

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION
VEHICLE AND PARKING POLICY ENFORCEMENT PROCESS**

Effective April 4, 2019

Homeowners (“Owner”) are responsible for compliance of this policy by residents and guests of their property. Violations of The Foothills Clusters Homeowners Association Vehicle and Parking Policy shall be enforced as follows:

TOWING:

Any vehicle parked in such a fashion that any vehicle may have difficulty using the road may be towed according to a Towing Policy that may be adopted by the Board of Directors.

WARNINGS:

Because of the potential impact on the safety of residents and guests, the Association requires prompt correction of vehicle and parking violations.

First Notice:

An initial notice of the violation shall be mailed or presented to the Owner requesting compliance within 24 hours of receipt of the notice. The notice may include a warning that the offending vehicle is subject to being towed at the vehicle owner’s expense. No fine shall be assessed. However, if the violation is not resolved and a Second Notice is delivered, the Owner will be financially responsible for administrative and legal costs incurred for delivering the First Notice. The First Notice will include the following information: 1) the provision of the community documents that was violated; 2) the date of the violation; 3) the first and last name of the person(s) who observed the violation; 4) the process the Owner must follow to contest the notice; and 5) a description of the vehicle and license plate number if available.

Second Notice:

If the violation still exists beyond 24 hours or occurs again within six months after receipt of the First Notice, a Second Notice requesting compliance within 24 hours of receipt of notice shall be mailed or presented to the Owner. A \$50.00 fine will be assessed with the Second Notice. However, the Owner will have the opportunity to request a hearing within ten (10) business days prior to the fine being imposed. The Owners’ failure to request the hearing in the allotted amount of time will result in the fine being immediately assessed. The Owner is also financially responsible for administrative and legal costs incurred for delivering the First and Second Notices. Payment of the fine and incurred costs is due immediately upon assessment.

Third Notice:

If the violation still exists 24 hours after receipt of the Second Notice or a third violation occurs within six months after the Second Notice, a Third Notice requesting compliance within 24 hours shall be mailed or presented to the Owner. A \$100.00 fine will be assessed. The Owner is also financially responsible for administrative and legal costs incurred for delivering the First, Second, and Third Notices. Payment of the fine and incurred costs is due immediately.

CONTINUING VIOLATIONS:

If the violation continues without resolution for 24 hours after receipt of the Third Notice, the Board shall have the right to remedy the violation pursuant to the Declaration, including, but not limited to, taking legal action, and/or sending the account to an attorney for enforcement.

FINES:

No fines shall be imposed without first providing a notice of the violation from the Association to the Owner describing the violation and stating that failure to correct the violation within 24 hours will result in the imposition of fines pursuant to this fine schedule. Another recurrence of the same violation within three (3) months of the original violation shall make the Owner subject to a fine pursuant to this fine schedule.

INJUNCTIVE RELIEF:

If a violation is not cured after the Third Notice, the Board may request that the Association's General Counsel file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Enforcement Process limits the right of the Board to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board determines in its sole and absolute discretion requires immediate action.

BOARD DISCRETION:

Notwithstanding the above provisions of the Enforcement Process, the Board at its sole discretion, may at any time, assess a fine in an amount up to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that causes detriment or damage to any Association or another Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

SUPPLEMENTAL FINE SCHEDULE:

This enforcement process supersedes the Association's General Violation Fine Schedule.

The Board reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned Enforcement Process.