

# ***RULES & REGULATIONS***

## **ADMINISTRATIVE PROCEDURES**

*Revised November 16, 1998*

THE TAPPS ISLAND ASSOCIATION IMPOSES THE FOLLOWING "ISLAND PENALTY STRUCTURE" FOR VIOLATION OF ANY OR PART OF THE RULES AND REGULATIONS THAT HAVE BEEN ADOPTED BY THE ASSOCIATION.

### **NOTIFICATION**

1. CERTIFIED RETURN/RECEIPT LETTER, OR PERSONAL DELIVERY OF A LETTER FROM THE ASSOCIATION, SIGNED BY THE GENERAL MANAGER. THIS LETTER WILL INCLUDE THE RULES & REGULATIONS VIOLATED, THE CORRECTIVE ACTION TO BE TAKEN, AND/OR THE REASON FOR WHICH THE FINE IS LEVIED. SAID NOTIFICATION SHALL CITE SPECIFIC INFORMATION SUFFICIENT TO DOCUMENT THE EVIDENCE FOR WHICH THE CITATION IS BEING ISSUED.

### **SPECIFIC INFORMATION**

A. A Picture of the Violation and/or

B. A signed letter by the individual reporting the violation with a detailed description of the violation.

C. The individual committing the violation has the right to know who reported the violation.

2. CERTIFIED RETURN/RECEIPT LETTER OR PERSONAL DELIVERY OF A LETTER FROM THE ASSOCIATION, SIGNED BY THE GENERAL MANAGER OR DESIGNEE, WITH A COPY OF A CITATION ISSUED BY ISLAND SECURITY OFFICER.

### **HEARING**

1. THE CITED PARTY(S) WILL HAVE 10 CALENDAR DAYS FROM THE DATE OF RECEIPT TO PAY THE FINE OR REQUEST A HEARING. IF NO RESPONSE IS FORTHCOMING, RIGHTS TO A HEARING ARE WAIVED AND THE FINE IS LEVIED.

2. IF A HEARING IS REQUESTED, A HEARING DATE WILL BE ESTABLISHED AT WHICH TIME THE CITED PARTY MUST APPEAR. BASED ON EVIDENCE PRESENTED, A DECISION WILL BE RENDERED, IF THE CITED PARTY DOES NOT APPEAR, HIS/HER RIGHTS TO APPEAL ARE WAIVED AND THE FINE IS LEVIED.

### **APPEAL**

1. ANY ASSOCIATION MEMBER WHO WANTS TO APPEAL THE DECISION OF THE HEARING, SHALL SUBMIT A WRITTEN STATEMENT TO THE BOARD OF TRUSTEES THROUGH THE ASSOCIATION OFFICE WITHIN 10 DAYS OF THE HEARING DECISION.

2. THE BOARD WILL REVIEW THE CIRCUMSTANCES PRESENTED, MAKE A FINAL DECISION, AND RESPOND TO THE MEMBER WITHIN SEVEN DAYS FOLLOWING THE NEXT REGULARLY SCHEDULED BOARD MEETING.

### **FINE SCHEDULE**

*Problem:*

*Residents of Tapps Island feel that some type of penalty needs to be imposed on violators of the Island rules and regulations. Without some type of penalty, there would be no incentive to comply with the rules and regulations.*

**Rule I:**

*Revised June 1, 2009*

**Said fines apply to all Island residents and their guests.**

**Island penalty fine structure per same offense:**

**1st Offense - Written Warning**

**2nd Offense - \$100.00**  
**3rd Offense - \$250.00**  
**4th & Subsequent Offense - \$500.00**

**A. Fine amounts of the current offense are based on your record of the same offenses for the two year period prior to the date of the current violation. The violation will be removed from your record at the end of the two year period unless the corresponding fine remains unpaid.**

**B. Island residents/host may be cited for an offense committed by his/her guest(s) but the two year rule does not apply.**

*Basis for the Rule:*

*The fine structure should be reasonable and fair. The fines for non-criminal acts should be structured so that the issue is not discretionary with the Association or Board. In so doing, everyone is treated fairly.*

*This fine structure should apply to guests of Island residents as well. Residents should be responsible to see that their guests adhere to the rules since the rules are for the health, safety, and welfare of Island residents and protection of Island property.*

