

- Overnight parking in Association parking lots is prohibited unless expressly authorized by the Association.
- Vehicles parked in a manner that blocks traffic, sidewalks, driveways, fire lanes, mailboxes, gates, emergency access routes, or creates a safety hazard is prohibited.

b. Prohibited Vehicles and Conditions

The following are prohibited from being parked on streets, common areas, or Association parking lots:

- Inoperable, abandoned, or disabled vehicles.
- Unregistered vehicles.
- Commercial vehicles, trailers, boats, recreational vehicles, campers, or equipment, except as otherwise permitted by the Governing Documents.

c. Construction Vehicles

- All construction vehicles, trailers, equipment, and materials shall be removed from Association streets and common areas at the conclusion of each workday unless otherwise authorized in writing by the Association.
- Construction vehicles, contractor trailers, and similar equipment may not be parked overnight on any Association street without prior written approval from the Association.
- Owners are responsible for ensuring that their contractors, vendors, tenants, guests, and invitees comply with these requirements.

Construction Hours

- Summer Hours: April 1st - October 31st. Monday through Friday, 6:00 a.m. to 5:00 p.m.
- Winter Hours: November 1st - March 31st. Monday through Friday, 7:00 a.m. to 5:00 p.m.
- No work permitted on Sundays or Association recognized holidays

d. Owner Responsibility

- Owners are responsible for the actions of their renters, residents, family members, guests, contractors, and invitees. Any parking violation committed by a tenant, guest, contractor, or invitee shall be deemed a violation by the Owner.

Enforcement

The Association may enforce these parking restrictions through warnings, violation notices, fines, suspension of privileges, towing, or other remedies authorized by the Governing Documents and applicable law.

The Association may cause a vehicle to be towed without prior notice when:

- The vehicle is parked in a fire lane or emergency access area;
 - The vehicle blocks traffic, access gates, sidewalks, driveways, or emergency services;
 - The vehicle creates an immediate safety hazard; or
 - Towing is otherwise permitted by law.
- ~~All towing, storage, and related charges shall be the sole responsibility of the vehicle owner.~~

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. di (p. 11): Violation and fining procedure fails to provide the mandatory 21-business-day response window, observer identification, or pre-fine notice and hearing required under Arizona law.

Statutory / Legal Reference: A.R.S. § 33-1803 & A.R.S. § 33-1242

Statutory Comparison: Under A.R.S. § 33-1803 (Planned Communities) and A.R.S. § 33-1242 (Condominiums), after notice and an opportunity to be heard, the board may impose reasonable monetary penalties. Any written notice of a violation must state the provision violated, the date of the violation, and the first and last name of the person who observed the violation, and if the owner responds by certified mail within 21 business days, no fine or enforcement action may proceed until the association provides the required written disclosures within 10 business days.

CURRENT WORDING IN DOCUMENT:

fines, suspension of privileges, towing, or other remedies authorized by the Governing Documents and applicable law. The Association may cause a vehicle to be towed without prior notice when: * The vehicle is parked in a fire lane or emergency access area; * The vehicle blocks traffic, access gates, sidewalks, driveways, or emergency services; * The vehicle creates an immediate safety hazard; or * Towing is otherwise permitted by law.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to A.R.S. §§ 33-1803 and 33-1242, no monetary penalty shall be imposed without prior written notice and an opportunity to be heard. Any notice of violation shall specify the provision violated, the date of observation, the first and last name of the observer, and the process the owner must follow to contest the notice, including the owner's right to respond via certified mail within twenty-one (21) business days.

ISSUE #1