

## **CONTINENTAL COUNTRY CLUB, INC.**

### **Violation Enforcement Policy and Fine Schedule**

The single family subdivisions within Continental Country Club are governed by the Amended and Unified Declaration of Restrictions for Continental County Club, recorded on August 25, 2006 at recording number 3399677, Official Records of Coconino County, Arizona Recorder (the "Declaration").

Per Paragraph 14 of the Declaration, Continental County Club, Inc. ("CCC" or the "Association") is charged with enforcing the provisions of the Declaration and rules and regulations adopted by the Association ("Rules").

CCC's Board of Directors (the "Board") hereby adopts this Violation Enforcement Policy and Fine Schedule ("Policy") to set forth procedures for enforcement of the Declaration and Rules and Regulations.

*The Board intends to follow the procedures set forth herein, but reserves the right, in its sole and absolute discretion, to vary from the procedures set forth herein due to the unique circumstances of individual situations so as to help ensure that only reasonable fines and enforcement measures are used.*

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

#### **ESTABLISHMENT OF VIOLATION AND VIOLATION NOTICES**

1. Courtesy Notice: Upon verification of the existence of a violation, a written Courtesy Notice will be mailed to the Owner providing the specific information regarding the violation and requesting that corrective action be taken within a specific timeframe or that the violation not re-occur.

2. Violation Notices: If the Owner fails to remedy the violation within the timeframe set forth on the Courtesy Notice, or if the violation is initially cured but then recurs again within a period of ninety (90) days from the initial violation, a written Violation Notice shall be mailed to the Owner. The first Violation Notice shall include:

- a. The nature and date the violation was observed.
- b. A date for correction of the violation.
- c. If applicable, the Board's intent to levy a fine against the Owner.
- d. A statement advising the Owner of the opportunity to be heard with respect to the violation and the timeframe (at least ten (10) business days after the Violation Notice was sent) to contact the Association, in writing, to exercise the opportunity to request the hearing.
- e. A statement advising the Owner of the manner in which the Owner may contest the violation.
- f. A statement advising the Owner that the Owner has the right to petition for an administrative hearing on the outstanding violation to the Department of Real Estate.

3. Subsequent Violation Notices: If the violation recurs again within ninety (90) days of the initial violation, subsequent violation notices may be sent to the Owner, containing the information required under Paragraph 2.

## **FINES**

1. Hearing and Waiver of Right to be Heard: If requested within the timeframe prescribed in the notice to the Owner, a hearing will be granted and a reasonable effort will be made to schedule the hearing at a time convenient to both the Board and the Owner. Any of the following shall constitute a waiver of the Owner's right to the hearing:

- a. The Owner does not contact the Association to request a hearing in the timeframe prescribed in the Violation Notice to the Owner;
- b. The Owner does not respond to the Association's reasonable attempts to schedule a hearing;
- c. After a hearing is scheduled, the Owner does not attend the hearing or provide at least forty-eight (48) hours' notice of their inability to attend the hearing.

A fine may be imposed after the hearing or after the Owner waives the right to be heard. If an Owner waives the right to be heard, the Board will make a decision regarding a fine based on the information it has. Any fine imposed may be applied retroactively to the initial date of the violation.

2. Notice and Amount of Fines: The Owner will be given written notice of the amount of any fines imposed and the due date for payment of such fines. The Board intends to impose fines generally in accordance with the attached Fine Schedule for violations listed on this schedule; however, the Board reserves the right to vary from this schedule based on the nature and severity of the offense and the number and history of violations by the Owner. The amount of the fines imposed by the Board shall range from \$10.00 to a maximum of \$500.00 per calendar day.

3. Fines for Continuing and Recurring Violations: Once it has been determined by the Board that the violation is a continuing violation, the Board may impose reasonable continuing fines (such as daily, weekly or monthly fines) while the violation continues, and such continuing fines shall accrue until the Owner notifies the Association that the violation has ceased and the Board confirms that it has ceased. If any violation recurs within a rolling twelve (12) month period from the past violation, it will be considered a continuation of that past violation.

