

Lake Cushman Maintenance Co.
3740 N. Lake Cushman Road
Hoodsport, WA 98548

Document Title:

Lake Cushman Maintenance Co. **Board Resolution 01-11 A Resolution
Regarding Firework Prohibition.** Approved by the Lake Cushman Maintenance
Co. Board of Directors on April 9, 2011.

Grantor:

Lake Cushman Maintenance Company

Grantees:

Public

Legal Description:

Lake Cushman Div. 1, Lot 1 Additional Legal Descriptions on Page 2

Parcel Number:

42329-50-00001 Additional Parcel Numbers on Page 2

LAKE CUSHMAN			
DIVISION #	PARCEL NUMBER SEQUENCE		
1	42329-50-00001	TO	42329-50-00257, 00900
2	42307-50-00001	TO	42307-50-00142
3	42318-50-00001	TO	42318-50-00219, 00900
4	42318-51-00001	TO	42318-51-00151
5	42204-50-00001	TO	42204-50-00137
6	42204-51-00001	TO	42204-51-00160
7	42209-50-00001	TO	42209-50-00174
8	42209-51-00002	TO	42209-51-00206, 00900
9	42216-50-00001	TO	42216-50-00124
10	42216-51-00001	TO	42216-51-00204
11	42332-50-00001	TO	42332-50-00041
12	42216-52-00001	TO	42216-52-00175
13	42332-51-00001	TO	42332-51-00012
14	42205-50-00001	TO	42205-50-00062, 00900-00902
15	42304-51-00001	TO	42304-51-00009
16	42216-53-00001	TO	42216-53-00150, 00900
17	42209-54-00001	TO	42209-54-00130
18	42205-51-01001	TO	42205-51-01136, 02001-02052, 03001-03065
19	42205-52-00001	TO	42205-52-00066, 00949-00951
WEST # 1	42331-50-01002	TO	42331-50-93022
WEST # 2	52309-50-00001	TO	52309-50-00015
WS #3	52314-31-60020	TO	52314-31-60034 and 52315-43-60010-60020
EAST # 1	42333-51-01002	TO	42333-51-06065
DOW CR EST # 1	42209-52-00001	TO	42209-52-00075
DOW CR EST # 2	42209-53-00001	TO	42209-53-00033



LAKE CUSHMAN MAINTENANCE COMPANY

Lessees Organization For The Lake Cushman Development

3740 N Lake Cushman Road, Hoodspport, WA 98548-9711

(360) 877-5233 FAX: (360) 877- 6713

TOLL FREE: 1-888-777-6443

RESOLUTION NO. 01-11

A RESOLUTION REGARDING FIREWORK PROHIBITION

WHEREAS, the Articles of Incorporation of Lake Cushman Maintenance Company ("LCMC") vest LCMC with the authority to, among other things, enforce restrictions upon and/or for the benefit of parcels of real property over which said corporation has jurisdiction; and

WHEREAS, the Bylaws of the Lake Cushman Maintenance Company vest LCMC with the authority to, among other things, make such rules and regulations not inconsistent with law, the Articles of Incorporation, and the Bylaws, as the LCMC Board of Directors deems appropriate; and

WHEREAS, RCW 64.38.020 vests LCMC with the authority to, among other things, adopt and amend rules and regulations, regulate the use of common areas, and levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of bylaws, rules, and regulations of the association; and

WHEREAS, the land under LCMC's jurisdiction, including but not limited to parks, greenbelts, common areas and private leased lots, is generally heavily vegetated and surrounded by significant forestland and natural vegetation including grass and brush covered land; and

WHEREAS, Title 70 RCW addresses public health and safety, Chapter 70.77 RCW addresses fireworks and use of fireworks as such use pertains to public safety, and RCW 70.77.495 provides that it is generally unlawful for any person to set off fireworks of any kind in forest, fallows, grass or brush covered land either on his own land or the property of another during the time period designated therein; and

WHEREAS, the LCMC Board has determined that in light of the significant forestland and naturally vegetated areas that comprise the lands under LCMC's jurisdiction, and in light of the fact that individuals are frequently concentrated in high numbers in the common areas and privately leased platted areas, concerns regarding public safety and fire prevention weigh in favor of prohibiting all use of any fireworks at any time whatsoever, on any lands under LCMC's jurisdiction;

NOW, THEREFORE, BE IT RESOLVED that the use, lighting or activation of any item properly characterized as a "firework" as defined in this resolution is prohibited at all times, by all persons or entities, upon, above or below any lands under LCMC's jurisdiction, including but not limited to parks, greenbelts, common areas and private leased lots. Lessees of record shall be fully responsible for the actions of their guests and/or renters. Lessees of record and their guests and/or renters shall be jointly and severally liable for all resulting damages, including but not limited to costs associated with fire suppression and/or injuries to third parties, and shall be jointly and severally liable for all penalties imposed;

BE IT FURTHER RESOLVED that "firework" shall be defined as any composition or device designed to produce any visual or audible effect by combustion, deflagration, or detonation, which can reasonably be characterized as serving the purpose of entertainment or amusement, including but not limited to those products that satisfy the definition of "consumer fireworks" under RCW 70.77.136, "display fireworks" under RCW 70.77.131, or "articles pyrotechnic" under RCW 70.77.138 as now existing and as amended in the future. This definition/restriction includes a prohibition against fireworks such as but not limited to Sparklers, Snakes, Glow worms Paper caps, trick matches that might be otherwise permitted or authorized under the Mason County Regulations.

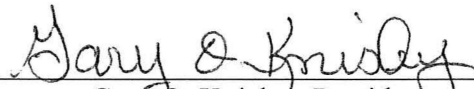
BE IT FURTHER RESOLVED that the fine amount established for any use, lighting or activation of any item properly characterized as a firework shall be One Thousand Dollars (\$1,000), and this amount may be imposed upon the first occurrence with no prior warning or grace period, and subsequent fines may be separately imposed for each subsequent occurrence. The fine amount shall be specified in writing on a ticket issued to the suspected actor, which ticket and fine shall be subject to the standardized procedures for hearing, appeal and related procedures as set forth in LCMC's governing instruments. Further, LCMC may pursue any remedy available under law, including formal action through the courts as appropriate;

BE IT FURTHER RESOLVED that the LCMC Board shall designate appropriate agents and charge such agents with enforcement of the firework prohibition, including but not limited to action to obtain proof of identification of the actor, action to photograph the suspected actor and scene, action to document details regarding the date, time and location of the occurrence, action to ensure that the suspected actor is personally and timely served with the associated ticket, and action to involve the Mason County Sheriff or other law enforcement as appropriate to enable successful enforcement of the firework prohibition;

BE IT FURTHER RESOLVED that notice of this resolution and associated fine schedule shall be furnished to the LCMC membership through method(s) generally utilized to provide uniform notice to the membership;


BE IT FURTHER RESOLVED that this firework prohibition shall be incorporated into LCMC's policies and procedures.

APPROVED AND ADOPTED by the Board of Directors of Lake Cushman Maintenance Company this 9th day of April, 2011.




Gary D. Knisley, President

ATTEST:



Bob Grandaw, Secretary



Terry Brazil, Vice President