2) "Class A EDNA" Lands where human beings reside and sleep. Typically, all A EDNA will be the following types of property used for human habitation:
  - (A) Residential
  - (B) Recreational and entertainment, (e.g., common areas).
- (3) "DBA" means the sound pressure level in decibels measured using the "A" weighing network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.
- (4) "EDNA" means the environmental designation of noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.
- (5) "Noise" means the intensity, duration and character of sounds, from any and all sources.
- (6) "Property Boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.
- (7) "Receiving Property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.
- (8) "Sound Level Meter" means a device that measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specifications S1.4 1971.
- (9) "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water.
- (10) "Appurtenances" means equipment, tools or property that is considered incident to the principal property.

### Section 23. Maximum Permissible Environmental Noise Levels.

The maximum permissible noise level from any noise source within North Woods shall not exceed 65 dba as measured on any receiving property within the North Woods, including a cabin site or any Common Area.

### Section 24. Noise Exemption (Emergency Purposes)

- (1) The following shall be exempt from the provisions of Section 23 between the hours of 5:00 a.m. and 9:00 p.m.
  - (a) Sounds originating from residential property relating to temporary projects for the repair of homes, grounds and appurtenances.
  - (b) Sounds created by the installation or repair of essential utility services.



(2) The following shall be exempt from the provisions of Section 23, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 8:00 p.m. and 8:00 a.m.:

- (a) Sounds originating from temporary construction sites as a result of construction activity.
- (b) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
- (c) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health and safety or welfare of the North Woods.
- (d) Sounds created by watercraft.

#### Section 25. Noise Enforcement Policy

Noise measurement for the purposes of enforcing the provision of Section 22 shall be measured in dba with a sound level meter with the point of measurement being at any point within the receiving property.

### **V. ENFORCEMENT PROVISIONS**

#### Section 26. Fines

In addition to or as an alternative to any other judicial or administrative remedy provided by law, any person who violates these rules, or by each act of commission or omission procures, aids or abets such violation, shall subject the responsible cabin owner lessee to a fine in an amount of twenty-five Dollars (\$25.00) per commission, with the following exceptions:

- (1) Property in North Woods shall subject the responsible cabin owner lessee to a fine of \$250.00 and/or forfeiture of the cabin site lease. Enforcement of the leasehold forfeiture shall be referred to Water Front Recreation, Inc. with a recommendation from the Association Board of Directors that the lease be terminated and an eviction notice be sent to the lessee.
- (2) Unreasonable verbal or physical abuse directed at the Caretaker by a member or guest, when cited will be fined at \$250 for each incident.
- (3) Violations of a severe nature that endanger the health and/or well being of the membership (i.e. open fires, reckless use of vehicles or equipment, overwater fueling within the dock area, etc.), when cited will be fined at \$500, unless otherwise determined by the board of directors, due to the severity of the violation.
- (4) Continuous violations, when cited will be fined at the rate \$5.00 per day, until such violation is corrected. A continuous violation is a condition, which continues day after day until action is taken to correct the condition. An example of a continuous violation could be a leaky hose bib, or continuing work on a construction site that has been issued a "Stop Work" order.

- (5) The fine for the second and each subsequent violation that is the same violation as any previous violation within a five-year period shall be \$250 except in the citation for discharge of a firearm, when the fine is \$500.00.
- (6) All fines assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures hereinafter specified.
- (7) Fines will be assessed for violations of curfew in the following manner: first offense \$500, second offense \$750, and third offense will be \$1,000. This fine will be assessed to the cabin owner of the minor child.

#### Section 27. Abatement

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, an Enforcement Officer may order a violation to be abated. An Enforcement Officer may order any person who creates or maintains a violation of any rules and regulations adopted hereunder to commence corrective work and to complete the work within such time as an Enforcement Officer determines reasonable under the circumstances.

#### Section 28. Additional Enforcement

Notwithstanding the existence or use of any other remedy, the Board may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation of any rules and regulations adopted hereunder.