*For non-criminal acts the fine system should be structured so that the board will not be faced with a decision as to how much the fine should be. This eliminates inconsistencies in the assessment of fines from one instance to another.*

*In addition to or in lieu of fines, the Association may choose to assign various community service tasks to an individual who has been cited for a violation. However, community service is not available as an alternative method of payment in the case a fine has been issued.*

**DISCRETIONARY AUTHORITY-CRIMINAL ACTS**  
**FINE SCHEDULE – CRIMINAL ACTS - VANDALISM AND/OR THEFT**

*Problem:*

*Residents of Tapps Island feel the ability should exist to levy a more dissuasive and appropriately severe penalty against individuals who commit criminal and/or intentional or negligent acts of vandalism, theft or cause damages to common or private property on Tapps Island. Given the nature and severity of these particular types of acts the separately established fine schedule does not provide the necessary deterrent and is not applicable in such cases.*

**Rule II:**

*Revised June 16, 2009*

The Tapps Island Association imposes the following separate penalty process applicable specifically and exclusively to criminal and/or intentional and malicious acts of vandalism and/or theft of common and/or private properties. Said fines and/or penalties apply to all island residents and their guests.

**A. Full restitution for any and all damages or loss of common property shall be made by the individual(s) responsible for the act within a reasonable period of time, both of which are to be determined by the General Manager. The General Manager will work in conjunction with the victimized resident to determine damages to or loss of private property.**

**B. Fine amounts are held separate from restitution and for the current offense are to be determined at the discretion of the General Manager within a range no less than \$500.00 and no greater than \$1,000.00.**

**C. Island residents and/or parent(s) of minor children may be cited and held liable for an offense committed by his/her guest(s) or child or children.**

*Basis for the Rule:*

*The Association recognizes the importance of a fine system that is reasonable, fair and not discretionary in its application. As such, the separately established fine schedule, applicable to any and all offenses not defined as criminal acts, vandalism or theft, was structured to eliminate inconsistencies in the assessment of fines from one instance to another and ensure everyone is treated fairly.*

*However, the Association equally recognizes the importance and need for the ability to adequately deter and discipline individuals who participate in the uniquely destructive acts of vandalism and/or theft. In order to preserve and protect the culture, values and standard of living within this community the Association must have*

*the ability to protect itself and its residents from those who seek to inflict criminal damage.*

*Without the ability to exercise discretion in such extreme cases there is little if any deterrent to these malicious acts and insufficient motivation to obtain the cooperation of parents and other island residents. The Association feels this action is justified and necessary and that the already established appeal process provides the protection necessary to prevent any potential abuse or arbitrary application.*

### **MOTOR VEHICLES RULES AND REGULATIONS**

*Problem:*

*Tapps Island residents are concerned that as traffic and road use continues to increase, there is a need to monitor this movement and protect the residents utilizing the same vehicle use requirements which are applicable to public right-of-ways.*

*Tapps Island residents are concerned that parking on the existing paved roadway or the designated pedestrian/bicycle pathways result in significant danger to the health, safety and welfare of the residents and/or children on the Island.*

*Tapps Island residents felt greater control was required for the parking of cars, boats, trailers, and recreational vehicles on Association property.*

*Tapps Island residents felt that greater control was needed to protect Island roads from the damage that can occur from overweight vehicles driving on Island roadways.*

**Rule III:**

*Revised April 29, 2010*

**A. The Tapps Island Association hereby adopts the Washington State Motor Code, RCW Title 46, its rules, regulation, and definitions. The RCW's shall be enforced by the state, county, and designated Island security officers. Violations of said requirements of RCW Title 46 shall be punishable by State/County citation or by a fine imposed by the Association to the person or persons violating the provisions of RCW Title 46.**

**B. The Tapps Island Association hereby adopts a speed limit for Island roads. The designated speed limit on all Tapps Island roads is 20 MPH unless otherwise posted. Violations of the speed limit shall be punishable by a fine imposed by the Association.**

**C. All resident motor vehicles requiring a license plate must present a current Island Vehicle Identification Sticker upon entrance to the Association.**

