

## **SUN CITY SHADOW HILLS**

### **ENFORCEMENT PROCEDURES**

The following Enforcement Procedures will apply to all violations of the Association's Governing Documents. A violation shall be defined as a single act or omission occurring on a single day in violation of the Governing Documents. (CC&Rs – Article 13, Section 13.6.3.)

#### **STEP 1 - INITIATION**

These Enforcement Procedures may be initiated by submission of a violation report from any Association Member or resident as well as any Association management employee or other Association-designated representative.

#### **STEP 2 - VERIFICATION**

1. The verification of a violation report is accomplished through conducting an investigation by the Association's management staff and/or by the Board's President (or its Vice-President in lieu of the President) to confirm the validity of the allegation(s) made in the violation report and by reviewing the Governing Documents to confirm whether a violation exists.

2. If a citation is issued by a Community Patrol Officer, then the violation report is the citation itself and the verification of the violation report shall be deemed accomplished by the Community Patrol Officer at the time that he/she issues the citation.

3. Once a violation report is verified as indicated in this Step 2, Paragraphs 1 or 2, above, then the violation report shall be referred to the Covenants Committee for further action or subject to disposition as otherwise indicated in these Enforcement Procedures (e.g., subject to the "Simplified Procedure" as described in Step 3, Section B, below)

#### **STEP 3 - COURTESY AND HEARING NOTICES**

##### *SECTION A: LANDSCAPE OR ARCHITECTURAL VIOLATIONS*

1. After a violation report regarding a landscape or architectural violation has been verified, the DRC will send the applicable Member either a courtesy notice or red tag notice stating a deadline by which the Member must cure the violation (collectively, "Courtesy Notice"). Examples of landscape/architectural violations include, but are not limited to, the following:

- A failure to submit the requisite documents to the DRC and/or securing any requisite approval from the DRC before undertaking an improvement.
- A failure to comply with DRC approved final plans and specifications for a proposed improvement.

2. If a Member in receipt of a Courtesy Notice fails to take the necessary action provided in the Courtesy Notice by the deadline given therein or the violation is cured but then repeated, then a "Hearing Notice" will be sent to the Member. The Hearing Notice shall provide the date, time and place of the hearing before the Covenants Committee, the nature of the alleged violation, and a statement that the Member has a right to attend the hearing and address the Covenants Committee. The Hearing Notice must be sent by first-class mail or personal delivery at least ten (10) days, but no more than thirty (30) days prior to the date of the hearing. Any hearing date may be continued as described in Step 4, Paragraph 1, below.

##### *SECTION B: CITATIONS ISSUED BY A COMMUNITY PATROL OFFICER*

*Moving Vehicle, Parking, Trash Container, Garage Door or Other Certain Citations Issued by a Community Patrol Officer or the Board of Directors*

1. For moving vehicle, parking, trash container, garage door or other certain citations issued by a Community Patrol Officer, a Member can choose to pay the fine amount specified on the front of the citation by following the procedure identified on the back of the citation (“Simplified Procedure”) **provided** that the citation itself expressly provides that the violation is subject to the Simplified Procedure. All violations subject to the Simplified Procedure shall be classified as “Class 1 Violations” and shall be as determined from time-to-time by the Board in its sole discretion; the initial creation, or addition or removal of, violations from the list of Class 1 Violations shall first be announced in a notice to the Members at least 30 days prior to the effective date of such initial creation or addition or removal. By paying the fine as indicated on the citation, the Member is knowingly and expressly waiving their right to a hearing. In clarification of the foregoing, the Simplified Procedure will **not** be available for Members with either (a) excess citations (defined as citations for three (3) or more Class 1 Violations that a Member receives within the twelve (12) month period preceding the date for any newly-issued citation for a Class 1 Violation) or (b) a single moving vehicle citation that (1) is considered reckless in nature as determined by the issuing Community Patrol Officer and expressly indicated on the face of the citation at the time that it is issued and (2) was issued within the twelve (12) month period preceding the date for any newly-issued citation for a Class 1 Violation. A Member will **automatically** be ineligible for the Simplified Procedure regardless of whether a citation expressly indicates this or not, i.e., a Member cannot choose to use the Simplified Procedure on his/her own initiative simply because the applicable citation fails to indicate that the Simplified Procedure is not available under these provisions or, conversely, that the citation incorrectly indicates that the Simplified Procedure is available for the violation under which the citation was issued.

