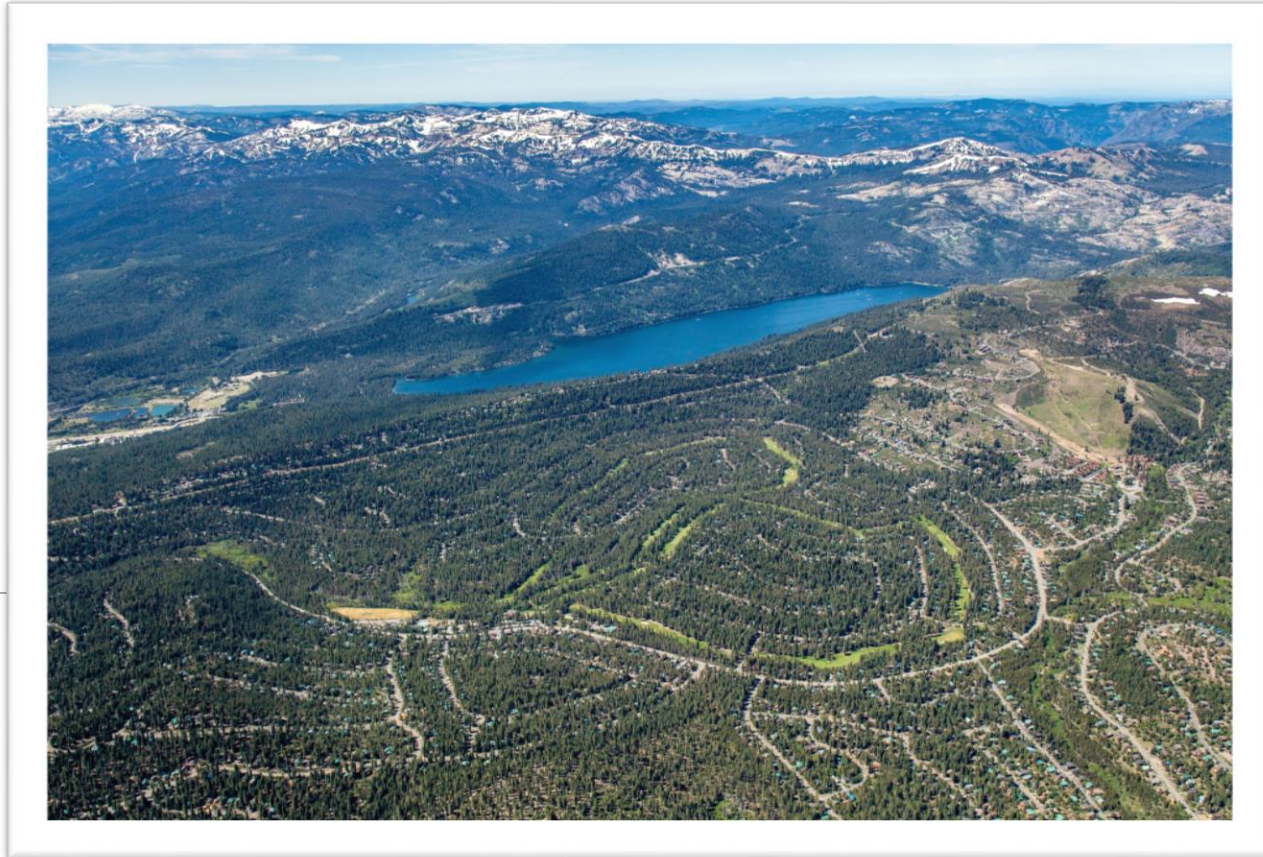


Covenants Rules and Enforcement Process



BOARD OF DIRECTORS MEETING

JULY 29, 2017





Top 10 Covenants Complaints



Telephone Numbers

Tahoe Donner Amenities

Alder Creek Campground	587-9462
Beach Club & Marina	587-9460
Bikeworks/Ski School	582-9694
Cross Country Ski Center	587-9484
Downhill Ski Area	587-9444
Equestrian Center	587-9470
Golf Course	587-9443
Lodge Restaurant & Pub	587-9455
Pizza on the Hill	582-9669
Recreation Hut	587-9413
Summer Trails	587-9430
Trout Creek Recreation Center	587-9437
Tennis Center	587-9474

Administration

Accounting	587-9417
Architectural Standards	587-9407
Covenants	587-9406
Forestry	587-9432
General Manager's Office	587-9431
Marketing	587-9426
Member Services	587-9400

Truckee

Emergency	911
Police Dept. (non-emergency)	550-2320
Fire Dept. (non-emergency)	582-7850
Town of Truckee	582-7700
Tahoe Forest Hospital	587-6011
Truckee Donner PUD	587-3896
Southwest Gas	582-7200
Tahoe Truckee Sierra Disposal	583-0148
Caltrans Road Conditions	800-427-7623

Recommendations? Questions? Complaints?