**D. Parking by residents on the paved road surfaces and bike paths is prohibited and subject to an immediate fine. If the violation is not corrected within 24 hours of receipt of a certified letter from the Association Office, the owner is subject to additional fines and/or removal costs. Vehicles will be towed at the owner's expense without formal notification if blocking traffic or creating a safety hazard.**

**E. Non-resident or visitor parking problems will be handled as follows: any parked vehicle creating a hazard or denying access must be moved.**

**1. Verbal contact will be attempted.**

**2. Car will be towed at owner's expense and is subject to a fine.**

**F. Residents whose private parking spots cause a dangerous site blockage will be requested to remove these vehicles if the Association judges them to be a hazard to other motorists or pedestrians. The following steps will be used to handle these problems:**

**First Notification - Verbal or written notice of vehicle infraction by security.**

**Second Notification or after 48 hours - Certified return/receipt letter will be sent out by the Association.**

**Third Notification or after an additional 48 hours - Vehicle will be towed at owner's expense and a fine levied.**

**G. Parking of all passenger vehicles within Association rights-of-way cannot exceed 72 hours. No overnight parking of boat trailers, utility trailers, and RV's within the Association rights-of-way is allowed. Failure to comply with these rules and regulations will follow the same enforcement requirements currently designated under the rules and regulations as stated in the Fine Schedule**

**H. No overnight parking is allowed in Association parking lots unless prior approval is obtained from the**

Association office. Violations will result in fines and the vehicle will be towed at the owner's expense.

**I. No vehicle exceeding 75,000 pounds shall be allowed on Tapps Island roads. Double trailer trucks are prohibited. Vehicles exceeding 65,000 pounds must have all axels down. Large vehicles that may exceed weight restrictions will be required to show weight ticket to security. Any vehicle refusing to provide weight ticket will not be allowed on Island roads. All overweight vehicles are required to slow to five miles per hour over speed bumps. School busses and refuse vehicles are exempt from the weight restrictions but must comply with speed restrictions on speed bumps.**

**J. Speeding Enforcement Program (Adopted 7/29/10): To implement an on-going public education program to ensure residents and guests alike are aware of TIA Rules and Regulations, and basic traffic safety and control requirements. This should include notice to guests at the entrance that they may be denied access for traffic violations.**

Use of available technology, including radar and photo-technology, to assess the nature of violations by TIA security personnel and other individuals as may be authorized by the TIA General Manager or Board of Trustees and issue penalties in accordance with the TIA "Island Penalty Structure".

Enforcement will not include pursuit and apprehension. Reporting and issuance of violations will be based on vehicle identification and license plate information. Security may follow violators at a safe speed to residences to obtain/document identification when possible.

Potential criminal violations such as reckless driving or driving under the influence shall be promptly reported to PCSD.

Guest access may be denied based on repeated violations, including excessive speed at the entrance or failure to stop for identification.

*Basis for the Rule:*

*In lieu of new and vague rules and regulations, or reiteration of existing rules, the rules established by Washington State should be applicable to our roads (RCW Title 46). To protect the residents and small children, some additional rules need to be established to protect them from injury.*

*The basis for Section "C" is per the Tapps Island Association's By-Law amendment dated August 1988, "Street Parking Policy".*

*The basis for Section "F" is per the Tapps Island Association By-Law amendment dated August 29, 1996.*

### **DAMAGE TO PRIVATE PROPERTY & COMMON GROUNDS**

*Problem:*

*Tapps Island residents are being asked to expend maintenance funds to repair/replace property and facilities which are damaged by vandalism or theft.*

*The magnitude of the expenditure is such that without a method of fines or property repair, the capability of the Island residents to maintain/replace such facilities will be unduly burdened. Facilities may not be available in the future or access for their use may be somewhat limited.*

*Two Island surveys of lot owners indicated that they should not be burdened with the expense of facility repair/replacement when those who did the damage are known and the costs can be determined.*

#### **Rule IV:**

*Revised November 16, 1998*

**A. Persons involved in the vandalism/theft of Island property, whether private or common, will be subject to a monetary fine and/or community service.**

**B. The person or persons guilty of damage or theft of common Island property shall be notified by certified return/receipt letter of the estimated cost to repair/replace damaged property regardless of its age or condition.**