#### Section 29. Commencement of Proceedings

Whenever an Enforcement Officer has reason to believe that a violation of these rules has occurred, he may issue a notice of fine to any person liable for the violation, and/or the owner or operator of the source of the violation, and/or the person otherwise causing or responsible for the violation.

#### Section 30. Notice of Abatement

Whenever an Enforcement Officer has reason to believe that a violation of these rules will be most promptly and equitably terminated by an administrative order of abatement, he shall issue a written order of abatement directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. Such order of abatement may be issued by an Enforcement Officer alone, or, where violations of more than one of these rules exist, in conjunction within a notice of fine or order of abatement issued by another Enforcement Officer. The notice of fine or order of abatement shall contain:

- (1) The cabin site number or common area description and/or description of personal property sufficient for identification of where the violation occurred or is located;
- (2) A statement that an Enforcement Officer has found the person to be in violation of these rules with a brief concise description of the conditions found to be in violation;

- (3) A statement of the corrective action required to be taken, if any. If an Enforcement Officer has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as an Enforcement Officer shall determine is reasonable under the circumstances;
- (4) A statement specifying the amount of any fine assessed on account of the violation and, if applicable, the conditions on which such fine is contingent;
- (5) Statements advising that if any assessed fine is not paid, an Enforcement Officer will charge the amount of the fine as a joint and separate personal obligation of any person in violation;
- (8) A statement advising that the order shall become final unless, no later than thirty (30) days after the notice is served, any person aggrieved by the order requests in writing an appeal before the Board or its Hearing Examiner.

#### Section 31. Method of Service

Service of the notice or order shall be made upon all persons identified in the notice either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested to the cabin owner at his address as shown on the records of the Association. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under these rules. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

#### Section 32. Appeals

- (1) Any person aggrieved by the notice of a fine or order to abate may request in writing within thirty (30) days of the service of the notice or order an appeal hearing before the full Board of Directors of North Woods or a Hearing Examiner designated by the Board.
- (2) The appeal hearing shall be conducted on the record and the Board of Hearing Examiner shall have such rule making and other powers as are necessary to conduct the hearing. Such an appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appealing party, to the Enforcement Officer whose order is being appealed, and to other interested persons who have requested in writing that they be so notified.
- (3) All appeals shall be conducted in accordance with Washington Administrative Code Chapter 1-08, "Uniform Procedural Rules": provided however, that Sections 1-08-005 through 1-08-007 and Sections 1-08-540 through 1-08-590 shall be excluded. Should any conflict arise between the provisions of these rules shall prevail.

For the purpose of these rules, all references in the WAC to "agency" shall mean the Board or its Hearing Examiner. In addition, the Board or its Hearing Examiner may promulgate and adopt such additional rules as are necessary for the conduct of a hearing.

- (4) Each party shall have the following rights, among others:
- (a) To call and examine witnesses on any matter relevant to the issues of the hearing.
  - (b) To introduce documentary and physical evidence.
  - (c) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
  - (d) To impeach any witness regardless of which party first called him to testify.
  - (e) To rebut evidence against him.
  - (f) To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (5) Following review of the evidence submitted, the Board or its Hearing Examiner shall make written findings and conclusions, and shall affirm or modify the previously issued order or time if it is found that a violation has occurred. The written decision of the Board or its Hearing Examiner shall be mailed by certified mail, postage prepaid, return receipt requested, to all the parties.
- (6) The appeal hearing before the Board or its Hearing Examiner shall occur within ninety (90) days following receipt of the written notice of appeal, unless the matter is continued at the discretion of the Board or its Hearing Examiner after receiving consent of all parties to the proceeding.

### Section 33. Final Fine

- (1) Any fine or order duly issued by an Enforcement Officer pursuant to the procedures contained in these rules shall become final thirty (30) days after service of the notice or order unless a written request for hearing is received by the President of the Board within the thirty (30) day period.
- (2) An order or notice, which is subjected to the appeal procedure, shall become final twenty (20) days after a mailing of the Board of the Hearing Examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Skamania County Superior Court.
- (3) Unpaid fines may bear interest at the rate of ten percent (10%) per annum commencing sixty days (60) after the due date. Unpaid fines may bear interest with other late charges in accordance with the current schedule of late charges approved by the Board of Directors.
- (4) If fines are not paid within sixty (60) days of the due date, the Board of Directors may institute action IAW Section 5, Article IX of the Northwood Association By-Laws.

