

## Definitions, Inspection & Enforcement

### Definitions

**Infraction:** Failure to comply with the CC&Rs, The Bylaws, the Rules and Regulations and the Architectural and Landscaping Guidelines and any other guidelines adopted by the Board of Directors and as outlined by the Association. In the case of an infraction, the board will offer up to two (2) reminders to correct the problem, at which point, if the owner has not corrected the infraction, the situation will be brought before a hearing committee, where a further level of enforcement action may be taken.

**Non-Compliance or Violation:** A situation that has progressed to the point that the Board believes an imposition of fines may be required to obtain corrective action. A violation may be deemed as repetitive if the noncompliance is continuing, and the issue has not been resolved between the homeowner and the Board. This could result in continued fines until a resolution has been reached.

### Inspection Process

Front yards and common area inspections will be held monthly by the Management Company. If upon inspection, or as a result of a legitimate complaint filed in writing by a Las Palomitas Association resident, a member is in noncompliance with the Covenants, Conditions and Restrictions (CC&Rs), Rules, or other governing document, the homeowner will be notified. All infractions and violations will be recorded by the authorized inspector and kept on file following the inspection.

### Enforcement Process

When an infraction of the CC&Rs, Bylaws, Rules and Regulations, or Architectural and Landscape Guidelines has been observed by the management company or submitted in writing by a Las Palomitas Association resident, the homeowner will be notified by letter as a "**Friendly Reminder**" to comply.

**Notice of Violation:** If the violation or non-compliance continues **(21) twenty one** calendar days beyond the date the "Friendly Reminder" is sent or if the same rule or provision of the Governing Documents is subsequently violated within 90 days of its resolution, a written "Notice of Violation / Non-Compliance, together with a request to Cease and Desist from the "repeated" violation shall be sent to the owner of the Lot (and property manager, if applicable). The letter will contain information required by AZ Revised statutes. The homeowner is responsible to take corrective action within **(21) twenty one** calendar days, unless (depending on the infraction) immediate correction action is to be taken as determined by the board. **However, parking violations are to be corrected immediately.**

If corrective action is not taken within **(21) twenty one** calendar days of the date of the "Friendly Reminder" or the same infraction is noted on a second inspection, the homeowner will be sent a letter entitled "2nd Reminder" by the managing agent advising him/her that the Board of Directors is requesting the infraction be corrected within fifteen (15) days. In order to officially document that the infraction will be or has been corrected, the homeowner shall contact the managing agent with an action plan stating when the infraction will be corrected or that the infraction has since been corrected.

If corrective action is not taken within fifteen (15) days of a "Notice of Violation and Hearing" will be sent by certified mail, return receipt requested, to the homeowner (and or property manager) by the

managing agent. This notice will contain the following information:

The nature of the alleged violation(s);

The date(s) on which the violation(s) was/were observed;

The time and place of the hearing, which shall not be less than seven (7) days from the date of the notice;

An invitation to attend the hearing and produce any statement, evidence, and/or witness on his or her behalf; and

The possible sanctions to be imposed shall be a \$100 fine.

At the hearing the homeowner will be given reasonable time to make a statement, and present evidence or a witness on his/her behalf. The Board of Directors will deliberate and may or may not impose a fine. The board may also take action to correct the violation and bill the homeowner for the cost of remediation. If you feel the issue cannot be resolved through the Enforcement and Hearing Procedure, you have the opportunity to file a petition for an administrative hearing through the AZ Dept of Real Estate. To find out more about applicable fees and procedures visit **[www.azre.gov](http://www.azre.gov)**

If the homeowner or the homeowner's designated representative fail to appear before the Board, the board may impose a fine *in absentia*. The fine assessed will be assessed each day the violation has not been corrected.

Once a fine has been imposed the homeowner will be sent notification and given fifteen (15) days to pay the fine. If the fine is not paid, the Board may authorize legal action, and the homeowner will be responsible for all attorney fees and costs.

Violations remedied after a penalty fine has been assessed, does not cancel the fine.

#### **Parking Enforcement & Parking Fine Schedule:**

If a car is registered to a LPAL resident and is parked on the driveway, on the street, in a guest parking area or in the fire lane (this applies to any car registered to same household):

- They will be sent an email as a friendly reminder of the parking rules and requested to immediately have their car moved. A notice of the parking violation will be posted on the windshield of the vehicle.
- If the same owner is notified of a 2<sup>nd</sup> parking violation, they will be tagged with a 24 hour towing notice. If the car is not moved within 24 hours of the notice it will be towed.
- If the same owner is notified of a 3<sup>rd</sup> or additional violation, the car will be towed and a fine of \$100 will be levied to the owner for the 3<sup>rd</sup> and for each additional violation.

#### **Fine Schedule**

Board imposed fine: \$100 may be imposed after scheduled hearing. \$100 will be assessed for each 30 days the violation has not been remedied.

When the fines reach \$500.00, the debt will be turned over to a collection agency.

These Rules and Regulations of the Las Palomitas Association were voted on and passed by the Board of Directors on this 11<sup>th</sup> day of October, 2016 and supersede all previous Rules, Resolutions and Policies. These Rules are in addition to and consistent with the Master Association CC&Rs, Declaration, the Articles of Incorporation, and the Bylaws of the Association.