

## **“Duty to Maintain” Enforcement Policy Resolution**

Whereas the Association desires to create a “Duty to Maintain” enforcement policy, pursuant to the OVA Protective Restrictions, Sections III and V, Respectively.

**Whereas Article III, Section 2(f) Rubbish and Debris:** No rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of said property and no order shall be permitted to arise therefrom which is or may be detrimental to any property in the vicinity thereof or the occupants thereof and no nuisances shall be permitted to exist or operate upon any portion of said property which are offensive or detrimental to any property in the vicinity thereof or to its occupants. And,

**Whereas Article III, Section 3(d):** Right of Inspection: During reasonable hours any member of the Architectural Committee or any agent of such committee or any representative of the Association or Declarant shall have the right to enter upon and inspect any portion of said property and the exterior of the buildings and improvements thereon for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and shall not become liable therefor or be deemed guilty of trespass nor any other tort by reason thereof. And,

**Whereas Article V, Section 1. Purpose of Association:** Oakmont Village Association, A non profit corporation organized under the laws of the state of California, shall have the rights, powers and duties as set forth in its Articles of Incorporation, together with its general powers as a non-profit corporation, subject to the provisions of this Declaration and any limitations imposed hereby, to do and perform each and every of the following for the benefit, maintenance and improvement of the property covered by this Declaration and for the benefit of the owners thereof, to wit:

**Whereas Article V, Section 1(c);** To remove, clean up and/or burn grass and weeds and to remove any unsightly or obnoxious things from the subject property and to take such action as may be necessary or desirable to keep the subject property neat and in good order and to make and collect additional charges therefor as hereinafter provided. And,

**Whereas Article V, Section 1(j);** To make, establish, publish, promulgate, amend, repeal, and to enforce rules and regulations governing the conduct of various owners of the subject property with relation thereto, which rules and regulations, and each of them, as the same are established from time to time, shall be binding upon each and every such owner and all the occupants of the subject property, provided however, no ground rule shall ever be established which shall not apply equally to all such owners, and provide further that no such ground rule, amendment or repeal thereof shall be effective until and unless the same, or a copy of the same shall be furnished to each such owner by mail in ordinary mail or by delivering the same in person. And,

**Whereas Article 5, Section 3(a) 2(b);** The Board of Directors of the Association shall have the power to levy special charges and assessments against individual dwelling units to defray expenses the Association incurred in the fulfillment of its powers and duties provided for herein, which said costs and expenses shall have been incurred for the benefit of such individual dwelling units or shall have been occasioned by the fault or neglect of the owners thereof. Now, therefore be it Resolved:

The Board has the authority to enter a resident's property, provided that due process has been provided with an opportunity to be heard by the Board, pursuant to the OVA (current) enforcement policy, to: remove hazardous material, rubbish and debris; to remove weeds, dead plants and/or trees that is causing a fire hazard or where safety is concerned; and to remediate any property that is not properly maintained or neglected, with costs being levied to the Members account by means of a special individual assessment.

**Approved at the July 17, 2018 Board of Directors Meeting**