**C. If repairs are not paid within 30 days of receipt of a certified return/receipt letter of said costs, the Tapps Island Association shall pursue the collection of said costs through a lien on the property of guilty party(s). A finance charge of 1.5% interest per month starting 30 days from the initial notification shall be levied.**

*Basis for the Rule:*

*Tapps Island residents should not be burdened with the costs of repair/replacement of common facilities that are damaged by irresponsible individuals. The opinion survey indicated that residents want some way to collect for repairs when individuals are caught damaging common Island property.*

#### **LITTERING/DUMPING**

*Problem:*

*Tapps Island residents desire to retain the clean, neat aesthetic appearance of the common and private grounds. To do this, they feel they need to establish litter and dumping rules and regulations to require Island residents and guests to properly dispose of litter and rubbish.*

**Rule V:**

**A. All litter, garbage, refuse, rubbish and cuttings shall be deposited in a suitable container or designated garbage receptacle. There will be no dumping on private property, common grounds, or in the Lake Tapps lake bed or waterways.**

**B. All household hazardous wastes or chemical contaminants must be disposed of in a state approved manner in accordance with the provision of the County Department of Environmental Health.**

**C. Any person operating a vehicle from which any objects have fallen or escaped shall be responsible for the immediate clean-up of all such materials.**

**D. Illegally dumped materials must be removed within twenty-four (24) hours, or the violator shall be responsible for all costs incurred by the Association's removing the materials.**

**E. Identification of the owner and location of any material of any nature found upon private or common property shall be considered as prima facie evidence of its having been illegally deposited upon the private property or common grounds.**

**ANY VIOLATION TO THE PROVISIONS OF THIS RULE SHALL BE SUBJECT TO A FINE.**

*Basis for the Rule:*

*Island residents want to maintain the aesthetics of the Island properties. Residents do not want unsightly dumping of rubbish, grass clippings, and litter left on developed/undeveloped or common use properties.*

*The rule has been patterned from existing Pierce County Ordinances, which address littering and illegal dumping rules and regulations. The issues relative to enforcement are easier to deal with if there is a good parallel between County and Island regulations.*

#### **EXCESSIVE NOISE**

*Problem:*

*Noise pollution can have an adverse effect on the quality of life. Studies have shown that high noise levels in a community were responsible for a definite increase in the rates of divorce, suicide, medical problems, etc. The residents of Tapps Island made their homes in this area of Pierce County because they were attracted by the scenic and quiet surroundings.*

**Rule VI:**

**THE TAPPS ISLAND ASSOCIATION IMPOSES THE FOLLOWING RULES AND REGULATIONS RELATIVE TO NOISE:**

**A. Permitted hours of construction on Tapps Island shall be as follows:**

**WEEKDAYS - 7:00 A.M. TO 8:00 P.M.**

**WEEKENDS - 8:00 A.M. TO 8:00 P.M.**

**B. Sustained loud noises of any kind that elicits complaints from residents will be a violation of disturbing the peace. One attempt shall be made by Island Security or Association staff to contact the offending party(s). A citation and subsequent fine may be imposed if the noise continues unabated. Noise levels emitted from equipment used in the construction of homes and facilities during hours of construction stated above are exempt.**

*Basis for the Rule:*

*Tapps Island residents want to retain the peace and serenity that exists on Tapps Island. The residents and wildlife on the Island do not want to be subjected to excessive noise levels. The property owners wish to place some controls on noise levels. Construction activities during the day that result in high noise levels should be exempt since they are generally short term and unavoidable.*

### **GROUNDS MANAGEMENT**

*Problem:*

*Common area properties of Tapps Island have sustained damage from individuals during evening hours. The evening hours afford those individuals the ability to roam during darkness when detection by property owners and Tapps Island Security is difficult. The damages result in added maintenance/repair costs, which must be borne by all or individual lot owners.*

*Two Island surveys of lot owners overwhelmingly supported the establishment of rules to control the movement of individuals who roam private and common properties at hours when such activity is unnecessary.*

**Rule VII:**

**A. The Clubhouse facilities and Golf Course have posted rules and hours of operation. In addition, only individuals authorized for active play are allowed on the Golf Course.**

