

Cactus Park Estates

PO Box 5720 • Mesa, AZ 85211-5720
Phone: (480) 649-2017 • Fax: (480) 649-0902
www.gothoa.com

***REVISED Parking Violation and Enforcement Policy**

March 28, 2014

Dear Cactus Park Estates Residents,

The Board of Directors has reviewed the impact that the Parking Violation and Enforcement Policy has had in the community since its effective date in October 2013. While there has been a significant decrease in the number of vehicles parking on the street, there are still a few problem areas that require further enforcement. Based on their review, the Board unanimously adopted the following **REVISED PARKING VIOLATION AND ENFORCEMENT POLICY** at the February 20, 2014 Open Board Meeting. **The REVISED Policy is effective April 1, 2014.**

Please make sure that all residents in your household & frequent guests, who may park a vehicle within the Cactus Park Estates boundaries, are familiar with the rules and enforcement identified in the Policy.

These are the noteworthy changes that you need to be aware of:

- "habitually parked on" is now defined as any vehicle associated with a single Lot parked on the street in excess of 2 occurrences in a 5 day period or 4 occurrences in a 30 day period.
- The time frame of the fine schedule has been shortened (page 3 of the policy).

Arizona Parking Solutions is continuing to conduct the parking inspections twice per week. In addition to the parking inspections, if you notice a parking violation you may report it to Preferred Communities. To report a parking violation you may send an email to korin@gothoa.com or file an online report at <http://www.gothoa.com/violation.php>.

When reporting a parking violation, the violation must:

1. be filed in writing,
2. include the address of where the violation occurred,
3. include the description & license plate of the vehicle in violation, and
4. include the name & address of the person reporting the violation

If any resident has an issue with this Parking Violation and Enforcement Policy, the Board invites you to attend a Board Meeting to discuss the policy. The Board of Directors has the obligation to enforce the Governing Documents as written, as long as they do not conflict with AZ State Law. Per the Arizona State Legislatures in 2013, existing Homeowners Associations (formed prior to 2014) have the right to enforce parking restrictions on public streets within the community boundaries.

The Board of Directors thanks you in advance for parking your vehicles appropriately and helping to make the streets in Cactus Park Estates safer! If you have questions regarding this notice, please contact Preferred Communities at (480) 649-2017 or by email at info@gothoa.com.

Sincerely,

Preferred Communities
On Behalf Of the Cactus Park Estates Board of Directors

When recorded mail to:

Cactus Park Estates Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

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CAPTION HEADING:

*REVISED PARKING VIOLATION
AND ENFORCEMENT RESOLUTION
APRIL 1, 2014

DO NOT REMOVE

This is part of the official document.

CACTUS PARK ESTATES HOMEOWNERS ASSOCIATION RESOLUTION BY THE BOARD OF DIRECTORS

PARKING VIOLATION AND ENFORCEMENT POLICY

Effective April 1, 2014

Pursuant to the authority contained in the Arizona Revised Statutes and Article 5, Section 5.3 of the Declaration, the Board of Directors of the Cactus Park Estates Homeowners Association Inc. hereby adopts the following resolution by unanimous consent for and as the actions of the Cactus Park Estates Homeowners, as of the date set forth above:

On the 20th day of February 2014, at a meeting of the Board of Directors of Cactus Park Estates Homeowners Association, whereby a quorum of the members of the Board were present in person, a majority of the members of the Board

RESOLVED, to adopt the following:

Parking Violation and Enforcement policy which includes the inspection schedule, enforcement rules, fine schedule and Appeal process for parking violations of the CC&R's and Rules and Regulations as may be adopted or modified from time to time by the Board of Directors for the Cactus Park Estates Homeowners Association.

The scope and intent of this resolution is to apply uniformly to all members, residents and guests of the Cactus Park Estates Homeowners Association.

WHEREAS pursuant to Article 4, Section 4.20 of the Declaration,

Trucks, Trailers, Campers and Boats. No motor vehicle classed by the manufacturer as having a payload capacity of $\frac{3}{4}$ -ton or more, mobile home, motor home, trailer, camper shell, detached camper, boat, boat trailer, hang glider, ultra lights or other similar equipment may be parked or stored on any area in the Project so as to be Visible From Neighboring Property, Common Area or street; provided, however, this provision shall not apply to (i) sport utility vehicles, pickup trucks of less than $\frac{3}{4}$ -ton payload capacity with camper shells not exceeding seven (7) feet in height measured from ground level, and mini-motor homes not exceeding seven (7) feet in height and eighteen (18) feet in length all of which are parked as provided in Section 4.22 below and are used on a regular and recurring basis for basic transportation, (ii) trucks, trailers and campers parked in a recreational vehicle storage area within a residential area or other areas designated for such parking; provided, however, that all such parking areas have been approved by the Board or Declarant; or (iii) temporary construction shelters or facilities maintained during, and used exclusively in connection with the construction of any improvement approved by the Architectural Committee.