2. If the Member contests the citation or chooses not to follow the steps set forth in the Simplified Procedure, then a Hearing Notice will be sent to the Member, setting forth the date, time and place of the hearing before the Covenants Committee, the nature of the alleged violation, and a statement that the Member has a right to attend the hearing and address the Covenants Committee. The Hearing Notice must be sent to the Member by first-class mail or personal delivery at least ten (10) days, but no more than thirty (30) days prior to the date of the hearing. Any hearing date may be continued as described in Step 4, Paragraph 1, below.

*Other Citations Issued by a Community Patrol Officer*

3. For all other citations issued by a Community Patrol Officer (i.e. any other citation that is not a Class 1 Violation or otherwise ineligible for the Simplified Procedure), the Member will be sent a Hearing Notice setting forth the date, time and place of the hearing before the Covenants Committee, the nature of the alleged violation, and a statement that the Member has a right to attend and address the Covenants Committee at the hearing. The Hearing Notice must be sent to the Member by first-class mail or personal delivery at least ten (10) days, but no more than thirty (30) days prior to the date of the hearing. Any hearing date may be continued as described in Step 4, Paragraph 1, below.

*SECTION C: NON-LANDSCAPE/NON-ARCHITECTURAL VIOLATIONS*

After a violation report of a non-landscape violation, non-architectural violation, or other violation (other than a violation with citation issued by a Community Patrol Officer) has been verified, a Hearing Notice will be sent to the Member. The Hearing Notice will set forth the date, time and place of the hearing before the Covenants Committee, the nature of the alleged

violation, and a statement that the Member has a right to attend and address the Covenants Committee at the hearing. The Hearing Notice must be sent to the Member by first-class mail or personal delivery at least ten (10) days, but no more than thirty (30) days prior to the date of the hearing. Any hearing date may be continued as described in Step 4, Paragraph 1, below.

#### **STEP 4 - HEARING PROCEDURES**

1. The Member has the right to attend the hearing before the Covenants Committee and address the Covenants Committee. If the Member wishes to attend the hearing but cannot attend the hearing on the date scheduled or wishes a postponement of the hearing for any other cause, then the Member may request a continuance of the hearing. Any such request must be in writing and addressed to the Covenants Committee. The request must include the reasons for the Member's requested continuance. The decision to grant the continuance shall be made by the Covenants Committee, whose decision shall be final. If a continuance is not granted, then the hearing shall proceed on the originally scheduled date in accordance with the following paragraphs of this Step 4. If a continuance is granted, then the hearing date will be continued to an alternate date as offered by the Covenants Committee. In clarification of the foregoing, the requirement of sending an updated Hearing Notice that is in advance of at least ten (10) days of the alternate date will automatically be deemed waived by the affected Member such that the communication of the alternate date can be made less than ten (10) days before the alternate date. Also, all further written communication amongst the parties regarding an alternate date can be in the form of a follow-up letter or an email sent by one party to the other party, i.e., there is no need to send a revised Hearing Notice. If a Member cannot attend the first alternate date proposed by the Covenants Committee then the Covenants Committee shall propose one more alternate date, which shall be final. If a Member does not respond to a communication from the Covenants Committee within forty-eight (48) hours of it sending its last communication then the most recent alternate date proposed by the Covenants Committee shall automatically be deemed to be the date of the re-scheduled hearing.

