

Emergency Fine Schedule

XXI. ASC Violation/Fine Schedule

Telephone No: (530) 587-9407

Tahoe Donner Association
Community Standards Office
12710 Northwoods Blvd., Suite 2
Truckee, CA 96161

A. UNAUTHORIZED EARTHWORK AND SITE ALTERATION:

- | | |
|---|--------------------------|
| 1) Grading or grubbing of lot/or trenching without a permit | |
| a) With Town permit, without ASC permit | \$100.00 maximum per day |
| b) Without Town or ASC permit | \$750.00-\$2,000.00 |
| 2) Unauthorized removal of snow with heavy equipment | \$100.00 maximum per day |

B. CONSTRUCTION VIOLATIONS:

- | | |
|--|--------------------------|
| 1) Initiating new construction without ASC approval | |
| a) With Town permit, without ASC permit | \$100.00 maximum per day |
| b) Without Town or ASC permit | \$100.00-\$2,000.00 |
| 2) Failure to pick up permit, prior to construction | \$100.00 maximum per day |
| 3) Failure to clean up construction debris – per occurrence | \$100.00 maximum per day |
| 4) Failure to obtain extension prior to expiration of permit | \$100.00 maximum per day |
| 5) Failure to complete project within allotted time frame | \$100.00 maximum per day |
| 6) Failure to restore lot after invalidation of plans | \$100.00 maximum per day |
| 7) Failure to complete after installation of foundation | \$100.00 maximum per day |

C. DEVIATIONS FROM APPROVED PLANS

- | | |
|---|---|
| 1) Plan deviations without prior approval | \$100.00 maximum per violation
per side (siding, railings, etc.) |
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D. MISCELLANEOUS ITEMS

- | | |
|--|--|
| 1) Exterior alteration to existing structures without approval | \$100.00 maximum per item
per side of house or roof |
| 2) Exterior lighting violations | \$100.00 maximum |
| 3) Violation of sign rules | \$100.00 maximum |
| 4) Installation of satellite dish, larger than 39", without prior approval | \$100.00 maximum |
| 5) Installation of fencing without prior approval | \$100.00 maximum |
| 6) Installation of exterior antenna without prior approval | \$100.00 maximum |
| 7) Failure to correct exterior maintenance non-compliance | |
| a) Non-garbage enclosure violations | \$100.00 maximum per day |
| b) For garbage enclosure violations | \$100.00-\$1,500.00 |

The fine policy and schedule of fines may be amended and modified from time to time by the ASC after proper notification and Board approval. Such changes will be posted in the Community Standards Office. FINES MAY BE ASSESSED ON A DAILY BASIS ACCORDING TO THE NATURE AND SEVERITY OF THE INFRACTION AND AT THE DISCRETION OF THE ASC. Multiple violations may result in multiple fines.

ASC/Guidelines/Fine Schedule as amended on July 25, 2025

Emergency Fine Schedule

VI. Covenants Rules Schedule of Fines and Penalties

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GENERAL COMMON AREA AND AMENITY RULES:

1) Camping on Common Areas	\$100.00 maximum per day
2) Off-Road Vehicles on Common Areas	\$300.00 per incident
3) Vegetation Removal in Common Areas	\$100.00 maximum per day
4) After Hours Use of Common Areas	\$100.00 maximum per day
5) After Hours Parking in Common Areas	\$100.00 maximum per day
6) Fireworks, Firearms and Fire Safety Rule Violations in Common Areas	\$1,000.00-\$5,000.00 per incident
7) Hunting and Trapping in Common Areas	\$300.00
8) Animal Control Violations in Common Areas	\$200.00 per incident
9) Equestrian Use in Common Areas	\$200.00 per incident
10) Smoking in Common Areas	\$100.00

FINES MAY BE ASSESSED, PER INCIDENT, ON A DAILY BASIS ACCORDING TO THE NATURE AND SEVERITY OF THE INFRACTION AND AT THE DISCRETION OF THE COVENANTS COMMITTEE.

