



## Woodland Park Improvement Association, Inc. VIOLATION ENFORCEMENT POLICY

*Woodland Park Improvement Association, Inc. has established the following as a Violation Enforcement Policy for the Covenants, Conditions and Restrictions (CC&R's) and Architectural Design Guidelines, which were adopted by the Board of Directors on January 27, 2021. This policy will be deemed part of the Associations' rules and is subject to amendment or modification at any time by a majority vote of the Board of Directors.*

*This Violation Enforcement Policy is adopted in accordance with the Arizona Planned Communities Act, Arizona Revised Statutes, Title 33, Chapter 16, Section 33-1803 and the provisions of the CC&R's, By-Laws and Architectural Design Guidelines and other project documents, as currently in force and effect at the time of the violation occurrence.*

### **Violation Classifications**

**Type A:** Type A Violations shall include all violations EXCEPT those involving a car, service truck, SUV, camper, RV, trailer, flatbed, boat, bus, motorcycle, motorized scooter/bicycle or any other type of motorized or non-motorized vehicle.

**Type B:** Type B Violations shall include all violations INVOLVING a car, service truck, SUV, camper, RV, trailer, flatbed, boat, bus, motorcycle, motorized scooter/bicycle or any other type of motorized or non-motorized vehicle.

**Type C:** Type C Violations shall include ALL violations resulting from a change to the premises not in accordance with the CC&R's and/or Architectural Design Guidelines, without obtaining HOA approval prior to the commencement of work.

### **Type A Violations**

**First Notice:** A letter will be sent to the Owner of the property outlining the violation. The Owner will be given fourteen (14) calendar days from the date of the First Notice to bring the violation into compliance. The First Notice will not carry a monetary fine but, will advise that monetary fines will be assessed if the violation is not corrected within the compliance period, or if the violation reoccurs within the three (3) months following the First Notice.

**Second Notice and Assessment of Initial Monetary Fine:** The Second Notice and Initial Monetary Fine will be issued if the violation was not corrected within the compliance period, or if the violation reoccurs within the three (3) months following the First Notice. The Association will assess a monetary fine of fifty (\$50) dollars at the time of the Second Notice. The Owner will be given fourteen (14) calendar days from the date of the Second Notice to bring the violation into compliance.

**Third Notice and Assessment of Additional Monetary Fine:** The Third Notice and Additional Monetary Fine will be issued if the violation was not corrected within the compliance period, or if the violation reoccurs within the three (3) months following the Second Notice. The Association will assess an additional monetary fine of one-hundred (\$100) dollars at the time of the Third Notice. The Owner will be given fourteen (14) calendar days from the date of the Third Notice to bring the violation into compliance.

**Type A Additional Notices and Monetary Fines:** If the violation was not corrected within the compliance period provided by the Third Notice, or if the violation reoccurs within the three (3) months following the Third Notice, the Association will assess an additional monetary fine of twenty-five (\$25) dollars per each calendar day the violation is not corrected or reoccurs, commencing fifteen (15) calendar days from the date of the Third Notice. This per diem fine will continue to accrue until the violation is corrected.

### **Type B Violations**

**First Notice:** A letter will be sent to the Owner of the property outlining the violation. The Owner will be given fourteen (14) calendar days from the date of the First Notice to bring the violation into compliance. The First Notice will not carry a monetary fine but, will advise that monetary fines will be assessed if the violation is not corrected within the compliance period, or if the violation reoccurs within the fifteen (15) months following the First Notice.

**Second Notice and Assessment of Initial Monetary Fine:** The Second Notice and Initial Monetary Fine will be issued if the violation was not corrected within the compliance period, or if the violation reoccurs within the fifteen (15) months following the First Notice. The Association will assess a monetary fine of two-hundred fifty (\$250) dollars at the time of the Second Notice. The Owner will be given three (3) calendar days from the date of the Second Notice to bring the violation into compliance.

**Third Notice and Assessment of Additional Monetary Fine:** The Third Notice and Additional Monetary Fine will be issued if the violation was not corrected within the compliance period, or if the violation reoccurs within the fifteen (15) months following the Second Notice. The Association will assess an additional monetary fine of five-hundred (\$500) dollars at the time of the Third Notice. The Owner will be given three (3) calendar days from the date of the Third Notice to bring the violation into compliance.

**Type B Additional Notices and Monetary Fines:** If the violation was not corrected within the compliance period provided by the Third Notice, or if the violation reoccurs within the fifteen (15) months following the Third Notice, the Association will assess an additional monetary fine of one-hundred (\$100) dollars per each calendar day the violation is not corrected or reoccurs, commencing four (4) calendar days from the date of the Third Notice. This per diem fine will continue to accrue until the violation is corrected.

### **Type C Violations**

**Notice and Immediate Monetary Fine:** Shall any Owner commence or complete a change for which approval is required as per the CC&R's and/or Architectural Design Guidelines, without obtaining HOA approval via the Architectural Review process, a monetary penalty of two-hundred sixty-five (265) dollars, which is comprised of a monetary penalty of two-hundred fifty (250) dollars plus a certified mailing fee of fifteen (15) dollars, will be assessed. Upon subsequent inspections if the Owner has not corrected or removed the violation, or if the violation is repeated or has returned, additional Type C Violation penalties may be assessed. Inspections will be conducted to coincide with the terms of the notices.

### **Notifications and Certified Mailing Fee** (applies to all violations)

All Notices will be sent to the Owner via the United States Postal Service (USPS) Certified Mail with return receipt service. In addition, if the Owner has provided an E-mail address to the Association, a copy of all Notices will be sent to the Owner via the provided E-mail address. If the Owner does not occupy the property, a copy of all Notices will also be sent to the property address via USPS regular mail.

In addition to monetary penalties, there will be a fifteen (\$15) dollar certified mailing fee assessed to the Owner per each Notice sent as a result of this Violation and Enforcement Policy.

### **Exception to Notice Procedure**

Violations posing a threat to the health, safety, and welfare of the community as a whole or any one or more other Owners may require immediate action and thus create exceptions to the foregoing notice provisions. Examples of health, safety, and welfare violations include, but are not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers' lines of vision.

### **Right of Self Help**

The Association has the right (but not the obligation) to enter the Owner's property and to provide all services, maintenance and/or repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association.

### **Opportunity to be Heard**

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CC&R's, By-Laws or the Architectural Design Guidelines or other project documents, particularly if the violation results in an assessment. Before any fine is assessed, an Owner has the opportunity to request a hearing before the Board of Directors.

The Owner must provide a timely written request for a hearing before the Board of Directors. If a hearing is scheduled, the Owner may personally appear and present his/her case to the Board of Directors. The Owner is bound by the decision of a majority of the Board of Directors. Only a single hearing before the Board of Directors is allowed per violation, unless the nature of the violation is deemed changed by the Association.

DocuSigned by:

*Kristen White*

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Woodland Park, Board of Directors' President

1/29/2021

Date