Please contact the Compliance Inspector at
(530) 587-9406 or at compliance@tahoedonner.com



TAHOE DONNER COVENANTS

1. Fireworks are prohibited in Tahoe Donner.
2. Open outdoor fires without screens or covers are prohibited without a permit.
3. All vehicles, including trailers, are to be parked on paved or approved surfaces only.
4. Prevent garbage spills by using approved enclosures. Pick up day is on Tuesday.
5. Clean up after your pets.
6. Pets must be on a leash on Tahoe Donner Association property and on leash or within voice control on streets.
7. As a courtesy, minimize noise and turn off exterior lights after 10 p.m.
8. Store items out of public view (ladders, furniture, etc.).
9. All activities other than golfing on the golf course are prohibited.
10. Respect the privacy and property of others.

ABOVE ALL, USE COMMON SENSE.



Covenants Noxious Activities

TAHOE DONNER OWNED PROPERTY AND PRIVATE PROPERTIES

Noxious Activities Prohibited -

No illegal, noxious or offensive activities shall be carried out or conducted upon the Common Area, or other Association-owned properties, nor shall anything be done within the properties which is or could become an unreasonable annoyance or nuisance to neighboring property owners. C&Rs Article VIII, Sect 1(c).

COMMON EXAMPLES

Noise

- Excessive and loud frequent or continuous
- Before 7:00 a.m. or after 10:00 p.m.
- Types of noise including one of the above

Behavior

- Indecent or offensive

Smells

- Offensive to the individual



Covenants Dog Related Rules

Tahoe Donner Owned Property

Animal Control -

No animal or pet may be tethered or tied to a stationary object on any Common Area, or other Association owned property. Dogs shall only be allowed within any portion of the Common Area when they are leashed and otherwise under the supervision and restraint of their Owners or other person accompanying the dog.

Tahoe Donner and Private Properties

Noxious Activities Prohibited -

No illegal, noxious or offensive activities shall be carried out or conducted upon the Common Area, or other Association-owned properties, nor shall anything be done within the properties which is or could become an unreasonable annoyance or nuisance to neighboring property owners. C&Rs Article VIII, Sect 1(c).

Examples of complaints: Barking, dog at large, and aggressive dog

COMPLAINT PROCESS

Two-fold approach

If at a facility/amenity - Notify amenity manager of dog off leash

If dog at large, aggressive, nuisance on Common Area –

- If near an amenity notify the amenity manager
- Otherwise notify Compliance Inspector

Make a complaint with Town of Truckee Animal Services

Important to identify the dog and owner if possible. Take a photo and/or video in the case of barking dog.



Town of Truckee Animal Control Ordinance.8 Animal Control

8.01.420 Animals Running at Large Prohibited.

It is unlawful for any person owning or having possession, charge, custody, or control of any animal to cause, permit or allow the animal to stray, run or in any other manner to be at large in or upon any public street, sidewalk, park, school ground, or other public place, or upon any private place or property without consent of the owner or person in control of such private place or property. (ORD 96-02 04-18-96)

(c) Animals in the immediate presence and under direct control of the owner and the owner can demonstrate effective control of the animal.

8.01.460 Nuisances by Animals.

It is unlawful and a nuisance, for any person owning or having control of any animal, to allow or permit any animal to do any of the following:

- (a) To disturb the peace and quiet of a neighborhood by means of barking, howling, or any other noise or sounds;
- (b) To damage or destroy the property of another person or public property, or to repeatedly deposit its body waste fluid or matter upon such property;
- (c) To cause unsanitary, dangerous or offensive conditions due to inadequate care of facilities, or due to the size, type or number of animals maintained at a single location.
- (d) To interfere with the freedom of lawful movement of persons, or to chase vehicles, or to create a nuisance in any other way.



Town of Truckee Animal Control

COMPLAINT PROCESS

All complaints regarding nuisance animals shall be in writing.

