

**SUNDIAL WEST IV HOMEONERS ASSOCIATION
RESOLUTION**

AMENDED STREET PARKING VIOLATION AND ENFORCEMENT POLICY

Effective January 1, 2019

RECITALS

WHEREAS, Declarant recorded the Declaration of Homeowner Benefits and Covenants, Conditions, and Restrictions for Sundial West IV with the Maricopa County Recorder on October 31, 2001 at Instrument No. 2001-1027810 (the “Declaration”) to govern the property located within the Association;

WHEREAS, Article 6, Section 6.05 of the Declaration authorizes the Board, by a majority vote of the Board, to adopt and amend reasonable Rules that restricts and governs “the use of any areas by any Owner or the Owner’s Permittees.”

WHEREAS, Article 8, Section 8.24 of the Declaration states,

Each Lot will have at least one garage that will be used the Owner of the Lot only for the parking of Family Vehicles or Commercial or recreational Vehicles, storage purposes, household purposes, and certain types of vehicle repairs and maintenance described in Section 8.25 below. Garages may not be used as sleeping quarters or guest accommodations, but garages may be used for hobbies such as art, woodworking, golf club repair, and similar hobbies that do not involve the permanent conversion of the garage for these activities or the conduct of these hobbies in early morning or late night hours so as to unreasonably disturb any neighboring Lot Owners. The garage door will be maintained by the Owner in good and functioning order and will remain closed except while the garage is in use for cleaning, entry, exit, ventilation during hobby work, and vehicle repairs. No garage may be used for storage or any other use that restricts or prevents the garage from being used for parking or repairing Family Vehicles or approved Commercial of Recreational Vehicles. Additional Family Vehicles that cannot be parked in the garage located on the Lot may be parked in the driveway or in any (approved) Side Yard Parking Area so long as the Family Vehicles are operable and are, in fact, operated from time to time. **Notwithstanding any less restrictive local or municipal codes, ordinances or stipulations, Family Vehicles may be parked in any public or private street within the Project only on a Nonrecurring And temporary Basis, and no other on street parking is permitted**

within the Project."

WHEREAS the Board of Directors recognizes the need for Rules and Regulations to ensure safety and enforcement relating to the operation and parking of motor vehicles on the streets within SUNDIAL WEST IV;

WHEREAS, the Board of Directors desires to have more detailed rules and a set of regulations to govern and enforce against parking violations;

WHEREAS, the Board of Directors has the authority to amend this Policy from time to time, and hereby amends to further clarify the parking restrictions in the community.

THEREFORE, BE IT RESOLVED that the Board of Directors of the SUNDIAL WEST IV Homeowners Association, hereby approves and adopts the following STREET 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. Restrictions against Street Parking

- a. Any 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 not considered a Family Vehicle parked on any street, right-of-way, common area and/or other streets within the Association will be subject to the Street Parking violation Enforcement and Fine Schedule.
- b. Any "Family Vehicle," as defined by Section 1.17 of the CC&R's, parked on any street, right-of- way, common area and/or other streets within the Association for more than twenty-four consecutive hours **and/or on a recurring basis**, will be subject to the Street Parking Violation Enforcement and Fine Schedule.
 - i. **"Recurring Basis"** 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 more than one (1) time in a sixty (60) day period.

B. Notice of Violation and Fine/Enforcement Schedule.

If any Owner parks a Family Vehicle, or 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 in violation of the Declaration, and/or Association Rules and this Policy, or any other resident, tenant, invitee, licensee, or lessee of such Owner parks

any of the foregoing in violation of the Declaration, and/or Association Rules and this Policy, the following enforcement action will be taken by the Association:

1. **Initial notice:** a flyer regarding street parking will be placed on the windshield of any vehicle in violation of the Association's governing documents, and a letter shall be mailed to the Owner which will contain the following information: (1) date and description of the parking violation, (2) notice that monetary fines may be imposed for continued non-compliance, and (3) 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, if not already provided in the initial letter:
 - 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 the given ten day period or 10 days after the association responds to the Owner's certified letter (as described above), the Association may proceed with the following Fines and Enforcement.

2. **Second Notice:** a letter shall be mailed to the Owner stating 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.

3. **Third notice:** a letter shall be mailed to the owner stating a fine in the amount of **\$75.00** 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 continued non-compliance: Upon Board approval, the Association will seek relief of violations through the Association Attorney and the Court system. All fees and 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 and costs shall become due and 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. The Board will direct the 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.

The Board shall retain the right to amend or repeal this Resolution.

I HEREBY CERTIFY that the foregoing is true and correct and the above Resolution was approved at a meeting duly called where a quorum of the Board was present. I further certify that all requirements for this Resolution as set forth in the Recitals was met.

DATED this 13 day of November, 2018.

Sun Dial West IV Homeowners Association

By: Jan Glahn

Its: Secretary