

## PARKING VIOLATION ENFORCEMENT PROCEDURES

Dated: November 10, 2020

To ensure the safety of vehicle and pedestrian traffic within the development, the Board of Directors adopts the following rules to ensure uniform and consistent parking enforcement.

The property owner of record is responsible for all violations associated with a specific address. Owners are responsible to explain parking restrictions of the development to their tenants and guests.

All fees and fines will be assessed to the property owner. All fees and fines are cumulative to the property owner of each residence address for a period beginning July 1 and ending on June 30 of the next calendar year. All violation counts reset to zero at 12:01 AM on July 1 of each year "Annual Enforcement Period"); provided that such reset shall not prevent the HOA from continuing to take enforcement actions as to any violations during the previous Annual Enforcement Period.

- 1.) One violation involves one vehicle at one address in a 24-hour period. In the event the same vehicle is parked in violation of the governing documents for consecutive days, there shall be a violation for each such day.
- 2.) A second violation in the same 24-hour period may be imposed if it involves a separate vehicle.
- 3.) If more than one vehicle is parked in violation of the adopted parking rules at a single residence, each vehicle will be considered a separate violation on the same date, and a fine and notification fee will be imposed for each vehicle at the same rate commensurate with the violation level. For example two cars parked on the same date at the same residence in violation of the parking rules shall constitute two violations and a third violation at that residence will result in the imposition of fines of \$50 per vehicle and notification fees of \$15 per vehicle.
- 4.) The HOA will use its best efforts to document each violation with photographic evidence that shows the automobile and the house number. Photographic evidence may be multiple photos. License plate numbers of the vehicle may be included, but are not necessary, unless multiple violations at a single address involving multiple vehicles at separate times of the day are documented in a single day.
- 5.) A violation of the parking rules means a violation of the parking rules as adopted by the board of directors on November 10, 2020 as amended from time to time. The imposition of fines and fees does not preclude the removal of the vehicle. An owner may be fined for the violation and the vehicle may still be subject to removal.
- 6.) Any resident that interferes with or harasses any person engaged in documenting a parking violation will be subject to legal process.
- 7.) The HOA or its contractors are responsible for sending violation notices to the property owner at the last known address of record for the property owner.
- 8.) The property owner is responsible for maintaining their address of record current with the HOA.
- 9.) The HOA is not responsible for the property owner's non-receipt or non-response to any notifications due to errors of the USPS or the property owner's unavailability.
- 10.) A second, third, fourth and subsequent violation may occur during the initial notification process and an owner will be responsible for all fines and fees imposed even if they have not yet received the initial notice or any subsequent notices.
- 11.) First documented violation per Annual Enforcement Period:
  - a. A courtesy notice will be placed on the vehicle or residence door.
  - b. No fine imposed or fee imposed.

- c. A courtesy notification will be mailed to the property owner’s address of record by USPS.
- 12.) Second documented violation per Annual Enforcement Period:
- a. A notice of the violation will be placed on the vehicle or residence door.
  - b. A fine will be imposed to the property owner in the amount of \$25 and a notification fee of \$15 will also be imposed.
  - c. A notification will be mailed to the property owner’s address of record by USPS.
- 13.) Third documented violation per Annual Enforcement Period:
- a. A notice of the violation may be placed on the vehicle or residence door.
  - b. A fine will be imposed to the property owner in the amount of \$50 and a notification fee of \$15 will also be imposed.
  - c. A notification will be mailed to the property owner’s address of record by USPS.
- 14.) Fourth and any subsequent documented violations per Annual Enforcement Period:
- a. A notice of violation may be placed on the vehicle or residence door.
  - b. A fine will be imposed to the property owner in the amount of \$100 and a notification fee of \$15 will also be imposed.
  - c. A notification will be mailed to the property owner’s address of record by USPS.

**PARKING VIOLATION FINE AND FEES SCHEDULE**  
 Violations are cumulative to each residence address  
 July 1 to June 30 of next calendar year

	<b>Fine</b>	<b>Fee</b>	<b>Notification</b>
First Violation	\$0.00	\$0.00	Courtesy Notification to Owner and on vehicle
Second Violation	\$25.00	\$15.00	Notification to Owner and on vehicle
Third Violation	\$50.00	\$15.00	Notification to Owner
Fourth Violation	\$100.00	\$15.00	Notification to Owner
Subsequent Violations	\$100.00	\$15.00	Notification to Owner

**VIOLATION AND FINE NOTICES:**

The violation and fine notices shall include the following information:

- The provision of the governing documents that has been violated;
- The date of the violation or the date the violation was observed;
- The first and last name of the person or persons who observed the violation;
- The date the courtesy notice was sent to the owner;
- A statement notifying the Owner of the Owner’s “RIGHT OF APPEAL” to appeal the Board’s decision that a violation has occurred and the manner in which such appeal must be requested or it will be deemed waived;
- If applicable, any requirements or special instructions for compliance;

- A statement informing the owner of the HOA's right to seek legal and/or equitable action to collect the fine and/or to remedy the noticed violation of the HOA governing documents; and
- The right of the lot owner to petition for an administrative hearing on the violation in the Arizona Department of Real Estate pursuant to Arizona Revised Statutes § 32-2199.01.

The violation and fine notice will be mailed certified mail, return receipt requested, and first class mail.

**APPEAL PROCESS:**

Any owner who has received a violation and fine notice shall have the opportunity to appear before the Board to appeal the Board's decision that a violation exists. Such appeal right shall be deemed waived if not timely exercised by the Owner. The appeal process shall be as follows:

- Within ten (10) calendar days following the date of the violation and fine notice, the owner may appeal the violation decision in writing to the Board and request a hearing on the matter. If the written hearing request is not received within such ten (10) day period, the owner's right of appeal shall terminate as of the end of the tenth day.
- The owner shall have the right to appear at the hearing in person or by a representative and to present pertinent information supporting the existence of extenuating circumstances which require deviation from enforcement of the provisions of the governing documents.
- An owner who timely exercises his or her appeal right shall be provided a written notice of the time, date and place of scheduled appeal hearing which shall be conducted in an Executive Session meeting of the Board. In the event the owner fails to appear in person or by representative at such scheduled hearing, his or her appeal right shall be deemed waived.
- After completion of the appeal hearing, the Board will excuse the Owner and, subject to the provisions of Arizona Revised Statutes § 33-1804(A)(5), will make its decision in Executive Session. The owner will be informed in writing of such decision within ten (10) calendar days from the date of the appeal hearing.
- All decisions of the Board as to an appeal hearing are final and may not be appealed.

**FINES:**

- A fine may be assessed in accordance with the then effective Fine Schedule for an uncorrected violation of the governing documents of the HOA.
- At any time, the Board may exercise the option to pursue corrective action through legal means. All costs of legal action will be billed to the Owner and collected in the same manner as the assessments.

**GENERAL:**

These parking enforcement procedures are intended as a guideline for the HOA. Excepting only the amounts set forth in the Fine and Fees Schedule as to any particular violation by an owner, the Board retains the right to vary the enforcement process when it in its sole discretion determines that any such variance is appropriate. The Board further retains the right to amend or replace all or any portion of these enforcement procedures. The assessment of fines by the HOA does not relieve the owner from the obligation to correct the violations or comply with HOA governing documents. These enforcement procedures and the remedies set forth herein do not constitute an election of remedies by the HOA which reserves all such remedies available at law and in equity. The HOA shall have the right to enforce the HOA governing documents through any other remedies available to the HOA concurrently with the enforcement procedures set forth herein.