



**DC Ranch Association
Board Report 12-7-2020 #2**

**Subject Matter: Proposed Revisions to Policy 302
Fines of Rule, Restriction and Community Standard Violations**

Background: On March 4, 2019, at its regularly scheduled monthly meeting, the board approved a revision to Community Standard DCR-24: Speeding.

The following excerpt from the March 4, 2019 meeting minutes provides a record of the decision, as follows: *The proposed Standards for Conduct revision defines excessive speeding on streets adjacent to park areas as driving 11 mph or more over the posted speed limit. An infraction will be subject to a minimum fine of \$300 upon the first offense. Each subsequent offense will result in a fine of minimum of \$300 and will escalate as determined by the Board of Directors. Mr. Durocher made a motion to formally approve the revisions as proposed, to be effective May 1, 2019. Mr. Esparza seconded. The motion passed unanimously. The revised policy will be effective May 1, 2019. A communication program will inform residents of the impending implementation.*

While the Community Standards were updated reflecting the foregoing, and were later recorded, reference to DCR-24 as it is presented in Policy 302 was not updated. This was discovered as part of a recent internal review of the policies.

A revised Policy 302 accompanies this report. The proposed revisions are underlined as follows: Excessive speed, defined as over 20 MPH over the posted speed limit, or 11 MPH or more over the posted speed limit on streets adjacent to park areas will be issued a Notice of Fine of a minimum of \$300 upon the first offense. Each subsequent offense of speed in excess of 20 MPH over the posted speed limit, will be issued a Notice of Fine of a minimum of \$300, escalated as determined by the Board in its sole discretion.

Recommendation: Approve the proposed revisions to Policy 302 as presented.

A handwritten signature in black ink, appearing to read 'Darren Shaw', is written over a horizontal line.

Darren Shaw, Executive Director



**DC Ranch Association
Policy 302
Policy on Fines for Rule, Restriction and Community Standard for Conduct Violations**

Policy 302

Date of Adoption: June 4, 2018

Original Effective Date: June 4, 2018

Revised: December 7, 2020

302.1 Purpose: The purpose of this policy is to declare and promulgate the notification process and the fines for violations of DC Ranch Association rules, restrictions and Community Standards for Conduct. It also outlines the appeal process for members that do not agree with a fine they have received.

302.2 Scope: This policy applies to all members of DC Ranch Association.

302.3 Responsibility/Authority: The Ranch Association Board of Directors.

302.4 Introduction: The Association's mission statement is as follows: To serve all DC Ranch Stakeholders through the professional management and protection of the community's fiscal and environmental assets. DC Ranch Association delivers high quality and consistent operations, landscape, maintenance and security services with an emphasis on customer care and open communication that result in sustained property values and an exceptional quality of life. This policy will provide guidance to the Board of Directors as it endeavors to fulfill the mission and effectively govern the community.

302.5 Noticing Process and Fine Schedule: The noticing processes and fines for the violation of DC Ranch Association rules, restrictions or Community Standards for Conduct are provided in the tables that follow.

302.6 Appeal Process: When a written notice of violation is sent to a member, the notice will include a statement notifying the member that they have a "RIGHT TO APPEAL" (ARS-33-1803). When a member desires to appeal the violation notice or the imposition of a fine or other penalty, the member must provide the Board of Directors via Ranch Association staff a WRITTEN notice (in the form of an email or letter) that they are requesting an appeal of the violation notice or penalty. Such notice of appeal must be received within 10 business days of the notice of violation or penalty.

302.6.a The request for appeal should:

- fully explain the circumstances that caused the deviation and/or violation of the governing documents.
- include any pertinent backup information to support the appeal.
- include what corrective action the member plans to take, if any.

302.6.b The member who provides the appeal request will be informed in writing of the appeal hearing date and time. The appeal process may be completed in writing and does not require the member be present unless requested by the member or the Board of Directors.

302.6.c Unless otherwise requested by the member, all appeals shall be heard in executive session. If a member desires that the appeal be held in open session, the member must state this preference in their appeal request and provide notice no less than 10 business days prior to a regularly scheduled open session board meeting. At the next regular open meeting, the Board shall report the results, but not the details, of the appeal decided in executive session.

302.6.d Only individuals who are listed as the legal owner (member) on the deed to the property, or any person designated by the member in writing as the member's representative are permitted to attend the appeal meeting (if held in executive session).

302.6.e All decisions of the Board are final. This Violation Appeal Policy is independent of the member's right to petition the State Real Estate Department for an administrative hearing concerning the enforcement of alleged violation(s) pursuant to A.R.S. 32-2199.01 and/or A.R.S 41-212198.01.

302.7 The Board's Discretion: At any time, as determined in the sole and absolute discretion of the Board, the Association may choose to forego any courtesy or violation letters in favor of other enforcement tools available, including, but not limited to, deactivation of transponders, loss of privileges or immediate action by its legal counsel. Due to their serious nature, for violations involving the health, safety or welfare of the community, the Board is likely to make use of these other enforcement tools. The Board reserves all remedies, including the right to bring an action for injunctive relief, the cost of which shall be billed to the member. Nothing in this appeal policy shall limit this right in any way.