2. At the hearing, the Covenants Committee shall give fair consideration to the Member's oral and/or written testimony as well as any other information and/or evidence which the Covenants Committee reasonably determines to be material and relevant. Should the Member fail to appear at the hearing and/or fail to submit a written statement, the Covenants Committee may consider such failure to be an admission of the allegations.

3. The Member and any relevant witnesses, including the person who submitted the violation report (as applicable), will be entitled to attend the hearing, but they may be excused until and after their evidence is presented. The Covenants Committee shall deliberate and reach its decision as to whether there is a Governing Document violation out of the presence of the Member and any representatives or witnesses. Any such decision shall be supported by specific findings as they relate to the Governing Document violation (including facts that support the decision) unless otherwise set forth on the face of a citation issued by a Community Patrol Officer, and then noted in the "Hearing Results Notice" (defined below).

4. If, at the hearing, the Covenants Committee determines that a Governing Document violation occurred/is occurring, and the Covenants Committee decides to impose disciplinary action against the Member as further described below, the Covenants Committee shall notify that Member, in writing, within fifteen (15) days following the hearing date of its decision ("Hearing Results Notice"). The Hearing Results Notice shall be provided by either first class mail or personal delivery. In no event shall any disciplinary action commence sooner than five (5) days after the date of the hearing.

5. Disciplinary action available to the Covenants Committee only includes the ability to (a) impose one or more reasonable fines according to the Fine Schedule and/or (b) recommend to the Board that it (1) impose one or more Special Individual Assessments; (2) suspend a Member's voting rights, common area privileges, and/or use of the recreational facilities and/or any other membership privileges and/or (3) impose any other applicable remedy and/or sanction for as long as the Board deems necessary; provided, however, that any such remedy/sanction is in accordance with the Governing Documents and applicable law. Regarding the suspension of a Member's membership privileges, a Member's privileges may be suspended (i) during which the Member is delinquent in the payment of any assessment, including Special Individual Assessments or (ii) temporarily for all other Governing Document violations as determined solely by the Board.

6. If, at the hearing, the Covenants Committee determines that no Governing Document violation occurred or is occurring, then no disciplinary action shall be imposed. The Covenants Committee would then issue a Hearing Results Notice to the Member as described in Paragraph 4 of this Step 4 (above).

#### **STEP 5 - REVIEW BY BOARD OF DIRECTORS/INITIATED BY BOARD**

1. The Board, in its sole discretion, may review any Covenants Committee decision and thereafter modify any such decision in any manner as the Board determines in its sole discretion (even if a Member has not requested an appeal to the Board as described in Step 6 below) provided that it gives notice to the Covenants Committee and the Member of its intent to so review.

2. Disciplinary action available to the Board includes, but is not limited to, the ability to (a) impose one or more reasonable fines according to the Fine Schedule; (b) impose one or more Special Individual Assessments; (c) suspend a Member's voting rights, common area privileges, and/or use of the recreational facilities and/or any other membership privileges; and/or (d) impose any other applicable remedy and/or sanction for as long as the Board deems necessary; provided, however, that any such remedy/sanction is in accordance with the Governing Documents and applicable law. Regarding the suspension of a Member's membership privileges, a Member's privileges may be suspended (i) during which the Member is delinquent in the payment of any assessment, including Special Individual Assessments or (ii) temporarily for all other Governing Document violations as determined solely by the Board.

3. If required by Civil Code sections 5905 or 5930, then alternative dispute resolution will be offered by the Association. The Board may also refer the matter to the Association's legal counsel. In accordance with Article 4, Section 4.4.1(b) of the CC&Rs, the Association may impose a Special Individual Assessment against an Owner in the event the Association incurs any costs or expenses to bring an Owner and/or his/her Lot into compliance with any provision of the Governing Documents, including reasonable fines and penalties duly imposed pursuant to the Governing Documents, title company fees, accounting fees, court costs and reasonable attorneys' fees.