### Section 34. Supplemental Notice and Order

An Enforcement Officer may at any time add to, rescind in part, or otherwise modify a notice of fine or order of abatement by issuing a supplemental notice of fine or abatement. The supplemental

notice or order of abatement shall be governed by the same procedures applicable to all notices of fine.

Section 35. Enforcement of Final Order

- (1) If the person to whom such fine or abatement is directed fails, neglects, or refuses to pay such fine, an Enforcement Officer may:
  - (a) Institute any appropriate action to collect a civil penalty assessed under these rules, and/or
  - (b) File in the Skamania County Auditor's Recording Department a certificate describing the property and the violation and stating that the owner has been so notified, and/or
  - (c) Pursue any other appropriate remedy at law or equity under these rules.
- (2) Enforcement of any notice of fine or order of abatement of an Enforcement Officer issued pursuant to these rules shall be stayed during the pendency of any appeal under these rules.

Section 36. Settlement of Fines

An Enforcement Officer is authorized to settle and compromise claims for fines accruing pursuant to these rules where such settlement is clearly in the interest of North Woods provided that the Enforcement Officer shall periodically report such settlements and compromises to the Board. All fines shall be paid over to the Association.

Section 37. Lien Authorized

North Woods shall have a lien for any fine penalty imposed against the cabin site lessee's interest on which the fine penalty was imposed.

Section 38. Personal Obligation Authorized

The fine is also joint and separate personal obligations of any person in violation. The Board may collect the fine by use of all appropriate legal remedies.

Section 39. Notice Lien May be Claimed

The notice of fine of an Enforcement Officer pursuant to these rules shall give notice to the cabin site owner that a lien for the fine may be claimed by the Association.

Section 40. Claim of Lien-General

- (1) An Enforcement Officer shall cause a claim for lien to be filed for record in the Skamania County Auditor's Recording Department within ninety (90) days from the date the fine is due.
- (2) Contents: The claim of lien shall contain the following:

- (a) The authority for imposing the fine.
  - (b) A description of the property to be charged with the lien.
  - (c) The name of the known owner or reputed owner, and if not known the fact shall be alleged; and
  - (d) The amount, including lawful and reasonable costs, for which the lien is claimed.
- (3) Verification: An Enforcement Officer or his authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.
- (4) The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment.

#### Section 41. Duration of Lien-Limitation of Action

No lien created by these rules binds the property subject to the lien for a period longer than ten years after the claim has been filed, unless an action is commenced in the Superior Court of Skamania County within that time to enforce the lien.

#### Section 42. Foreclosure - Parties

- (1) The lien provided by this title may be foreclosed and enforced by a civil action in the Superior Court of Skamania County.
- (2) Joinder: All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.
- (3) Actions Saved: Dismissal of an action to enforce a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

#### Section 42. Repeated Motorcycle Violations

In addition to the other penalties specified herein, the penalty for six (6) or more violations within a one-year period involving motorcycles used by a person from a cabin site shall be prohibition on the use of motorcycles by persons staying at or using that cabin site for a period of five years, effective upon the date of the order establishing the prohibition.

#### Section 44. Purpose of Section on Enforcement

The purpose of these provisions on enforcement, including the imposition of fines, is to solicit adherence to these rules. If adherence to these rules can be encouraged through other means, such as conversation with the violator, the Enforcement Officer should refrain from issuing a notice or fine.

Section 45. Attorney Fees

In any action to collect a fine, or to enforce these rules, the prevailing party shall be entitled to an award for such party's attorney's fee and costs.

**VI. GENERAL**

Section 46. Amendment of Rules

These rules can and should be amended by the Board whenever and as often as necessary.

Section 47. Severability

If any of these rules, or the application of any of these rules to any person or circumstances, is held invalid, the remainder of these rules, or their application to other persons or circumstances are not affected thereby.