**B. The waterway areas within the Golf Course fairways are off-limits to swimming and boat moorage. Diving or jumping from bridges is prohibited.**

**C. All common ground areas, other than roadways, are off-limits between the hours of 11:00 p.m. and 5:00 a.m., with the exception of scheduled events. Violations shall be punishable by a fine imposed by the Association**

*Basis for the Rule:*

*The Golf Course and Clubhouse facilities are a major source of revenue for the Tapps Island Association. It is important that these areas are maintained and protected.*

### **ANIMAL CONTROL**

*Problem:*

*Island surveys support the need for some type of dog control.*

*Tapps Island residents desire to have dog owners keep their pets within the confines of the owner's yard or on a leash, under the control of the owner, when not in the owner's property.*

*Dogs which roam the common properties have long been a nuisance to other Tapps island residents. They bark at residents, knock over garbage cans in search of food, relieve themselves on common and private properties, etc.*

**Rule VIII:**

**A. The owner of an unrestrained dog, roaming at large, will be subject to a fine. The Tapps Island Association authorizes the capture, confinement, and/or detention of unrestrained dogs found roaming at large on property other than that belonging to the legal owner.**

**B. Loose dogs, which are impounded by Tapps Island Association authorized personnel, will be held for a period not to exceed 24 hours. A \$75.00 fee must be paid for the release of the dog. After 24 hours, the dog may be transferred to the Pierce County Humane Society, which will also charge additional fees for its release.**

**C. Dog owners are required to clean up after their dogs.**

*Basis for the Rule:*

*Tapps Island residents should not have their property impacted by animal wastes. The community would like some way to control nuisance pets.*

## LOITERING

*Problem:*

*Tapps Island residents have expressed concern that individuals loitering in parking lots impede the free flow of traffic and create a danger for both the pedestrian and driver. Residents have also expressed concern about individuals whose loitering on Clubhouse walkways block access to the Clubhouse and Restaurant.*

### **Rule IX**

*Adopted November 26, 1998*

**A. Individuals and groups are not to sit, stand or loiter on Association parking lots or Clubhouse walkways for more than fifteen (15) minutes with the exception of events scheduled by the Association. Violations shall be punishable by a fine in accordance with the Association fine schedule.**

*Basis for the Rule:*

*Tapps Island residents want to discourage loitering to help ensure individual safety and ease of access for facility users.*

## SIGNS

*Problem:*

*Tapps Island residents are concerned about maintaining the aesthetic appearance of the community and a proliferation of signs would detract from the community's appearance.*

### **Rule X**

*Adopted June 24, 1993*

**Arrow Signs: Will not be permitted without Association approval either on Association property or private property.**

**For Sale Signs - Real Estate: No more than one For Sale sign with a maximum size of five square feet plus a post, is allowed per lot without written permission from the Association.**

**Commercial/Construction Signs: Can be placed on private property only until house is sold, if new construction, a construction job is completed, or a period of three months from the time the physical construction begins, whichever occurs first.**

**Sandwich Boards: (Maximum five square feet on each side) can be used only during event/activity (i.e. open house, sales, fairs) operating hours. No more than one sign per company may be placed at an intersection/turn on Association property and/or right-of-ways, and must be placed off the asphalt.**

**General: Under no circumstances can signs be attached to Association property (i.e. buildings, wooden street sign posts and street lights).**

**Propriety of signs will be determined by the Association, which reserves the right to remove any and all signs deemed inappropriate or illegal.**

**The Association General Manager, or his designee, shall have the right to waive any portion of this policy upon written request by a lot owner whose property is directly affected by this policy, a company presently doing business on the Island, a community organization wishing to advertise an event with a temporary sign(s), or in other unique circumstances not previously addressed herein.**

*Basis for the Rule:*

*Aesthetics need to be balanced against homeowner needs (i.e. to sell their home) and the need to protect Association property.*

## SOLICITATION AND DISTRIBUTION OF ADVERTISEMENTS, PRODUCTS OR INFORMATION FLIERS

*Problem:*

*Tapps Island residents do not want to be disturbed by door-to-door solicitors, plus concern was expressed about increased litter due to fliers.*

### **Rule XI**

**A. No door-to-door solicitation by residents or non-residents is allowed unless approved in advance by the Tapps Island Association.**