Schedule of Fines

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
DCR-00	Basketball Hoops	Courtesy written notice of non-compliance and final reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-01	Bulk Trash	Courtesy written notice of non-compliance precedes fine	\$50 per occurrence, per week	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-02	Business, Hobby, or Other Uses including Garage and Yard Sales	Courtesy written notice of non-compliance and final reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-03	Civil Dialogue	Courtesy written notice of non-compliance	\$0	Escalated as determined by the Board in its sole discretion

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
DCR-04	Construction and Community Work Hours	Verbal notice of non-compliance with instruction to stop work; Courtesy written notice to the Member and contractor and second verbal warning by the Association Manager, including Final Reminder for fine and/or deactivation of construction tag precede fine	\$500	Repeated non-compliance, Notice of Fine, minimum of \$500, escalated as determined by the Board in its sole discretion
DCR-05	Disposal and Dumping	Courtesy written notice of non-compliance	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-06	Flags	Courtesy written notice of non-compliance and final reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-07	Laws: Local, State, or Federal	Courtesy written notice of non-compliance	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-08	Livestock, Poultry and Domestic Pets	Courtesy written notice of non-compliance and	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
		final reminder precede fine		by the Board in its sole discretion
DCR-09	Motorized Vehicles & Drones	Courtesy written notice of non-compliance precedes fine	\$50 per occurrence, per week	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-10	Nuisance	Courtesy written notice of non-compliance and final reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-11	Organized Sports and Parks Usage	Verbal warning, usually by security personnel, and courtesy written notice of non-compliance and Verbal warning by the Association Manager and Final Reminder precede fine	\$250	Repeated non-compliance, Notice of Fine, minimum of \$250, escalated as determined by the Board in its sole discretion
DCR-12	Parking	Courtesy written notice of non-compliance and final reminder precede fine	\$50 per occurrence, per vehicle	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-13	Pets Off Leash	Courtesy written notice of non-compliance precedes fine	\$100	Repeated non-compliance, Notice of Fine, minimum of \$100, escalated as determined

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
				by the Board in its sole discretion
DCR-14	Pet Waste	Courtesy written notice of non-compliance precedes fine	\$100	Repeated non-compliance, Notice of Fine, minimum of \$100, escalated as determined by the Board in its sole discretion
DCR-15	Pool or Water Feature Backwashing or Draining	Courtesy written notice of non-compliance precedes fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-16	Property Modifications, Including Exterior Remodeling and Repairs	Verbal notice of non-compliance by the Association, including notice of potential fines; submit Modification form and fees for review precede fine	\$100 and notice to stop work	Repeated non-compliance, Notice of Fine, minimum of \$500, escalated as determined by the Board in its sole discretion
DCR-17	Recreational Vehicles, Campers, Boats, Trailers	Courtesy written notice of non-compliance and final reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-18	Rental of Property in the Association	Courtesy written notice of non-compliance precedes fine	\$1,000	Repeated non-compliance, Notice of Fine, minimum of \$1,000, escalated as determined by the Board in its sole discretion
DCR-19	Seasonal, Holiday, and	Courtesy written notice of non-	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50,

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
	Celebratory Decorations	compliance precedes fine		escalated as determined by the Board in its sole discretion
DCR-21	Signs-Other	Verbal notice of non-compliance and courtesy letter and Final Reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-22	Signs-Political	Verbal notice of non-compliance and courtesy letter and Final Reminder precede fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-23	Signs-Real Estate	Courtesy written notice of non-compliance allowing 10 business days to remove or correct precede fine	\$100	Repeated non-compliance, removal of sign
DCR-24	Speeding	For non-excessive speed violations 10 to 20 MPH over the posted speed limit, written courtesy notice for first violation. On second violation an email notification and Final Reminder. On third violation written notice of fine in the amount of \$300	\$300	Excessive speed, defined as over 20 MPH over the posted speed limit, <u>or 11 MPH or more over the posted speed limit on streets adjacent to park areas</u> will be issued a Notice of Fine of a minimum of \$300 upon the first offense. Each subsequent offense of speed in excess of 20 MPH over the posted speed limit, will be issued a Notice of Fine of a minimum of \$300, escalated as determined by the Board in its sole discretion.

DCR	Standard	Enforcement Notes	Fine	Continuing Violation
DCR-25	Storage of Personal Items	Courtesy written notice of non-compliance precedes fine	\$50 per occurrence, per week	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-26	Trash and Recycling	Courtesy written notice of non-compliance precedes fine	\$50 per occurrence, per week	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion
DCR-27	Trespassing and Solicitation	Verbal warning, usually by security personnel, and courtesy written notice of non-compliance, photographed and escorted off property	\$0	Repeated occurrence could lead to legal action
DCR-28	Use Restrictions	Courtesy written notice of non-compliance precedes fine	\$50	Repeated non-compliance, Notice of Fine, minimum of \$50, escalated as determined by the Board in its sole discretion

Approved By: _____ Date _____
Board President or Secretary