The Animal Control Officer, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists.

If it is found that a nuisance condition does exist, an order to conform, issue a citation, or both, may be issued.

CONTACT INFORMATION

TRUCKEE ANIMAL SERVICES

Phone: (530) 582-7830

Fax: (530) 582-1103

TRUCKEE POLICE NON- EMERGENCY DISPATCH

(530) 550-2320

[Humane Society of Truckee-Tahoe](#)

(530) 587-5948



Covenants Drone Rule

TAHOE DONNER OWNED PROPERTY

The operation or use of unmanned aerial systems, or drones on Tahoe Donner Association common area and other association real property – without the prior written authorization from Tahoe Donner Association – is expressly prohibited.

This prohibition on drone operations or use extends to any drones launched or operated from association property, as well as drones launched from private property which then fly onto association property.

REPORTING/COMPLAINT PROCESS

If you believe your private property is threatened through the use of a drone on or near your property, call Town of Truckee non-emergency dispatch at (530) 550-2320 to report use.

Additionally, report the use to Tahoe Donner Covenants Committee through the Compliance Complaint process available to you through:

1. Online Complaint Submission:

<http://onestop.tahoedonner.com/>

2. Email: Compliance@tahoedonner.com



Reporting Complaint

Report the complaint to Tahoe Donner Covenants Committee through the Compliance Complaint process available to you through:

1. Online Complaint Submission:

<http://onestop.tahoedonner.com/>

2. Email: Compliance@tahoedonner.com

Reporting may include Town of Truckee Police non-emergency dispatch.