WHEREAS pursuant to Article 4, Section 4.21 of the Declaration,

Motor Vehicles. No motor vehicle of any kind shall be constructed, reconstructed or repaired upon any Lot, street or other area in the Project, and no inoperable vehicle may be stored or parked so as to be Visible From Neighboring Property or to be visible from Common

Areas or streets; provided, however, that this provision shall not apply to (1) emergency vehicle repairs, and (ii) the parking of motor vehicles in garages or other parking areas in the Project designated or approved by the Declarant or the Boards so long as such vehicles are in good operating condition and appearance and are not under repair.

WHEREAS pursuant to Article 4, Section 4.22 of the Declaration,

Parking. Vehicles of all Owners and Residents, and of their employees, guests and invitees, are to be kept in garages or other parking areas designated or approved by the Declarant or the Board, provided, however, the foregoing shall not be construed to permit the parking or storing in the above described areas of any vehicle whose parking or storage in the Project is otherwise prohibited herein. The Association Rules may permit temporary parking on streets or other Project areas for public or private social events or other permitted activities.

WHEREAS the Board of Directors recognizes the need for Rules and Regulations to ensure safety and enforcement relating to the operation and parking of any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreation vehicle, boat, boat trailer or similar equipment or vehicle or any automobile, motorcycle, motorbike, or other motor vehicles on the streets within Cactus Park Estates,

WHEREAS the Board of Directors desires to have a more detailed rule and set of regulations and enforcement of parking violations;

THEREFORE, BE IT RESOLVED that the Board of Directors of the Cactus Park Estates Homeowners Association, hereby approves and adopts the following PARKING VIOLATION AND ENFORCEMENT POLICY for any parking violations of the CC&R's, Association Rules and the following parking policy;

PARKING VIOLATION AND ENFORCEMENT POLICY

A. Street Parking

- a. Any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer or similar equipment OR vehicle or any automobile, motorcycle, motorbike, or other motor vehicle parked on any street right-of-way for more than twenty-four consecutive hours ***or that habitually park on*** any street right-of-way, common area and/or other streets within the Association may be subject to the Street parking violation enforcement and fine schedule.
 - i. ***“habitually parked on”*** shall be defined as: any vehicles associated with a single Lot parked on any street right-of-way, common area and/or other streets within the Association, in excess of two (2) occurrences in a five (5) day rolling period, or four (4) occurrences in a thirty (30) day rolling period.

B. Parking on Owner's Lots

1. **Recreational Vehicles on Driveways:** Any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer or similar equipment on the driveway of any LOT in excess of 48 hours within a 7 day period may be subject to the parking violation enforcement and fine schedule.
2. **Parking on unapproved surfaces:** Any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer or similar equipment AND/OR any vehicles or any automobile, motorcycle, motorbike, or other motor vehicles parked on any unapproved surfaces of the LOT (i.e. landscaping, rocks, sidewalks, etc.) may be subject to the parking violation enforcement and fine schedule.
3. **Parking in backyard:** Any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer or similar equipment AND/OR any vehicles or any automobile, motorcycle, motorbike, or other motor vehicles parked in the backyard where it visible from neighboring Lots, common area or streets, may be subject to the parking violation enforcement and fine schedule.
4. **Inoperable Vehicles:** Any vehicles or any automobile, motorcycle, motorbike, or other motor vehicles parked on a driveway of a LOT, which does not have a legal license plate or current registration, or appears to be inoperable in any way (i.e. in disrepair, flat tire, tarp over the top) may be subject to the parking violation enforcement and fine schedule.

