

Windmill Village Homeowners Association

PO Box 5720 • Mesa, AZ 85211-5720

P: (480) 649-2017 • F: (480) 649-0902

www.gothoa.com

Street Parking Policy

Date: January 31, 2017

Dear Residents,

During the duly noticed Open Board Meeting on January 16, 2017, the Board present at the meeting unanimously adopted the enclosed Street Parking Policy to enforce the parking restrictions identified in the CC&R's, rescinding all previous Parking Policies.

Why are Street Parking Restrictions now being enforced?

1. The streets in the community are narrow. The number of vehicles parked on the street is a cause of concern regarding visibility of pedestrians and allowing access for two-way traffic and emergency vehicles.
2. Section 3.6 of the CC&R's specifically states that guests are allowed to park on the street, but all other vehicles must be parked in garages or on driveways.
3. A few years ago, a prior board passed a resolution to allow residents permission to park on the street in front of their own home with a permit displayed in the window. This resolution is in direct contradiction to the CC&R's, and Board Members do not have the authority to change the CC&R's without 75% of the ownership passing an amendment to the CC&R's allowing residents to park on the street. All Street Parking Permits have been rescinded.
4. Pursuant to Arizona Revised Statute 33-1818, Windmill Village HOA has the authority to restrict/regulate street parking as the declaration (CC&R's) were recorded in 2005.

The Board understands that many homeowners will agree with the parking restriction enforcement, while many others will not agree. However, the Board of Directors has a fiduciary duty to uphold the CC&R's as written. They are also tasked with establishing Rules and Regulation providing of the health, safety and welfare of the Residents and Visitors of Windmill Village HOA.

Please read through the Street Parking Policy and ensure that all residents living in your home are aware of the Rules. Only guests are allowed to park on the street (up to 10 hours), and must not be parked directly across the street from another vehicle. All other vehicles parked in the street are in violation of the CC&R's

Random parking inspections will be conducted by the security company (Invictus), community management company (Preferred Communities) and the Enforcement Committee. **Notices will be sent starting on March 1, 2017.** This gives everyone 4 weeks to clean out your garages or devise alternative parking solutions.

At the end of the day, the Board is doing what it feels is right for the majority of homeowners, puts the HOA at least risk of liability and is doing what is best for the health, safety and welfare and enhancing the appearance and value of the community, based on consultation with legal and professional counsel.

Please contact Preferred Communities at 480-649-2017 or info@gothoa.com with questions and/or concerns you may have regarding the Street Parking Policy.

Sincerely,

Preferred Communities
at the direction of:
Windmill Village Homeowners Association

**WINDMILL VILLAGE COMMUNITY ASSOCIATION
RESOLUTION BY THE BOARD OF DIRECTORS**

**STREET PARKING POLICY
Effective January 16, 2017**

Pursuant to the authority contained in the Arizona Revised Statutes, Article 3 Section 3.6 of the Declaration, and “Motor Vehicles” section of the Community’s Architectural Rules and Design Guidelines, the Board of Directors of the Windmill Village Community Association Inc. hereby adopts the following resolution by unanimous consent for and as the actions of the Windmill Village Community, as of the date set forth above:

On the 16th day of January 2016, at a meeting of the Board of Directors of Windmill Village Community Association, whereby a quorum of the members of the Board were present in person, the Board Members unanimously

RESOLVED, to adopt the following:

Vehicle Parking Policy, which includes the modification of how street parking shall be conducted, the enforcement rules and fine schedule and Appeal process for violations of the CC&R’s and Rules and Regulations as may be adopted or modified from time to time by the Board of Directors for the Windmill Village Community Association.

This policy also rescinds all previous parking policies, to include but not limited to the use of community parking passes, adopted by the Board of Directors.

The scope and intent of this resolution is to apply uniformly to all members of the Association.

WHEREAS pursuant to Article 6, Section 6.2 of the Declaration,

Article 3 Covenants and Restrictions, Section 3.6 Motor and Recreational Vehicles and Parking *“No mobile or motor home, boat, jet ski or wave runner, recreational vehicle, all-terrain vehicle, off-road vehicle, trailer...shall be parked, kept, placed, maintained, constructed, reconstructed or repaired on any Lot or within the Project so as to be Visible From Neighboring Property,.. All other motor vehicles...no motor vehicle may park on the roads or streets...however, vehicles of guests and invitees may park...period of time not to exceed ten (10) hours...”*

WHEREAS the Board of Directors recognizes the need for Rules and Regulations to ensure the safety of all of our homeowners in the community and the use of the public roads for emergency vehicle access.

WHEREAS the Board of Directors desires to maintain the community as a Premier Property in the West Valley, thus facilitating higher property values, detailed rules, regulations and enforcements regarding the vehicle parking located in Windmill Village Community Association;

THEREFORE, BE IT RESOLVED that the Board of Directors of the Windmill Village Community Association, hereby approves and adopts the following PARKING POLICY for any parking violations of the CC&R’s, Association Rules and the following parking policy;

STREET PARKING RULES AND ENFORCEMENT POLICY

Rule

No vehicle shall be parked on the street, except those authorized by ARS Section 33-1809; however, guests of homeowners may temporarily park on the street if all requirements of CC&R are met plus...

- A. Guest vehicles may not park on any section of a street if there is a vehicle parked on the road across from their proposed parking area as this hinders the visibility of pedestrians, the ability for two way traffic and of emergency vehicles to proceed due to width of road.

A 24-hour loading and unloading period will be granted for moving trucks with prior notification to Community Management Company and/or community security patrol.

Application and Enforcement

A. First Notice: A courtesy violation notice will be mailed informing the Lot Owner of the parking violation. This notice will also identify the steps available for the Lot Owner to appeal the violation notice.

B. Second Notice: If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the courtesy notice, the second violation notice will be mailed to the owner, identifying that they have been **fined \$25.00** for not complying with the Parking Policy.

- a. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.

C. Third Notice: If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the second notice, the third violation notice will be mailed to the owner, identifying that they have been **fined \$50.00** for not complying with the Parking Policy.

- a. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.

D. Fourth Notice: If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the third notice, the fourth violation notice will be mailed to the owner, identifying that they have been **fined \$75.00** for not complying with the Parking Policy, and further non-compliance will result in legal action.

- a. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.

E. Legal Action: If the Lot owner does not respond to the Community Management Company within the ten (10) days from the fourth violation notice, the Association will take the necessary Legal Action required to achieve compliance through the Association Attorney and the Court system. All costs will be a part of the judgment that is sought against the Owner.

F. Collection of Violation Fines & Charges: If the Lot Owner fails to pay any monetary fines imposed, administrative fees, and/or legal fees and costs shall be become due and personal liability of the owner. The Board of Directors on behalf of the Association may bring an action at law against the owner personally obligated to pay the delinquent amount owed pursuant to the remedies available.

All fines for violations are cumulative. An observation period of 90 days after last violation occurrence will be given in the event all fines/fees are paid. After 90 days of no further violation, the next violation will garner a first offense and the 90 day observation period will be initiated again.

The Board of Directors reserves the right to take any action permitted by law or the CC&R's, in addition to the above mentioned fine policies.