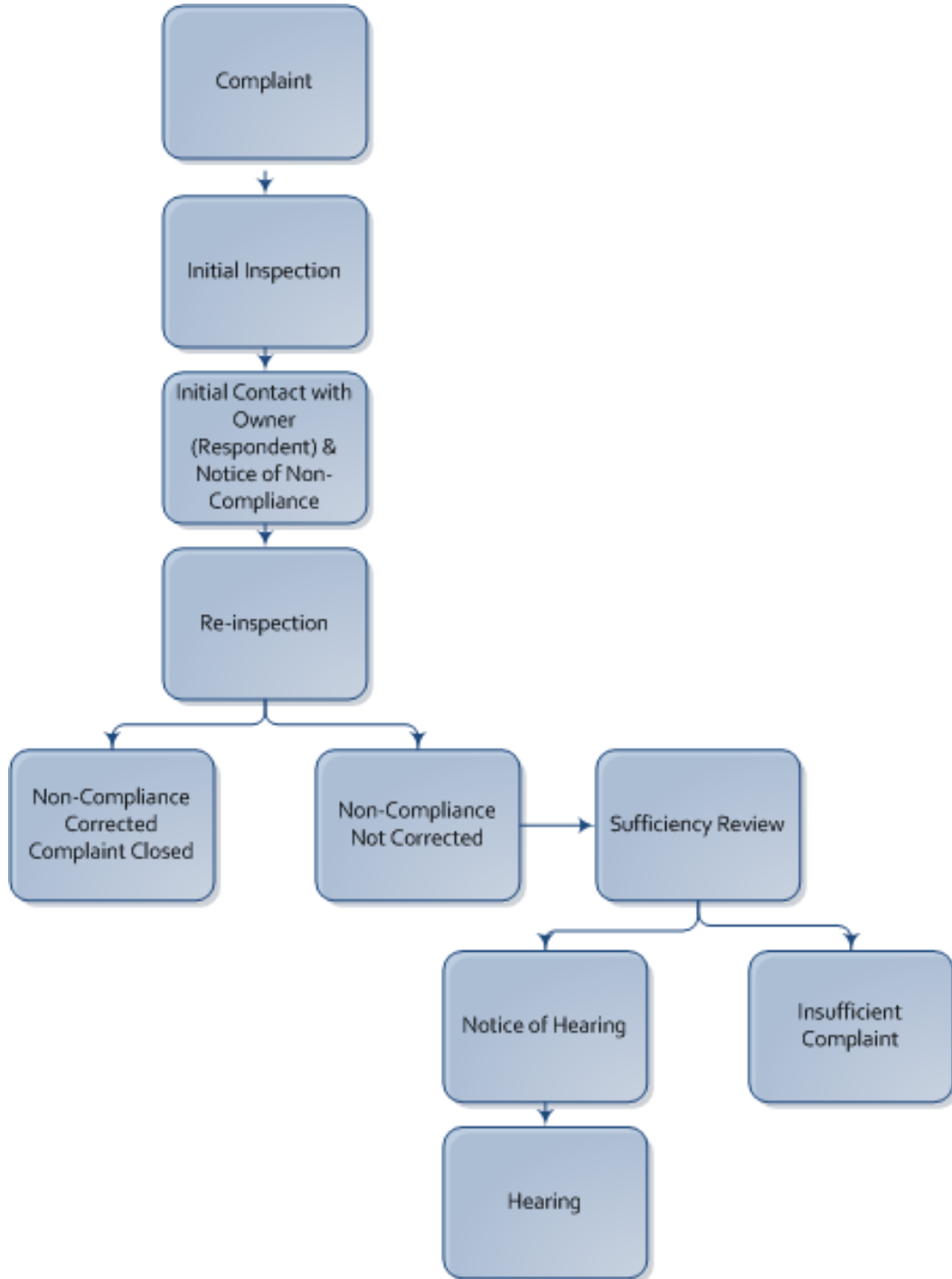
Example

- Loud music and partying after 10:00 p.m.

Some may require 911 Emergency Call

Example

- When behavior is perceived or actually indecent or aggressive
- Out of control warming fire



Covenants Enforcement Procedures



Covenants Enforcement Procedures

The following pages are an abridgement of the Covenants Enforcement Procedures. For full text please see actual document

http://www.tahoedonner.com/wp-content/uploads/2016/08/ComplianceRules_Amended-10-24-2015.pdf.



Covenants Enforcement Procedures

Receipt of Complaint

- Complaints may be received from property owners, or Association General Manager and his/her staff
- Complainants identification is not mandatory
- Complaints can be received in person, phone, email, and now OneStop

Record Keeping

- Complaints and all associated documents are maintained by the Compliance Inspector in OneStop and
- digital property file once a complaint is closed.

Communications with Complainant and Respondent

- All written and verbal communication with the complainant and respondent shall be noted and included in the file.
- Within 10 working days of the original complaint, a complaint status will be provided to complainant if contact information is provided.
- If the initial inspection failed to confirm the complaint, the complainant shall be notified.
- In cases where the complaint cannot be photographed or verified by Staff, such as “noxious activities” (excessive noise, smell, etc.) the complainant will be encouraged to personally attend the hearing.
- If a complainant chooses not to attend, a signed, written statement will be considered.



Covenants Enforcement Procedures

Initial Inspection

- Within two working days of receipt, every complaint will receive an initial inspection.
- The Compliance Inspector, or other assigned employee, will perform the initial inspections.
- Date, time and conditions will be noted at the initial inspection.
- A photograph shall be taken of the conditions existing at the property.
- The complaint and photo(s) will be logged for enforcement.
- If a condition cannot be verified, it shall be so noted in the file and closed
 - Complainant will be notified of the findings.



Covenants Enforcement Procedures

Initial Contact

- Prior to the sending of any Notice of Non-Compliance, reasonable attempts will be made to contact the respondent via telephone to seek voluntary compliance.
- In cases where telephone contact information is not correct, reasonable attempts will be made to obtain the number through directory assistance or utilizing other Tahoe Donner database information such as email.
- If contact is made during these initial contact calls, the respondent will be advised of the following
 - Nature of the complaint made.
 - That the Association is seeking voluntary compliance.
 - That a Notice of Non-Compliance will be sent as a matter of policy.
- A notation recording the telephone contact date, time and content will be made for inclusion in the file.



Covenants Enforcement Procedures

Notice of Non-Compliance

- Within 5 days of receipt of a verified complaint, a notice of non-compliance will be sent to the respondent at the respondent's address of record and will state a re-inspection date of not less than fourteen days (four days mailing time, 10 days to correct the violation).
- Staff has the authority to extend a re-inspection date by one week without referring to the Committee.
- Notice shall state the verbatim wording of the rule alleged to have been violated and the specific conditions in violation of the rule.
- The notice shall state that if the violation is corrected prior to the re-inspection date, the case will be closed.
- However, if the same violation occurs within 1 year of the re-inspection date, the responded will be scheduled for a hearing before the Covenants Committee.
- The notice shall contain a summary of the covenants enforcement procedures, actions the Association may take to correct violations, including fines, interest and late fees, suspension of membership rights (voting, amenity access, ability to hold office, ability to purchase season passes), alternative corrective actions that may be take at the expense of the owner.