C. Notice of Violation AND Fine/Enforcement Schedule.

If the Association shall view any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreation vehicle, boat, boat trailer or similar equipment or vehicle or any automobile, motorcycle, motorbike, or other motor vehicle or any Owner of any Owner or invitee, licensee, or lessee of such Owner in violation of the Declaration, and/or Association Rules and this Policy:

1. **Initial notice:** a letter shall be mailed to the Property Owner when parking violations have been identified on 2 separate occurrences within the rolling 30 day period, and will contain the following information: date and description of the parking violation, notice that monetary fines will be imposed on the 4th occurrence of non-compliance, and the steps to follow if the Owner wants to contest the notice (per A.R.S. 33-1803) and that the owner may request a hearing pursuant to A.R.S. 41-2198.01, subsection B.
 - a. The Owner may provide the association with a written response by certified mail within ten business days after the date of the notice.
 - b. If the Association receives a written response by certified mail within ten

business days after the date of the initial notice of the violation, the Association shall respond to the Owner within ten business day of receipt of the certified mail, with a written explanation regarding the notice which shall provide at least the following information:

- i. The provision of the Association's documents in violation
- ii. The date the violation was observed
- iii. The first and last name of the person or persons who observed the violation.

Note: If the Association does not receive a written response by certified mail from the Owner within ten business days after the date of the initial notice of the violation and/or the violation is not cured within fifteen days from the date of the first notice, or 10 days after the association responds to the Owner's certified letter (as described in subsection C.1.b. above), the Association may proceed with the following Fines and Enforcement.

2. **Second Notice:** a letter shall be mailed to the Property Owner on the 4th separate parking violation occurrence within the rolling 30 day period and will state that a fine in the amount of **\$25.00** has been imposed for continued noncompliance and further noncompliance may result in additional monetary fines and possible legal action. The owner will also be advised of the steps to follow to request a hearing pursuant to A.R.S. 41-2198.01, subsection B.

Note: If the violation is not cured within **5 days**, and the owner has not requested a hearing, the Association may proceed with Fines & Enforcement.

3. **Third notice:** a letter shall be mailed to the Property Owner on the 5^h separate parking violation occurrence within the rolling 30 day period and will state that a fine in the amount of **\$50.00** has been imposed for continued noncompliance and further noncompliance may result in additional monetary fines and possible legal action. The owner will also be advised of the steps to follow to request a hearing pursuant to A.R.S. 41-2198.01, subsection B.

Note: If the violation is not cured within **5 days**, and the owner has not requested a hearing, the Association may proceed with Fines & Enforcement.

4. **Subsequent non-compliance:** Upon board review and approval at an Executive Board Meeting, the Association will seek relief of violations through the Association Attorney and the Court system. All legal costs will be a part of the judgment that is being sought against the Owner.
5. **Collection of Violation Fines & Charges:** If the owner fails to pay any monetary fines imposed, administrative fees and/or legal fees, all costs shall be become due and the personal liability of the owner. The Board of Directors on behalf of the Association may bring an action at law against the owner personally obligated to pay the delinquent amount owed pursuant to the remedies available.

The board of Directors reserves the right to take any action permitted by law or the CC&R's, in addition to the above mentioned fine policy

Procedures:

1. Homeowners will be notified by first class mail of all violations.
2. The homeowner has the right to a hearing before the Board where decisions of the Board are final.
3. Board will direct Management Company, as to waiving or assessing of fines at each hearing or board meeting and for all pending fines and/or legal action with the Association's Attorney.


RESOLVED, that the board shall retain the right to amend or repeal this resolution.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 20th day February 2014.

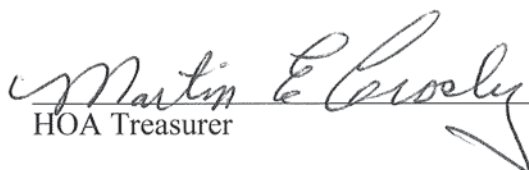
Attest:




HOA President



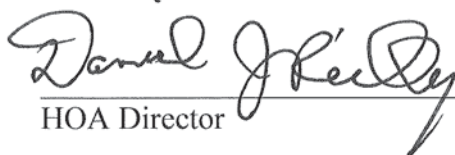
HOA Vice President



HOA Treasurer



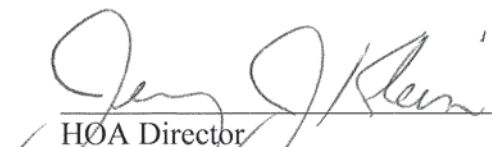
HOA Secretary



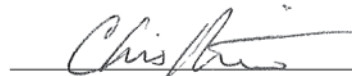
HOA Director



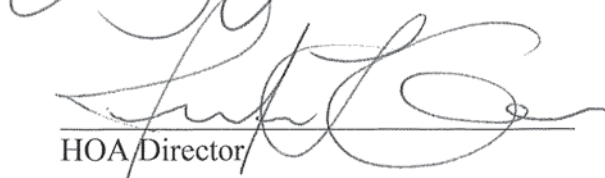
HOA Director



HOA Director



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