## **REFERRAL TO LEGAL COUNSEL**

Where it is determined to be in the best interest of the Association, the Board may, at any time during the enforcement process, refer the violation to legal counsel for action seeking injunctive relief against the Owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the Association.

## **FINE SCHEDULE**

### **TRASH/RECYCLE RECEPTACLES**

Courtesy Notice – no fine

Violation Notice - \$25 fine per day left out

Continuing Violations - \$50 fine per day left out

### **PARKING AND VEHICLE VIOLATIONS**

Courtesy Notice – no fine

Violation Notice - \$50 fine per day left out

Continuing Violations - \$50 fine per day left out

### **LANDSCAPING VIOLATIONS (INCLUDING WEEDS)**

Courtesy Notice – no fine

Violation Notice - \$25 fine

Continuing Violations - \$50 fine per week

### **FAILING TO PROPERLY MAINTAIN STRUCTURES ON LOT (INCLUDES PAINTING)**

Courtesy Notice – no fine

Violation Notice - \$25 fine

Continuing Violations - \$50 fine per week

### **UNAPPROVED/PROHIBITED ITEMS PLACED/STORED ON LOT**

No Courtesy Notice required

Violation Notice - minimum \$50 fine

Continuing Violations - \$100 fine per week

### **COMMENCING ADDITION OR MODIFICATION TO EXISTING STRUCTURE, OR NEW STRUCTURE WITHOUT ARCHITECTURAL APPROVAL**

No Courtesy Notice required

Violation Notice - minimum \$50 fine

Continuing Violations - \$100 fine per week

### **RENTAL VIOLATION (LESS THAN ALL OF LOT OR NOT AS SINGLE FAMILY RESIDENCE)**

No Courtesy Notice required

Violation Notice – amount being charged as rent, or minimum of \$200 fine per day

Continuing Violations - amount being charged as rent, or minimum of \$200 fine per day

### **TRADE OR BUSINESS VIOLATION**

No Courtesy Notice required

Violation Notice - minimum \$100 fine

Continuing Violations - \$500 fine per day

#### ANIMAL OR ANIMAL-RELATED STRUCTURE VIOLATION – NO INJURIES

Courtesy Notice – no fine

Violation Notice - \$50 fine

Continuing Violations - \$100 fine per day

#### ANIMAL VIOLATION CAUSING INJURIES TO PERSON(S) OR OTHER ANIMAL(S)

First Notice – minimum \$250 fine

Second Notice - minimum \$500 fine

Third Notice – minimum \$750 fine

Fourth Notice - minimum \$1,000 fine

Continuing Violations - \$100 fine per day

#### SIGNAGE VIOLATION

Courtesy Notice – no fine

Violation Notice - \$25 fine

Continuing Violations - \$50 fine per week

#### NUISANCE OR NOISE VIOLATION

No Courtesy Notice required

Violation Notice - \$250 fine

Continuing Violations - additional \$250 fine per occurrence

i.e. (2<sup>nd</sup> occurrence = \$500, 3<sup>rd</sup> occurrence= \$750)

#### FIRE PROTECTION VIOLATION

No Courtesy Notice required

Violation Notice - \$100 fine

Continuing Violations - \$200 fine

#### VIOLATION OF RULES GOVERNING USE OF THE COMMON AREAS

Courtesy Notice – no fine

First Notice - \$25 fine

Second Notice - \$50 fine

Third and Subsequent Notices - \$75 fine

#### VIOLATION OF RULES GOVERNING THE USE OF THE COMMON AREA CAUSING DAMAGE

No Courtesy Notice required

Violation Notice – minimum \$100 fine plus cost of repairing or restoring damage

#### ANTI-HARASSMENT POLICY VIOLATION

No Courtesy Notice required

First Notice - \$100 fine

Second Notice - \$150 fine

Third and Subsequent Notices - \$200 fine