AMENITY USAGE AND CONDUCT RULES:

1) Amenity Usage and Conduct Rule Violations	\$100.00 maximum per day (except in the case of activity which poses an adverse health/safety impact on TDA property)
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PRIVATE PROPERTY RULES:

1) Private Property Rule Violations	\$100.00 maximum per day
2) Tree and/or Vegetation Removal on Private Property	\$100.00 maximum per tree
3) Noxious Activities Violation on Private Property	\$400.00-\$1,000.00 per incident
4) Business Activities Violation on Private Property	\$100.00 maximum per day
5) Fire Safety Rule Violation on Private Property	\$1,000.00-\$5,000.00 per incident
6) Seasonal Fire Ban Rule Violation	Up to \$5,000.00 per incident
7) Correction of Any Private Property Violation by the Association	Restitution to Association.

FINES MAY BE ASSESSED, PER INCIDENT, ON A DAILY BASIS ACCORDING TO THE NATURE AND SEVERITY OF THE INFRACTION AND AT THE DISCRETION OF THE COVENANTS COMMITTEE.

Covenants Committee Guidelines/Fine Schedule as amended on July 25, 2025



TITLE: Emergency Adoption of Fine Schedule

RECOMMENDED ACTION:

By Motion:

The Board of Directors adopts Administrative Resolution 2025-16.

BACKGROUND:

On July 1, 2025, Assembly Bill 130 (AB 130) was signed into law by Governor Newsom. The bill's scope is expansive across numerous housing initiatives, amending Civil Code § 5580 and 5855, which significantly impair the Association's ability to enforce the governing documents, levy fines, and ensure the health, safety, and welfare of the Association and its members.

A few key points regarding the legal changes:

- This change in law imposed a \$100 maximum fine for violations of governing documents within HOAs. The only exception to this \$100 maximum fine is for health and safety violations.
- Boards must identify in an open session meeting those governing document violations deemed to be health and safety related, and what the related fine per violation is.
- Civil Code § 5855 states that a homeowner shall have the opportunity to cure a violation prior to the meeting, and that if a homeowner cures their violation prior to a hearing, the board (or committee in the case of Tahoe Donner) may not impose any fine for the violation. However, certain violations of the governing documents are arguably inherently incurable, for instance, those related to fire bans. This may be due to their nature as non-continuous actions or because they involve conditions that cannot be remedied through affirmative action.

Tahoe Donner has fine schedules that include fines for health and safety, architectural standards, and general governing document violations, with fines ranging from \$100 per violation to \$5,000 or more for health and safety violations. To comply with the enacted law, Tahoe Donner must immediately address its fine schedule and other procedural aspects of enforcement.

In response to these changes to state law and to ensure compliance and protect the health, safety, and well-being of the community, the staff is providing the board with short- and long-term solutions, including:

1. Short-Term: Immediate adoption of an emergency rule change resolution to modify the association's fine schedules consistent with the updates to the Davis-Stirling Act and the Tahoe Donner governing documents.
2. Long-Term: Drafting and future adoption of proposed permanent rule changes, including the fine schedule and enforcement procedures, through the regular rule-making process.

DISCUSSION:

The Board is empowered to adopt Association Rules concerning, but not limited to, the Common Area, Common Facilities, Other Association Real Property, enforcement of the governing documents, member discipline, monetary penalties, and any other subject or matter within the jurisdiction of the governing documents.



There are several aspects of the law change that Tahoe Donner will have to address through the rule-making process:

1. The Fine Schedule for governing document violations.
2. Determination of health and safety violations and fines relating.
3. Change to certain enforcement procedures.

The Board also has the authority to adopt emergency rules “if the board determines that an immediate rule change is necessary to address an imminent threat to public health or safety or imminent risk of substantial economic loss to the association¹.” The emergency action can take place immediately but shall not remain in effect for a period not exceeding 120 days. The intent is to provide a temporary fine schedule that can be used until a permanent fine schedule is reviewed and implemented thereafter.

Short-Term Efforts and Actions

Tahoe Donner has numerous rules in place to protect the health and safety of its residents, including prohibitions on fires, fireworks, and defensible space, as well as regulations governing control of animals. To ensure that the Association can effectively address health and safety violations that arise during the summer months, staff requests that the board consider adopting an emergency fine schedule for health and safety violations. Ideally, this would be done at the July 25 regular board meeting.

