

# POWER RANCH COMMUNITY ASSOCIATION

## Nuisance Policy

WHEREAS, Power Ranch Community Association (“Association”) has authority pursuant to the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements (“Declaration”) and the By-Laws of the Power Ranch Community Association, Inc. (“By-Laws”) to determine, in its reasonable discretion, the manner in which to remedy and/or impose penalties for violations of the provisions set forth in the Declaration, Rules and/or By-Laws:

WHEREAS, The Board of Directors of the Association (“Board”) finds there is a need to establish procedures for the enforcement of nuisance issues related to pets and other nuisance issues that are not easily verified by office staff,

NOW THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of violations of the use restrictions as they pertain to nuisance issues

### Establishment of a nuisance violation –

- a. The Association will send a courtesy notice upon receipt of a concern but advise the complaining party that the Association must receive two (2) written complaints from neighboring homeowners in order start the violation process.

### 2. Notice of Violation –

- a. Once the Association has received two (2) written complaints from homeowners, the Association will send a Notice to the offending Lot Owner pursuant to the Violation Enforcement Policy. The initial Notice will inform the recipient as follows
  - i. The nature, description of the Violation; and
  - ii. A request to remedy the Violation; or
  - iii. A request to contact the Association within ten (10) days to inform them of the owner’s intent to correct the Violation or remedy the situation, or the owners right to contest the action.

### 3. Second and Final Notice of Violation, Notice of Fine and Corrective Action –

- a. If the Lot Owner fails to remedy the Violation no earlier than ten (10) days from the initial Notice and the Association receives two (2) more written complaints, Management shall send to the Lot Owner a Second and Final Notice of Violation, Notice of Fine and Corrective Action informing the recipient as follows:
  - i. The nature, description of the Violation, and the opportunity to correct the Violation.
  - ii. A fine will be levied by the Association against the Lot Owner, if they fail to correct the Violation.

- iii. The Lot Owner and/or original complaining Lot Owners may request a mediation hearing through an outside third party agency sponsored by the Association.
4. Repeat , Re-occurring or Continued Violations
- a. If the violation persists, either after the fine has been levied or mediation has recommended a course of action that has not been successful, the Association will treat as a re-occurring violation
    - i. The Association requires confirmation of the repeat, reoccurring or continued violation in writing by at least two (2) Lot Owners.
    - ii. Should an owner fail to remedy the Violation after the Mediation hearing or not adhere to the Mediation outcome, the Association will treat the Violation as a Re-occurring Violation pursuant to the Enforcement Policy and impose an additional \$100.00 fine every fourteen (14) days.
    - iii. Owners will also be advised of the course of action available through the Town of Gilbert.

Adopted by the Power Ranch Community Association Board of Directors February 2, 2012.

By: 

President, Joe Hornstrom

Attested By: 

Secretary, Greg LeCheminant