RED ROCK VILLAGE COMMUNITY ASSOCIATION

POLICY ON OVERNIGHT STREET PARKING
Effective December 1, 2009

WHEREAS, the Articles of Incorporation of Red Rock Village intends the Association "to provide for the management, maintenance and care of the Areas of Responsibility and to exercise and perform such other powers and duties as are imposed on or granted to the Association by the Project Documents"; and,

WHEREAS, Article5 of the Covenants, Conditions & Restrictions (CC&Rs) and Article 3 of the Bylaws authorizes the Board of Directors to conduct the affairs of the Association; and,

WHEREAS, Section 3.16 of the CC&Rs specifically prohibits overnight parking on the streets; and,

WHEREAS, in recognizing the practical challenge of enforcing the overnight street parking restriction as written, the Association's limited ability to identify vehicle ownership, and the requirement to follow the enforcement process described in State Statute 33-1803,

NOW THEREFORE, the Association wishes to adopt a policy to facilitate the enforcement of this parking provision, such policy which shall be subject to the following criteria and guidelines:

1. This policy shall become effective January 18, 2010.
2. "Overnight" shall be deemed to be at any point in time between the hours of 12 midnight and 4 AM.
3. The monitoring of vehicles parked on the street overnight will not be conducted on a regular basis.
4. Since the Association has no ability, or legal access, to identify vehicle license plate ownership, it shall depend upon homeowner/neighbor identification of the violating vehicle and owner.
5. Complaints and observations of a violating vehicle shall be made in writing to the Association office during regular business hours.
6. To qualify for action by the Association the following information must be provided to constitute a valid complaint: 1) description of vehicle; 2) the license plate number; 3) date and time observed; 4) the name of the complainant/observer; and 5) the suspected owner/resident.
7. Anonymous complaints will not be accepted, consistent with Section 9.1.4 of the CC&Rs, and the Association shall not impose penalties on a violator without identifying the observer to the violator, as required in Section 33-1803(D & E) of the Arizona Planned Community Act.
8. Upon receipt of a valid complaint, the Association will issue a written warning to the alleged violator to request a remedy of the violation within 48 hours.

9. If subsequent complaints are received (in writing) regarding the same vehicle, the Association will invoke the enforcement process to the extent the Board reasonably determines that the Association's position is strong enough to justify action, as per Article 9.1.4 of the CC&Rs.
10. If it is determined that enforcement action shall progress to the assessment of monetary penalties, the alleged violator shall be contacted and provided information as required in section 9.9 of the CC&Rs, and as per State Statute 33-1803(D & E).
11. A monetary penalty shall be assessed only after proper notice and an opportunity for a hearing is provided to the violator.
12. In accordance with Section 9.1.3 of the CC&Rs, the Board of Directors "shall have the power to levy reasonable monetary penalties against and Owner for violation…by the Owner, a Lessee of the Owner or by any resident of the Owner's Lot or Parcel, provided the Owner is given notice and an opportunity to be heard."
13. In the event of a continued violation of the overnight street parking provision by the Owner after the monetary penalty phase, the Association will reserve the right to tow the vehicle if observed parked on the street between the hours of Midnight and 4 AM.

Adopted by the Board of Directors on December 1, 2009.