**B. The non-postal doorstep/mailbox/paperbox distribution of promotional products, information fliers, and non-subscriber newspaper supplements is not allowed.**

**C. Enforcement of these guidelines will be in accordance with the fine structure adopted for other rule violations. Non-residents will be subject to trespassing charges.**

*Basis for the Rule:*

*Tapps Island residents want to control a growing problem, not restrict residents from receiving information or notification of opportunities. Those seeking to reach residents by way of fliers, etc. have the opportunity to purchase advertising in the monthly newsletter "The Islander".*

### **MOTORIZED GOLF CARTS**

*Problem:*

*Tapps Island residents are concerned that the increased number of privately owned motorized golf carts using Tapps Island roads and bike lanes, many being operated by unsupervised children, has led to numerous complaints of reckless driving. This has resulted in a need to control the operation of motorized vehicles on Island roads and bike lanes by juveniles.*

### **Rule XII**

*Adopted July 31, 2000 (Revised 9/25/03)*

**Motorized golf carts may only be driven on Island roads if these conditions are all met:**

- 1. Proof of insurance covering the driver on Island bike paths and the golf course must be proffered;**
- 2. A golf car usage waiver must be signed by the golf cart owner and on file in the Association office;**
- 3. The golf cart owner must pay an annual trail fee, with a renewable sticker visibly attached to the golf cart;**
- 4. Golf carts may drive in the bike path only, yielding right-of-way to pedestrians and bicyclists;**
- 5. Only individuals possessing a valid State driver's license may drive golf carts on Island roads.**

**The fine system outlined in the Rules and Regulations will be enforced for golf carts without the sticker and also for driving in a reckless or dangerous manner.**

### **MOTORIZED VEHICLES**

### **Rule XIII**

*Adopted 9/25/03*

**All persons operating motorized vehicles on Association roadways must be licensed drivers.**

*Basis for the Rule:*

*Island roads with the attached bicycle lane experience a wide variety of uses - automobiles, bicycles, motorized golf carts, joggers, pedestrians, etc. Operation of motorized golf carts by unsupervised juveniles can be a safety hazard due to lack of experience and maturity. Safety of all users of the roads is best served by patterning motorized golf cart use limitations after State law that limits unsupervised operation of motor vehicles to age 16 and above.*

### **SKATBOARDING, ROLLERBLADING OR RIDING BICYCLES**

*Problem:*

*Tapps Island residents were concerned for the safety of skateboarders, rollerbladers and bicycle riders at the Clubhouse given the level of vehicular traffic at the Clubhouse, as well as the potential for damage to parked vehicles.*

### **Rule XIV**

*Adopted May 30, 2002*

**Skateboarding, rollerblading, riding bicycles and scooters on the Clubhouse grounds is banned except for traveling to and from the Clubhouse.**

*Basis for the rule:*

*Tapps Island residents want to control an activity that has resulted in several near accidents before an accident occurs. This rule will preserve vehicular use areas for vehicles and walkways for pedestrians, thus avoiding conflicting uses.*

## **GUEST LIMITS FOR POOL, PARK AND BEACH**

*Problem:*

*Tapps Island residents were concerned at the high numbers of non residents using Tapps Island facilities.*

### **Rule XV**

Adopted May 25, 2006

**Members are limited to a maximum of five guests for each member present with a Tapps Island member card for the pool, park and beach areas. Members will be able to request pre-approved higher limits for special events through the Association office.**

*Basis for the rule:*

*This rule will help preserve and protect Association amenities for residents' use.*

## **LEAGUE PLAY ON OUTER ISLAND**

### **Rule XVI**

January 27, 2005

There shall be no league play, other than the Tapps Island sponsored Mighty Islanders, allowed on the Outer Island playing field.

*Basis for the rule:*

*Mighty Islanders is run by volunteers who live on Tapps Island. Tapps Island residents want to limit the availability of other groups to use the Outer Island.*

## **CLUBHOUSE, DECK & POOL DESIGNATED NON-SMOKING**

### **Rule XVII**

June 29, 2006

The Restaurant, including the entire deck, Clubhouse and Pool areas shall be designated as non-smoking areas.