Tahoe Donner has adopted similar emergency rules in the past concerning smoking and the seasonal fire ban to ensure that the Association could address an imminent threat to public health or safety or an imminent risk of substantial economic loss to the Association². Staff believe the updated fine schedule is necessary to address imminent threats to public health and safety during the summer months, especially during the upcoming peak wildfire season.

Staff, with the review of legal counsel, have prepared Administrative Resolution 2025-16 for board consideration and immediate action effective July 25, 2025. Should the Board adopt Administrative Resolution 2025-16, the emergency adoption will be communicated to the membership as required. “As soon as possible, but not more than 15 days after making the rule change, the board shall deliver general notice...If the rule change was an emergency rule change made..., the notice shall include the text of the rule change, a description of the proposed and effective rule change, and the date that the rule change expires³.”

Long-Term Efforts and Actions

Knowing that emergency rule adoption actions are temporary, staff anticipate completing a full review of the Association's rules enforcement procedures, consulting with legal counsel to draft proposed changes, as well as any further changes to the fine schedules needed for the board to consider for permanent adoption through the regular rule-making process over the next few months.

In the meantime, with the proposed emergency adoption of the fine schedule, staff and committees can proceed in compliance with the new regulations.

Exhibit B includes a comparison of the current fine schedule, proposed changes, and identification of those violations to be considered health and safety related.

¹ First Restated Declaration of Covenants and Restrictions of Tahoe Donner Association, Article III, Section 7.

² Davis-Stirling Common Interest Development Act, Chapter 3, Article 5, Sections 4360.

³ Davis-Stirling Common Interest Development Act, Chapter 3, Article 5, Sections 4360.

**RECOMMENDATION:**

The recommended board action is as follows:

By Motion:

The Board of Directors adopts Administrative Resolution 2025-16.

Alternative(s) the Board may consider:

The Board of Directors may instruct staff to create alternative responses to the new laws enacted by the State of California. Failing to have a schedule that complies with state law or that is suitable for addressing violations of governing documents could result in liability exposure that negatively impacts the association.

OUTREACH:

Staff has sought legal advice from association counsel.

Should the Board adopt Administrative Resolution 2025-16, the emergency adoption will be appropriately communicated to the membership via general delivery, which includes, but is not limited to, posting at the Northwoods Clubhouse, on the website, by email, and through other means as required.

FISCAL IMPACT:

Potential exposure to legal challenges due to non-compliance with state law regarding fine schedules and violations of governing documents.

ATTACHMENTS:

Exhibit A: Administrative Resolution 2025-16

Exhibit B: Fine Schedule Comparison

Exhibit C: Bill Text for AB 130

Prepared by: Jason Hajduk-Dorworth, Director of Administrative Services

Reviewed by: Annie Rosenfeld, General Manager

Board of Directors Meeting: July 25, 2025



**TAHOE DONNER ASSOCIATION
BOARD OF DIRECTORS
2025-#16 ADMINISTRATIVE RESOLUTION**

EMERGENCY ADOPTION OF UPDATED FINES SCHEDULE

WHEREAS, the Board of Directors (the “Board”) of Tahoe Donner Association (the “Association”) is empowered to govern the affairs of the Association, including the enforcement of the governing documents and the health, safety, and welfare of its members and residents¹;

WHEREAS, the Board is empowered to adopt Association Rules concerning, but not limited to: the Common Area, Common Facilities, Other Association Real Property, enforcement of the governing documents, member discipline, monetary penalties, and any other subject or matter within the jurisdiction of the governing documents²;

WHEREAS, pursuant to Civil Code §4360(d), the Board is empowered to adopt rules on an emergency basis (i.e., foregoing standard adoption timeline and process otherwise required by Civil Code §4360(a)), “if the board determines that an immediate rule change is necessary to address an imminent threat to public health or safety or imminent risk of substantial economic loss to the association³;

