

VENU AT GRAYHAWK CONDOMINIUM ASSOCIATION PET VIOLATION AND ENFORCEMENT POLICY

The Board of Directors, at a duly called and noticed meeting held on 1/18/22, 2022 for Venu at Grayhawk Condominium Association, an Arizona non-profit corporation (the "Association") at which a quorum was achieved pursuant to A.R.S. § 10-3824, hereby adopted the following resolution:

WHEREAS, the Association is an Arizona non-profit corporation comprised of Owners of real property located therein, and is governed by the Condominium Declaration for Venu at Grayhawk Condominium and any amendments thereto ("Declaration"), the Bylaws of Venu at Grayhawk Condominium Association ("Bylaws") and any amendments thereto. (The Declaration and Bylaws are collectively referred to as "Governing Documents").

WHEREAS, Article 4, Section 4.5 of the Declaration requires any person bringing pets onto the Common Elements to immediately remove any feces deposited on the Common Elements by the pet.

WHEREAS, Article 4, Section 4.6 of the Declaration prohibits Owners, Lessees or Occupants from permitting any condition to exist upon the Condominium that induces, breeds or harbors diseases and insects.

WHEREAS, Article 4, Section 4.5 of the Declaration requires all Owners, Lessees or Occupants to keep pets on a leash and under control when outside a Unit.

WHEREAS, the Board of Directors of the Association has determined that it is a violation fo the Declaration if an Owner or resident:

1. Fails to immediately pick up and dispose of his or her pet's droppings as it creates a condition that promotes the breeding or harboring of diseases and insects, attracts pests, and is a violation of the Governing Documents.
2. Fails to maintain his or her pet on a leash at all times while in the commons spaces as it creates an unsafe condition for other residents within the Condominium, and is a violation of the Governing Documents.
3. Allows a pet's barking or howling to become excessive and create a nuisance within the Condominium.

NOW THEREFORE, IT IS RESOLVED that the following Fine and Enforcement Policy for Venu at Grayhawk Condominium Association is hereby implemented:

The Board of Directors intends to impose monetary penalties as authorized by Article 13, Section 13.1 of the Declaration. The Board of Directors, when imposing monetary penalties reserves the right to enforce the community's restrictions in any other legal manner. The following fine schedule is intended to be a guide only and is not intended to create any rights or obligations. The Board of Directors reserves the right to accrue the fine daily until the violation is cured and to impose fines in amounts in excess of those set forth in the fine schedule.

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FIRST NOTICE:

An initial notice of the violation shall be mailed to the Owner requesting compliance and granting the Owner ten (10) days to appeal the fine as set forth below. **A \$100.00 fine will be assessed if the Owner fails to appeal the fine.**

SECOND NOTICE:

If a violation reoccurs within six (6) months after the date of the first notice, a second notice requesting compliance shall be mailed to the homeowner. A **\$250.00 FINE** will be assessed and due immediately with the second notice. If an appeal from the homeowner is received within ten (10) days of the second notice, further notices will be suspended until such time as the board has acted and notified the homeowner of the decision of the appeal.

THIRD NOTICE:

If the violation reoccurs within six (6) months after the date of the second notice, a third notice requesting compliance shall be mailed to the homeowner. A **\$400.00 FINE** will be assessed and due immediately with the third notice. If an appeal from the homeowner is received within ten (10) days of the third notice, further notices will be suspended until such time as the board has acted and notified the homeowner of the decision of the appeal.

CONTINUING VIOLATIONS:

If a violation reoccurs within six (6) months after the date of the third or subsequent notice, a **\$400.00 FINE** will be assessed and due immediately. Additionally, the homeowner account may be sent to the Association's law firm for further action.

FINES:

No fine shall be imposed without the Association first providing one (1) written warning to the Owner describing the violation and stating that the failure to correct the violation within no less than ten (10) days or ***another recurrence of the same violation within six (6) months*** of the last instance of the same violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Article 7, Section 7.7 of the Declaration to the extent permitted by law.

INJUNCTIVE RELIEF: If a violation is not cured after the Third Notice, the Board of Directors may request that Association's attorney file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine Schedule limits the Board of Directors right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion.

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BOARD DISCRETION: Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount up to \$500 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that cause detriment or damage to any Association or other Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

The fines set forth in this Fine Schedule shall be considered to constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community.

The Board of Directors also reserves the right to deviate from the fine amounts set forth herein if, after a hearing on the matter, the Board finds good cause to decrease the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Fine Schedule.

APPEAL PROCESS

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL".
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC&Rs and/or guidelines.
- Appeal shall include all pertinent backup information to support the existence of the extenuating circumstance.
- All decisions of the Board of Directors are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board of Directors and shall be considered DENIED.
- The Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.

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- Lengthy discussions are not a part of an appeal process.
- The Owner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board of Directors will make their decision in closed session. Written Notice of the Board's decision will be delivered to the Owner within seven (7) working days.

A majority of the Board of Directors approved the above Resolution implementing the Fine and Enforcement Policy for Venu at Grayhawk Condominium Association on this 18th day of January, 2022

venu AT GRAYHAWK CONDOMINIUM ASSOCIATION, Inc., an Arizona non-profit corporation.

By: 

Name: Steve Wexler
Its: President