Covenants Enforcement Procedures

Re-inspection

- Within three days after the listed re-inspection date, the alleged violation shall be re-inspected.
- Date, time, conditions observed and a photo shall be taken where appropriate.
- If the condition has not been corrected as of the re-inspection date, the matter shall be referred to a sufficiency review.
- If the condition has been corrected prior to the re-inspection date, the file will be closed.
- If the same offense occurs at the property within 1 year of the re-inspection date, staff will request a sufficiency review.



Covenants Enforcement Procedures

Sufficiency Review

- Sufficiency reviews will be conducted within two days of a staff review request.
- At a sufficiency review, a member or alternate member of the Covenants Committee will review the complaint, inspection reports and photos.
- The Reviewer may visit the property location, record his or her observations, and deliver the information back to the Compliance Inspector.
- The Reviewer shall then direct staff to:
 - Issue a Notice of Hearing
 - Conduct further investigations
 - Dismiss the complaint due to compliance or lack of jurisdiction.
- Dismissed complaints will be filed in the individual unit and lot digital property file.
 - A status acknowledgment will be provided to the respondent and to the complainant.
- The Compliance Inspector, for scheduling, will retain complaints requiring further investigation.
- The Compliance Inspector and the Reviewer involved shall jointly review any further investigation details involved.
- Should the Inspector and Reviewer fail to agree as to how to proceed on such a complaint, the matter will be reviewed by a member of the Committee, not involved in the matter, whose opinion shall control.



Covenants Enforcement Procedures

Notice of Hearing

- When the Sufficiency Review and the Covenants Inspector deem it appropriate, a Notice of Hearing shall be prepared and sent to the respondent.
- The mailing shall include all appropriate information pertaining to the violations.
- Notices of Hearings shall be sent no less than 19 days prior to the scheduled hearing date (four days for mailing, 15 days prior notice required).
- Respondent shall be advised of the date and time that a hearing has been scheduled, and the possible actions that the Hearing Panel can take, including fines, abridgement of membership rights, corrective action at the expense of the owner.



Covenants Enforcement Procedures

Hearing

- The content and results of hearings shall be recorded in the hearing minutes.
- A minimum of three Covenants Committee members, and/or alternates, are required to hold a hearing.
- A majority of the panel must agree on any action taken.
- No committee member or alternate member, who filed the complaint in the current matter, may be a member of the hearing panel.
- If a fine is imposed it may be determined from the date of re-inspection to the date of the hearing.
- The Hearing Panel will consider any unusual circumstances.
- Staff shall inspect the property on the day of the hearing, recording the current condition, and take a photo.
- If an inspection reveals that the respondent has complied, that fact will be present at the hearing.
- If it is determined at the hearing that the violation did exist but have since been corrected, the Hearing Panel will determine the appropriate fine for the violation. Said fine may be suspended for a period of one year from the last hearing date unless the same violation is found, at a properly notices hearing, to have been repeated within that period.
- In such cases, the fine previously suspended may be imposed for the prior violation, along with any penalties found appropriate with regard to the subsequent violation.
- Staff will notify the respondent and the complainant of the results of the hearing.



Covenants Enforcement Procedures

Notice of Hearing Decision

- Within ten working days of the hearing, a Notice of Hearing Decision shall be prepared and sent to the respondent.
- IF the decision is adverse to the respondent, notice of the respondent's appeal rights shall be included. The notice shall state any fine levied against the respondent, and if appropriate, if those fines were suspended.
- The notice shall contain a summary of the covenants enforcement procedures, listing actions that the Association may take to correct the violations, including fines, interest and late fees, suspension of membership rights, alternative corrective actions that may be taken at the expense of the owner.
- The notice will include information on the property owner's rights and that the owner may appeal all Hearing Panel decisions to the Board of Directors Appeal Board.

Appeals Authority

- The Board of Directors is the appeals authority for all decisions of the Covenants Committee.
- All such decisions may be appealed within 15 days following receipt of the Covenants Committee's decision by the offending owner.
- A request for an appeal hearing by the Board of Directors must be in writing on a form provided to the offending Owner.
- This form will be provided to the Owner with the notice of the Covenants Committee's decision.