WHEREAS, an emergency situation exists due to the enactment of Assembly Bill 130 (“AB 130”) amending sections of the Civil Code⁴, which such changes became effective on July 1, 2025 immediately following its adoption. Without prompt Board action, as herein contemplated, the statutory changes imposed by AB 130 will significantly impair the Association’s ability to enforce the governing documents specifically concerning matters involving adverse health or safety impacts to the Association’s Common Areas or another member’s separate interest;

WHEREAS, these emergency circumstances could not have been reasonably foreseen, and require immediate attention and action by the Board, making it impracticable to provide the notice that is otherwise required for fine schedule changes;

WHEREAS, the Board determines that an immediate fine schedule change is required, both to ensure the health, safety, and welfare of the Association and its members, and to comply with those sections of Civil Code amended by AB 130;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Tahoe Donner Association does hereby find that the following types of conduct involving violations of the Association’s governing documents adversely affect the health, safety, and welfare of the Association’s Common Areas and/or a member’s separate interest:

- Due to the Association’s presence in a designated extreme fire zone, and in line with the Truckee Fire Department’s Ordinance 04-2019, violations involving increased fire risk, including but not limited to fireworks, smoking on Association owned property, seasonal

¹ Restated Bylaws of Tahoe Donner Association, Article IX.

² First Restated Declaration of Covenants and Restrictions of Tahoe Donner Association, Article III, Section 7.

³ Davis-Stirling Common Interest Development Act, Chapter 3, Article 5, Sections 4360.

⁴ California Civil Code §5580 and 5588.

fire ban violations, and other fire safety violations, are deemed by the Board to involve adverse impacts to the Association's Common Area and/or a member's separate interest.

- Violations involving increased risk for harm to persons, property, and the environment, including but not limited to hunting and trapping, camping, firearm use, animal control, off-road vehicle use, equestrian use, unauthorized grading and construction, and garbage spills are deemed by the Board to involve adverse impacts to the Association's Common Area and/or a member's separate interest.
- Noxious activities and conduct violations that unreasonably impair and/or pose an immediate, direct, and substantial threat to a person, are deemed by the Board to involve adverse impacts to the Association's Common Area, a member's separate interest, and also the health, safety, and welfare of the Association and its members.

BE IT FURTHER RESOLVED, that the Board of Directors of Tahoe Donner Association does hereby adopt the updated fines schedule as identified in Attachment A.

BE IT FURTHER RESOLVED, that this emergency fine schedule shall take effect immediately upon notice to the membership, and shall remain in effect for a period not exceeding 120 days;

BE IT FURTHER RESOLVED, the Board will provide general notice of the fine schedule changes as provided for by the Association Governing Documents and state regulations.

BE IT FURTHER RESOLVED, the Board retains the authority to modify or end this emergency fines schedule based on circumstances and governing documents.

BE IT FURTHER RESOLVED, that the Board of Directors of the Tahoe Donner Association holds that certain violations of the governing documents are inherently incurable after the conduct has occurred. This may be due to their nature as non-continuous actions or because they involve conditions that cannot be remedied through affirmative action. For these types of violations, simply ensuring that a one-time violation does not happen again will not be considered an adequate remedy given the grave consequences and the seriousness of the conduct occurring at all.

BE IT FURTHER RESOLVED, that the Board of Directors of the Tahoe Donner Association defines a new violation to include the continued presence of conduct alleged to violate the Association's governing documents that has not been cured by the start of each new day or week or month, as selected by the Board and specified in the Association's hearing notice to the Owner.

ADOPTED AND DATED: JULY 25, 2025, by the Board of Directors of Tahoe Donner Association

Benjamin Levine, President

Don Koenes, Treasurer

Denise Gauny, Vice President

Jay Wertheim, Director

Courtney Murrell, Secretary



CERTIFICATE OF SECRETARY

I certify that I am the duly qualified and acting secretary of the Tahoe Donner Association, a California Nonprofit Mutual Benefit corporation. The foregoing is a true and correct copy of the Resolution duly adopted by the Board of Directors at a duly noticed Board meeting held on July 25, 2025, and entered in the minutes of such meeting. The Resolution as of this date has not been modified or appealed and is, as of now, in full force and effect.

DATED: _____

Courtney Murrell, Secretary