

THE COLLECTIONS HOMEOWNERS ASSOCIATION
D/B/A
RANCH OAKS HOMEOWNERS ASSOCIATION

RESOLUTION NO. 2016-03

**Adoption of the Policy for the Regulation and Restriction on the
Placement of Trash for Disposal**

WHEREAS, the By-Laws governing the Collections Homeowners Association doing business as Ranch Oaks Homeowners Association (the "**Association**"), as well as the Association's Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions for the Association (the "**Declarations**"), Chapter 204 of the Texas Property Code, and pertinent provisions of the Texas Business Organizations Code, authorize the Association to exercise all powers reasonable and necessary for the governance and operations of the Association;

WHEREAS, the By-Laws of the Association (the "**By-Laws**") Article V, Section 3 provides that the affairs of the Association shall be managed by a Board of Directors (the "**Board**");

WHEREAS, Article V, Section 4(j) of the By-Laws provides that it shall be the duty of the Board to fulfill the duties of the Association as set forth in the Declaration;

WHEREAS, Article III, Section 10 of the Declarations provides that no lot shall be used or maintained as a dumping ground for rubbish or garbage; and trash, garbage or other waste materials shall not be kept except in sanitary receptacles constructed of metal, plastic or masonry materials with sanitary covers or lids or as otherwise required by the City;

WHEREAS, Article III, Section 10 of the Declarations further provides that all Owners shall abide by all rules promulgated by the Association and all the rules, regulations, and ordinances duly enacted by the City including all such ordinances as they relate to storage and disposal of garbage, rubbish, trash or refuse;

WHEREAS, the City of Irving has established specific rules for solid waste disposal; and

WHEREAS, the Board has determined that there is a need to establish orderly and equitable regulations and procedures for the disposal of trash within the community by Members, their families, guests, tenants and subtenants of such Members.

NOW THEREFORE, BE IT RESOLVED that the following Placement of Trash for Removal Policy ("**Policy**") is hereby adopted by the Board and shall supersede and replace all rules and regulations set forth in any prior trash disposal policy.

- 1. All trash, recyclables, brush and bulky waste must be placed on the curb in accordance with the following requirements:**
 - a. All items shall be placed in neat piles on the curb at the end of the neck of the cul-de-sac.
 - b. All loose trash shall be placed in plastic garbage bags that are at least 2 mil. thick and securely closed (grocery bags are not acceptable).
 - c. Recyclables:
 - i. All loose recyclable items shall be placed in blue plastic bags that are at least 2 mil. thick and securely closed.
 - ii. Cardboard boxes must be flattened and neatly piled.
 - iii. Recyclables shall be placed on the curb in piles separate from any trash.
 - d. Brush and Bulky Waste:
 - i. Brush and bulky waste collection includes furniture, appliances and tree limbs.
 - ii. Tree limbs must be cut in lengths of no more than 8 feet and neatly piled.
 - iii. Loose items such as leaves, twigs, and small branches must be placed in plastic garbage bags at least 2 mil. thick and securely closed.
 - e. When items may be placed on the curb:

- i. Items should be placed no earlier than 6:30 pm the evening prior to collection, and no later than 7:00 am on the morning of collection.
 - ii. Trash collection is on Tuesday and Friday.
 - iii. Recyclables, brush and bulky waste collection is on Tuesday.
 - iv. No trash may be placed when the collection day falls on a holiday.
- f. If for any reason the City does not take the items left on the curb, the homeowner who placed the items must immediately return them back to homeowner's property and contact the city for more information.

2. Enforcement

- a. It is the responsibility of individual homeowners and residents to comply with this policy and, to ensure that their guests and tenants comply with this policy. Similarly, it is the responsibility of homeowners to report violations of this policy to the Board.
- b. The Board, the HOA's manager, and any Board designee shall have the authority to enforce the policy in accordance with the provisions within this section.
- c. Notice and Opportunity to Cure:
 - i. The homeowner who is in violation of these Policy shall be Provided Notice and a reasonable Opportunity to Cure to avoid the fine.
 - ii. **"Notice"** shall mean a written notice of (1) the violation; (2) the potential fine to be imposed; and (3) a reasonable Opportunity to Cure the violation in order to avoid the fine. The Notice shall be deemed to be **"Provided"** when it is either hand delivered to a person residing at the home, posted on the home's front door, or emailed to the homeowner.
 - iii. A reasonable **"Opportunity to Cure"** shall mean two days from date Notice is Received.
 - iv. If a homeowner was Provided Notice and an Opportunity to Cure for the same or a similar violation within the preceding six-month time period, the Association does not need to Provide a second Reasonable Opportunity to Cure to enforce this Policy.

3. Schedule of Fines

- a. The following fines shall be imposed on all Homeowners with each violation of this Policy:
 - i. Placing tree limbs, brush, or bulky waste prior to the day before the scheduled collection day: **\$500.00.**
 - ii. Failing to return items to the homeowner's property that were placed yet the City did not pickup: **\$25 per day starting the day after the scheduled collection day.**
 - iii. All other violations: **\$25.00.**
- b. Prior to any fine that is imposed being final, the homeowner may request a hearing before the Board on or before the 30th day after the Notice was Received. Such must be requested by leaving a message on the Association's voicemail, or sent to the Association's primary email address.
- c. If the homeowner is serving on active military duty, the law provides for special rights of relief.

4. Liability

- a. Nothing in this Policy shall be construed to hold the Association, the Board, the HOA's Manager, or any Board designee responsible for damage or any loss of property.
- b. This Policy are intended to protect the Homeowners to ensure the rights of the Association members are protected and to serve as a guideline for the Board as it exercises its duty to enforce the governing documents and rules and regulations.
- c. The Board may determine the specific manner in which the provisions of this Policy are to be implemented, provided that due process is afforded as required by law. Any inadvertent omission or failure to conduct any proceeding in the exact conformity with this Policy shall not invalidate the results of such proceeding, so long as a prudent and reasonable attempt has been made to ensure due process according to the general steps set forth in this Policy.

The effective date of this Policy shall be August 1, 2016.