#### **STEP 6 – REVIEW BY BOARD OF DIRECTORS/APPEAL BY MEMBER**

1. Following the hearing before the Covenants Committee, the Member shall have the right to appeal the Covenants Committee decision to the Board. To perfect this right, a written notice of appeal from the Member must be received by the Board within ten (10) days of the Member's receipt of the Hearing Results Notice from the Covenants Committee. Within thirty (30) days after its receipt of the Member's written notice of appeal, the Board will mail the

Member either (a) a notice with findings indicating that the Board is declining to hear the appeal because the appeal lacks merit based on a reasonable determination from the record or (b) a notice of the appeal hearing wherein the date, time and location of the appeal hearing will be given. If the Board grants the appeal hearing, then the Member shall have the right to appear at the appeal hearing and to address the Board. The Member may also present any reasonable evidence as determined by the Board in its sole discretion. The Board will mail its “Notice of Appeal Ruling” to the Member within fifteen (15) days after the appeal hearing. If the Board determines that the Member violated the Governing Documents, then the Board has the right to deviate from the disciplinary actions previously imposed by the Covenants Committee against the Member. The decision of the Board as recited in the Notice of Appeal Ruling shall be final.

2. The hearing procedures followed by the Board shall conform with (a) Step 4, Paragraphs 1 through 4, inclusive, and 6; and (b) Step 5, Paragraph 2 (above).

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## SCHEDULE OF MONETARY PENALTIES

As required by California Civil Code 5850, the Board of Directors has adopted and hereby distributes the following schedule of potential files that may be imposed following a hearing by the Board of Directors, for a violation of any rule, regulation or other provision of the Governing Documents of the Sun City Shadow Hills Community Association.

Violation		Fines
Animal Control	Not under control, not on leash	\$50
Animal Control	Not picking up dog feces	\$50
Architectural	Landscaping without DRC approval	\$100
Architectural	Exterior work started without DRC Approval	\$250
Architectural	Failure to maintain yard/property	\$50 per week
Golf Course	Play Rules and Regulations	\$50
Residency/Occupancy	Residency/Occupancy	\$100
Traffic Rules	Speeding	\$200
Traffic Rules	Stop sign violation	\$200
Traffic Rules	Miscellaneous moving violations	\$50+
Traffic Rules	Reckless driving	\$200+
Traffic Rules	Hit & Run (Property)	\$200
Traffic Rules	Unlicensed driver	\$100
Traffic Rules	Parking violations	\$25
Garage Door	Open and unattended garage door	\$25
Violations Gov. Docs	Any governing document violations not specifically identified on schedule	\$25-\$200

- **All speeding and stop sign violations are fined in the amount of \$200 for the first citation (for owners, residents, tenants, guests and vendors). A payment of \$100 must be made and the payment of the second \$100 will be suspended provided that there is no other moving violation by the same driver in rolling 12 month periods since the date of the last citation.**
- **If there is a second moving violation by the same driver within one year since the date of the last moving violation, then the suspended \$100 fine, plus the new fine, is due at the time of the second moving violation. Any additional moving violations by the same driver in rolling 12 month periods since the date of the last citation may be subject to the listed fines being doubled.**

**The costs incurred by the Association, if any, may be added to the listed fines. Any second or subsequent violations of the same rule, regulation or other provision in the Governing Documents by an owner, resident, tenant, guest or vendor who has been previously fined, whether for the same or a different violation, may be subject to the listed fines being doubled.**

## SCHEDULE OF FEES FOR ENTRY ITEMS

<b>Entry Gate Transponder – Fee for lost, requested exchange or non-return at sale or ending of tenancy</b>	<b>\$25</b>
<b>Picture ID Card – Replacement after initial issue</b>	<b>\$15</b>
<b>Guest ID Card – Replacement after initial issue</b>	<b>\$15</b>

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